



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

APR 23 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Delauna Pack
SunCoke Energy, Incorporated
1011 Warrenville Rd., Ste 600
Lisle, IL 60532

Re: Notice and Finding of Violation at Indiana Harbor Coke Company, East Chicago,
Indiana

Dear Mr. Harmon and Ms. Pack:

The U.S. Environmental Protection Agency has determined that Indiana Harbor Coke Company's (IHCC) facility at 3210 Watling Street, East Chicago, Indiana, is in violation of the Clean Air Act (the Act) and the Indiana State Implementation Plan (SIP). This Notice and Finding of Violation (NOV/FOV) is issued in accordance with Section 113(a) of the Act, 42 U.S.C. § 7413(a). A list of the requirements violated is provided below.

IHCC's Title V permit contains operational limitations and emissions limits for, among other things, bypass venting. The purpose of these emissions limits is to help protect the public from unhealthy exposures to coke oven emissions, which contribute to respiratory problems, lung damage and premature deaths.

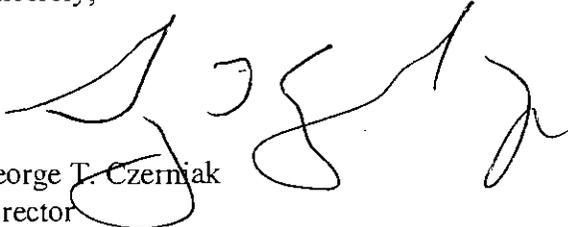
Based on data submitted to EPA on March 25, 2013, IHCC has violated and continues to violate provisions in its permit that govern bypass venting from its coke batteries. Violation of these requirements is also a violation of the Indiana SIP, as well as Title V of the Act and the regulations at 40 C.F.R. Part 70, which require compliance with the terms and conditions of Title V permits.

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

Section 113 of the Act provides you with the opportunity to request a conference with us about the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice and any conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent you at this conference.

EPA's contacts in this matter are Gina Harrison and Constantinos Loukeris. You may call Ms. Harrison at (312) 353-6956 or Mr. Loukeris at (312) 353-6198 if you wish to request a conference. EPA hopes that this NOV/FOV will encourage IHCC's compliance with the requirements of the Act.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

cc: Michael Hall, Northwest Regional Office
Valerie Tachtiris, Indiana Assistant Attorney General

Enclosure

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)
)
Indiana Harbor Coke Company and) **NOTICE OF VIOLATION and**
SunCoke Energy, Inc.) **FINDING OF VIOLATION**
)
Proceedings Pursuant to) **EPA-5-13-IN-07**
the Clean Air Act,)
42 U.S.C. §§ 7401 *et seq.*)
)
)

NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Notice and Finding of Violation (NOV/FOV) to Indiana Harbor Coke Company (IHCC) and SunCoke Energy, Inc. for violations of the Clean Air Act (Act), 42 U.S.C. §§ 7401 *et seq.*, and the Indiana State Implementation Plan (SIP) at the IHCC plant in East Chicago, Indiana.

This NOV/FOV is issued pursuant to Sections 113(a)(1) and (a)(3) of the Act, 42 U.S.C. § 7413(a)(1) and (3). The authority to issue this NOV/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

Indiana State Implementation Plan

1. Section 110 of the Act, 42 U.S.C. § 7410, requires states to adopt, and submit to EPA for approval, SIPs providing for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS) promulgated by EPA pursuant to Section 109 of the Act, 42 U.S.C. § 7409. EPA has promulgated NAAQS for, among other pollutants, particulate matter (PM) and sulfur dioxide (SO₂).
2. Pursuant to 40 C.F.R. § 52.23, failure to comply with any approved regulatory provision of a SIP renders the person so failing to comply in violation of a requirement of the applicable implementation plan and subject to enforcement under Section 113 of the Act, 42 U.S.C. § 7413.

3. On September 26, 2005, the Administrator of EPA approved 326 IAC Rule 7-4 as part of the federally enforceable SIP for the State of Indiana. 70 Fed. Reg. 56129. 326 IAC 7-4.1-8(b) sets forth the requirement for IHCC that a maximum of 19% of coke oven waste gases leaving the common tunnel shall be allowed to be vented to the atmosphere on a 24-hour basis and 14% on an annual basis. 326 IAC 7-4.1-8.

Title V Requirements

4. 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.
5. 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.
6. Indiana Department of Environmental Management (IDEM) issued to IHCC 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 the Construction Permit.
7. Parts D.1.5(c) and D.1.9(b) of the Title V Permit limits bypass venting to 19% of total waste gas from the common tunnel, per 24-hour period.
8. Part D.1.9(b) of the Title V Permit limits annual bypass venting to 14% of total waste gas from the common tunnel on an annual basis.

