



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB - 5 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Hudson
Manager of Health, Safety, and Environmental
Indiana Harbor Coke Company
3210 Watling Street
East Chicago, Indiana 46312

Katherine Gates
SunCoke Energy, Incorporated
1011 Warrenville Rd., Suite 600
Lisle, Illinois 60532

Re: Finding of Violation
SunCoke Energy, Incorporated, and Indiana Harbor Coke Company, LP, and Indiana
Harbor Coke Company
East Chicago, Indiana

Dear Mr. Hudson:

The U.S. Environmental Protection Agency (EPA) is issuing the enclosed Finding of Violation (FOV) to SunCoke Energy, Inc., and Indiana Harbor Coke Company, LP, and Indiana Harbor Coke Company (you) under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). EPA finds that you have violated the lead limits contained in your Title V Permit and the National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40 C.F.R. § 63.6(e)(1), at your East Chicago, Indiana facility.

Section 113 of the Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

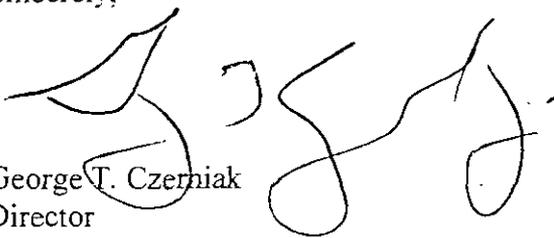
We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future

violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Gina Harrison. You may call her at (312) 353-6956 if you wish to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Michael Hall, Northwest Regional Office
Betsy Zlatos, Indiana Assistant Attorney General

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Indiana Harbor Coke Company, LP,)	FINDING OF VIOLATION
Indiana Harbor Coke Company, and)	
SunCoke Energy, Inc.)	EPA-5-15-IN-01
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <i>et seq.</i>)	
)	

FINDING OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Finding of Violation (FOV) to Indiana Harbor Coke Company, LP, Indiana Harbor Coke Company (IHO), and SunCoke Energy, Inc. for violations of the Clean Air Act (Act), 42 U.S.C. §§ 7401 *et seq.*, at the IHO facility in East Chicago, Indiana.

This FOV is issued pursuant to Sections 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3). The authority to issue this FOV has been delegated to the Regional Administrator of EPA, Region 5, and redelegated to the Director, Air and Radiation Division.

STATUTORY AND REGULATORY BACKGROUND

Title V Requirements

1. Section 502(d)(1) of the Act, 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to EPA an operating permit program which meets the requirements of Title V. On December 4, 2001, EPA granted Indiana final approval of its Title V Clean Air Act Permit Program, effective November 30, 2001.
2. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.
3. Indiana Department of Environmental Management (IDEM) issued to IHO a Title V Operating Permit T089-30043-00382 (Title V Permit) on December 20, 2011. The Title V

Permit incorporates all limits and operational constraints set forth in IHO's Construction Permit, 089-9236-00382, issued February 26, 1998 and modified on November 30, 2001. These permits include limits for emissions generated at bypass vents and the waste gas stack.

4. Pursuant to Significant Modification 089-14241-00382 issued on November 30, 2001, Part D.1.4(a) of IHO's Title V Permit limits lead emissions from the waste gas stack (Stack ID 201) and 16 vent stacks to 0.19 pounds per hour, averaged over a six hour period.
5. Part B.9(a) of IHO's Title V Permit requires IHO to annually submit a compliance certification report that addresses the status of the source's compliance with the terms and conditions contained in its Title V Permit, including emission limitations, standards, and work practices, covering the period January 1 to December 31 of the previous year, and requires IHO to submit this report to IDEM and to EPA no later than April 15 of each year.

National Emission Standards for Hazardous Air Pollutants (NESHAP)
Requirements

6. Section 112(d) of the Act, 42 U.S.C. § 7412(d), authorizes EPA to promulgate regulations establishing emission standards for particular industrial sources that emit one or more of the Hazardous Air Pollutants (HAPs) listed in Section 112(b) of the Act in significant quantities.
7. On April 14, 2003, EPA promulgated the NESHAP for Coke Ovens: Pushing, Quenching, and Battery Stacks at 40 C.F.R. Part 63, Subpart CCCCC. Subpart CCCCC applies to owners or operators of a coke oven battery at a coke plant that is (or is part of) a major source of HAP emissions. A major source of HAP is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons or more per year or any combination of HAP at a rate of 25 tons or more per year. 40 C.F.R. § 63.7282.
8. 40 C.F.R. Part 63, Subpart CCCCC, defines an affected source as a new or existing coke oven battery constructed on or before July 3, 2001.
9. 40 C.F.R. § 63.7300(a) states, "as required by § 63.6(e)(1)(i), you must always operate and maintain your affected source, including air pollution control and monitoring equipment, in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by this subpart."
10. 40 C.F.R. § 63.6(e)(1)(i) requires that at all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

