

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
United States Steel) **NOTICE OF VIOLATION**
Corporation)
Great Lakes Division) **EPA-05-04-MI-03**
Ecorse, Michigan)
)
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)
)
Proceedings Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401 et seq.)

STATUTORY AUTHORITY

This Notice of Violation is issued pursuant to Section 113(a)(1) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(1). You are hereby notified that the Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, finds the United States Steel Corporation (U.S. Steel) to be in violation of Part C of the Act, and the Prevention of Significant Deterioration (PSD) of Air Quality Regulations set forth at 40 C.F.R. § 52.21.

REGULATORY BACKGROUND

1. On June 19, 1978, the Administrator promulgated regulations to prevent the significant deterioration of air quality pursuant to Part C of the Act. These regulations are codified at 40 C.F.R. § 52.21 (the "PSD Regulations").
2. On August 7, 1980, the provisions of 40 C.F.R. §§ 52.21(b) through (w) were incorporated into and made part of the Michigan State Implementation Plan (SIP). 45 Fed. Reg. 52741 and 40 C.F.R. § 52.1180.
3. 40 C.F.R. § 52.21(i) prohibits construction of a major stationary source or major modification without a permit to construct issued under the PSD regulations in an area which has attained the National Ambient Air Quality Standards.
4. A major stationary source includes any of the 28 designated industrial source categories listed under 40 C.F.R. § 52.21(b)(1)(i)(a) which emits or has the potential to emit 100 tons per year of any pollutant subject to the regulation

under the Act. The list of designated source categories includes iron and steel mills.

5. 40 C.F.R. § 52.21(b)(2)(i) defines major modification as any physical change or change in the method of operation of a major stationary source that would result in a significant net emission increase of any pollutant subject to regulation under the Act.
6. Significant for SO₂ means a net emission increase that would exceed 40 tons per year. 40 C.F.R. § 52.21(b)(23)(i).

Factual Background

7. U.S. Steel owns and operates a steel mill at 1 Quality Drive, Ecorse, Michigan.
8. The steel mill, consists of, in part, a basic oxygen process and associated hot metal desulfurization/skimming processes.
9. The steel mill is located in an area that is classified as attainment for all criteria pollutants.
10. The steel mill is a major stationary source as defined at 40 C.F.R. § 52.21(b)(1)(i)(a), and has a potential to emit more than 100 tons per year of PM, SO₂, NO_x, VOC and CO.
11. In 1985, U.S. Steel constructed a hot metal desulfurization process at its basic oxygen process shop. Calculations based on emission factors indicate that the installation of the desulfurization process has resulted in a net emission increase of at least 57 tons/year of SO₂.
12. The 1985 installation of a hot metal desulfurization process was a major modification to a major stationary source as defined at 40 C.F.R. § 52.21(b)(2).

Violations

13. U.S. Steel failed to apply for and has still not applied for a PSD permit for the hot metal desulfurization units.
14. U.S. Steel's installation of its hot metal desulfurization process without having first applied for and obtained a PSD permit and its continued operation of the process in violation of the PSD requirements constitute violations of 40 C.F.R. § 52.21 and the Michigan SIP.

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-05-04-MI-03, by Certified Mail, Return Receipt Requested, to:

James Volanski, Environmental Director
United States Steel Corporation
Great Lakes Division
1 Quality Drive
Ecorse, Michigan 48229

I also certify that I sent copies of the Finding of Violation by first class mail to:

Thomas Hess, Enforcement Unit Chief
Michigan Department of Environmental Quality
Air Quality Division
Constitution Hall
525 W. Allegan Street
P.O. Box 30473
Lansing, Michigan 48909-7973

and:

Teresa Seidel, Supervisor
Michigan Department of Environmental Quality
Detroit Office
Cadillac Place, Suite 2-300
3058 West Grand Boulevard
Detroit, Michigan 48202-6058

on the 30th day of March, 2004.

Shanee Rucker
Shanee Rucker, Secretary
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 1564 8092