National Emission Standards for Hazardous Air Pollutants (NESHAP) Requirements

9. 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.
10. 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.

11. 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.
12. 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.”
13. 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

14. IHCC owns and/or operates a heat recovery metallurgical coke plant at 3210 Watling Street, East Chicago, Indiana (facility).
15. 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.
16. IHCC constructed its coke oven battery in 1998.
17. On March 12, 2013, EPA, via the United States Department of Justice (DOJ), requested that IHCC provide data detailing total bypass venting in 2012.
18. IHCC submitted results of its 2011 stack study titled “Engineering and Technology Study – IHO Emergency Stack Results” to EPA on January 6, 2012. Based on average plantwide stack monitoring results, IHCC emits daily an additional 5.2% of total coke oven gases from its bypass vent stack lids.
19. IHCC responded to EPA’s request on March 25, 2013 and reported 130 days of venting over the 19% 24-hour limit for the period January 1, 2012 to March 13, 2013. Adding the 5.2% venting factor derived from IHCC’s 2011 stack study, IHCC vented coke oven gases through its bypass vents over the 19% limit for 239 days for the period January 1, 2012 to March 13, 2013.¹

¹ Totals include adding to each total an average plantwide venting rate of 5.2%, excepting this addition for any day where venting was recorded at 100%, as explained in IHCC’s report titled “Engineering and Technology Study – IHO Emergency Stack – RESULTS – FINAL compress.pdf,” dated January 6, 2012.

20. In its March 25, 2013 response, IHCC also reported exceeding the 14% annual venting limit in 2012, citing 15.6% plantwide annual venting. Adding the 5.2% venting factor derived from IHCC's 2011 stack study, IHCC vented 20.8% of total coke oven gases through its bypass vents in 2012.

VIOLATIONS OF EMISSIONS LIMITS AND OPERATING STANDARDS

21. IHCC's bypass venting at its 16 bypass vent stacks in excess of its 19% 24-hour limit for 239 days since January 1, 2012 violates the operational standards of its Title V Permit, Section 502(a) of the Act, 42 U.S.C. § 7661a(a), 40 C.F.R. § 70.7(b), the Indiana SIP at 326 IAC 7-4.1-8.
22. IHCC's annual bypass venting at its 16 bypass vent stacks in excess of its 14% annual limit in 2012 violates its Title V Permit, Section 502(a) of the Act, 42 U.S.C. § 7661a(a), 40 C.F.R. § 70.7(b), and the Indiana SIP at 326 IAC 7-4.1-8.
23. IHCC's bypass venting at its 16 bypass vent stacks in excess of the 24-hour and annual emissions limits constitutes a violation of the "good air pollution control practices for minimizing emissions" as required by 40 C.F.R. §§ 63.6(e)(1)(i) and 63.7300(a).

ENVIRONMENTAL IMPACT OF VIOLATIONS

24. Excess 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.

4/23/13

Date

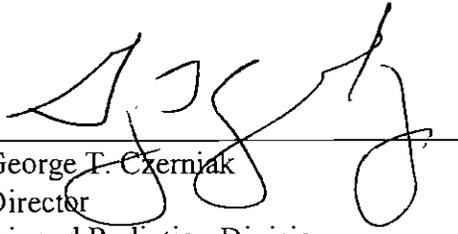

George T. Czerniak
Director
Air and Radiation Division

Table A: Total days of excess bypass venting recorded at Indiana Harbor Coke since January 1, 2012.

Date	% Venting
1/1/2012	25.78
1/2/2012	29.98
1/3/2012	20.51
1/4/2012	20.2
1/6/2012	22.29
1/7/2012	25.27
1/8/2012	26.56
1/9/2012	24.78
1/10/2012	22.19
1/11/2012	21.04
1/12/2012	24.91
1/13/2012	24.55
1/14/2012	26.88
1/15/2012	29.83
1/16/2012	24.31
1/17/2012	27.25
1/18/2012	21.27
1/19/2012	25.48
1/20/2012	24.36
1/21/2012	28.28
1/22/2012	28.28
1/23/2012	26.69
1/24/2012	23.94
1/25/2012	28.47
1/26/2012	26.45
1/27/2012	22.24
1/28/2012	30.08
1/29/2012	28.07
1/30/2012	25.06
1/31/2012	23.59
2/1/2012	24.05
2/2/2012	22.11
2/4/2012	22.67
2/5/2012	20.14
2/6/2012	20.64