FACTUAL BACKGROUND

11. SunCoke Energy, Inc., and Indiana Harbor Coke Company, LP, and Indiana Harbor Coke Company, own and/or operate a heat recovery metallurgical coke plant at 3210 Watling Street, East Chicago, Indiana (IHO). The IHO facility is located within Lake County, Indiana.
12. The facility is classified as a major stationary source as that term is defined at 40 C.F.R. § 51.166(i)(4)(ii), and an existing coke oven battery as that term is defined at 40 C.F.R. § 63.7282.
13. The facility contains four coke oven batteries, designated Batteries A, B, C, and D, which were constructed in 1998.
14. On April 15, 2013, IHO submitted an Annual Compliance Certification report to IDEM covering the period January 1, 2012 to December 31, 2012. In this report, IHO reported that it had exceeded its 6-hour lead emission limit on 59 separate occasions as a result of excess venting caused by “unplanned system breakdowns” during the period January 1, 2012 to December 31, 2012.
15. On April 15, 2014, IHO submitted an Annual Compliance Certification report to IDEM covering the period January 1, 2013 to December 31, 2013. In this report, IHO reported that it had exceeded its 6-hour lead emission limit on 216 separate occasions as a result of excess venting caused by “unplanned system breakdowns” during the period January 1, 2013 to December 31, 2013.
16. The failure by Indiana Harbor Coke Company, Indiana Harbor Coke Company, LP, and SunCoke Energy, Inc. to prevent significant deterioration of the IHO facility’s heat recovery steam generators and to limit lead emissions to levels required by the facility’s Title V Permit on 216 separate occasions over a period of two years constitutes failure to operate in a manner consistent with safety and good air pollution control practices for minimizing emissions.

VIOLATIONS OF EMISSIONS LIMITS AND OPERATING STANDARDS

17. The failure by Indiana Harbor Coke Company, LP, Indiana Harbor Coke Company, and SunCoke Energy, Inc., to limit lead emissions from the waste gas stack (Stack ID 201) and 16 vent stacks at the IHO facility to 0.19 pounds per hour on 275 separate occasions in 2012 and 2013, each averaged over a six hour period, violates Part D.1.4(a) of the Title V Permit,

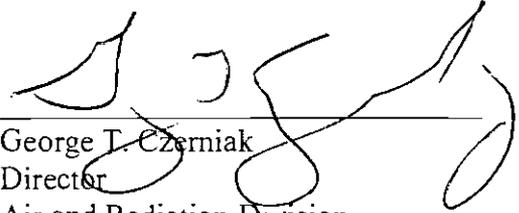
Section 502(a) of the Act, 42 U.S.C. § 7661a(a), 40 C.F.R. § 70.7(b) and the NESHAP at 40 C.F.R. §§ 63.6(e)(1) and 63.7300(a).

ENVIRONMENTAL IMPACT OF VIOLATIONS

18. The violations by Indiana Harbor Coke Company, Indiana Harbor Coke Company, LP, and SunCoke Energy, Inc. led to excess lead emissions. Lead can affect almost every organ in the body but is most detrimental to the nervous system. In children, low levels of lead in the blood can result in permanent damage to the brain and nervous system, which may lead to behavior and learning problems, lower IQ, hearing problems, slowed growth, and anemia. In adults, lead affects the nervous and cardiovascular systems, and may cause decreased kidney function, reproductive problems for both men and women, and serious risks for pregnant women and developing fetuses.
19. Excess lead and coke oven emissions increase the amount of acid rain and public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

Date

2/15/15


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-14-IN-01, by Certified Mail, Return Receipt Requested, to:

John Hudson
Manager of Health, Safety, and Environmental
Indiana Harbor Coke Company
3210 Watling Street
East Chicago, Indiana 46312

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

Katherine Gates
SunCoke Energy, Incorporated
1011 Warrenville Rd., Ste 600
Lisle, Illinois 60532

Robert Brager
Beveridge and Diamond, PC
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Baltimore, MD 21201-4150

Michael Hall
Northwest Regional Office
Indiana Department of Environmental Management
8380 Louisiana Street
Merrillville, Indiana 46410-9201

Elizabeth A. Zlatos
IDEM, Office of Legal Counsel
100 North Senate Avenue
MC 60-01, IGCN 1307
Indianapolis, IN 46204-2251

Wayne T. Ault
Assistant United States Attorney
Northern District of Indiana
5400 Federal Plaza, Suite 1500
Hammond, Indiana 46320

on the 9 day of Feb, 2015.

Loretta Shaffer, Secretary



Loretta Shaffer, Secretary
AECAB, MN-OH

(312) 353-5723

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7670 143