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Air Enforcement: U.S. Environmental Protection Agency and Middletown, Ohio Steel Mill Enter into Consent Agreement Addressing Alleged Violations

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The United States Environmental Agency ("EPA") and AK Steel Corporation ("AK") entered into a June 29th Consent Agreement and Final Order ("CAFO") addressing alleged air violations. See CAA-05-2016-0030.

AK owns and operates an integrated steel-producing facility located in Middletown, Ohio.

AK's facility is described as a major source of Clean Air Act hazardous air pollutants because of the emission of a combination of hazardous air pollutants at a rate of 25 tons or more per year. The facility is stated to include a coke oven battery (among other emission sources). Various aspects of this battery include:

- Production of coke (which is coal purged of many of its impurities)
- Short by-product coke oven battery because its ovens are less than six meters in height
- By-product coke oven battery with vertical flues

The CAFO provides that data submitted in response to an EPA Clean Air Act Section 114 Information Request indicated that:

...from the Coke Oven MACTs compliance date of April 14, 2006, AK Steel had not properly taken Method 9 visible emissions observations at the Wilputte Battery pushing operations for the duration of each push, and in accordance with the Coke Oven MACT's work practice standards, by ending observations of a push prior to the quench car entering the quench tower.

As a result, the CAFO provides that:

...from April 14, 2006, to June 1, 2011 AK Steel violated 40 C.F.R. §§ 63.7283(a), 63.7310(a) and 63.7334(a) of the coke oven MACT, the Ohio SIP at OAC Chapter 3745-17 and -07 (A)(1) and part III.A.1.1 of its Title V permit by not continuously meeting the work practice standards that apply to its coke battery's pushing operations.

The facility allegedly violated its 20 percent capacity limit (as a 6-minute average) at the combustion stack based on information submitted to EPA in response to Clean Air Section 114 Information Request. Referenced are 2011 and 2012, data measuring visible emissions from the battery's combustion stack.

The CAFO assesses a civil penalty of \$15,000. It also provides for AK's implementation of a Supplemental Environmental Project ("SEP").

The SEP is described as upgrading a pushing emissions control ("PEC") hood that captures the particulate matter emissions from the previously referenced battery pushing operations by designing, installing and operating a new PEC. AK is required to spend at least \$450,000, up to a maximum of \$700,000, to complete the SEP as described above and by the attachment to the CAFO.

[A copy of the CAFO can be downloaded here.](#)