2/7/2012	25.04
2/8/2012	63.55
2/9/2012	30
2/10/2012	28.42
2/11/2012	31
2/12/2012	25.79
2/13/2012	26.65
2/14/2012	26.78
2/15/2012	25.82
2/16/2012	30.2
2/17/2012	31.37
2/18/2012	34.36
2/19/2012	32.81
2/20/2012	34.54
2/21/2012	35.38
2/22/2012	33.27
2/23/2012	28.8
2/24/2012	40.57
2/25/2012	35.95
2/26/2012	29.99
2/27/2012	32.11
2/28/2012	29.42
2/29/2012	27.84
3/1/2012	26.97
3/2/2012	29.68
3/3/2012	31.07
3/4/2012	27.95
3/5/2012	30.23
3/6/2012	26.66
3/7/2012	24.95
3/8/2012	33.99
3/9/2012	30.51
3/10/2012	28.05
3/11/2012	24.05
3/12/2012	22.63
3/15/2012	19.78
3/16/2012	20.04
3/23/2012	22.92

3/24/2012	21.64
3/25/2012	21.09
3/26/2012	26
3/27/2012	26.73
3/28/2012	25.35
3/29/2012	29.4
3/30/2012	29.84
3/31/2012	29.99
4/1/2012	26.01
4/2/2012	25.01
4/3/2012	24.96
4/4/2012	27.47
4/5/2012	25.71
4/6/2012	25.25
4/8/2012	22.16
4/9/2012	20.92
4/10/2012	26.3
4/11/2012	19.62
4/14/2012	22.09
4/15/2012	19.49
4/16/2012	22.02
4/17/2012	40.76
4/18/2012	31.79
4/19/2012	28.09
4/20/2012	26.18
4/21/2012	23.76
4/22/2012	21.15
4/23/2012	25.02
4/28/2012	20.72
4/29/2012	22.54
4/30/2012	26.79
5/1/2012	30.1
5/2/2012	29.49
5/3/2012	25.59
5/4/2012	25.94
5/5/2012	25.19
5/6/2012	26.16
5/7/2012	26.16

5/8/2012	20.87
5/9/2012	19.01
5/11/2012	23.93
5/13/2012	24.13
5/14/2012	23.19
5/16/2012	23.23
5/17/2012	21.19
5/18/2012	23.59
5/19/2012	23.99
5/20/2012	25.71
5/21/2012	24.34
6/17/2012	21.39
6/18/2012	20.89
7/4/2012	19.13
7/7/2012	19.65
7/18/2012	19.43
7/19/2012	26.19
8/6/2012	20.64
8/7/2012	20.42
8/8/2012	25.6
8/9/2012	23.27
8/10/2012	22.7
8/13/2012	20.27
8/14/2012	19.28
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10/15/2012	28.43
10/16/2012	26.35
10/17/2012	21.16
10/27/2012	20.05
10/29/2012	24.56
10/30/2012	21.83

10/31/2012	25.58
11/1/2012	25.09
11/13/2012	20.91
11/14/2012	19.74
11/15/2012	20.39
11/20/2012	20.16
11/21/2012	22.66
11/27/2012	22.49
11/28/2012	21.27
11/29/2012	22.57
11/30/2012	24.3
12/1/2012	22.57
12/3/2012	28.99
12/4/2012	29.71
12/5/2012	22.67
12/7/2012	25
12/8/2012	29.47
12/9/2012	21.44
12/10/2012	20.28
12/11/2012	20.43
12/18/2012	19.52
12/19/2012	23.23
12/20/2012	19.03
12/26/2012	25.8
12/27/2012	28.52
12/28/2012	27.61
12/29/2012	25.13
12/30/2012	20.1
1/17/2013	19.27
1/21/2013	20.57
1/22/2013	25.72
1/23/2013	20.54
1/24/2013	19.82
1/25/2013	21.98
1/27/2013	22.18
1/28/2013	24.17
1/29/2013	25.76
1/30/2013	19.29

2/1/2013	22.13
2/12/2013	20.75
2/19/2013	19.34
2/20/2013	19.55
2/21/2013	22.82
2/22/2013	27.8
2/23/2013	24.52
2/24/2013	21.75
2/26/2013	19.16
3/5/2013	19.34
3/6/2013	20.24
3/9/2013	20.75
3/10/2013	21.81
3/11/2013	21.13

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-13-IN-07, by Certified Mail, Return Receipt Requested, to:

Delauna Pack
SunCoke Energy, Incorporated
1011 Warrenville Rd., Ste 600
Lisle, Illinois 60532

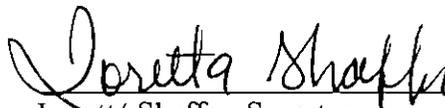
Ki Harmon
Manager of Health, Safety, and Environmental
Indiana Harbor Coke Company
3210 Watling Street
East Chicago, Indiana 46312

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

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

Valerie Tachtiris
Indiana Assistant Attorney General
Office of the Attorney General of Indiana
100 North Senate Avenue, Room 1307
Indianapolis, Indiana 46204

on the 26 day of April, 2013.



Loretta Shaffer, Secretary
AECAB, MN-OH

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7672 8942