



**GROUP AGAINST SMOG &
POLLUTION**

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March 17, 2020

VIA EMAIL

Allegheny County Health Department
Air Quality Program
301 39th St., Bldg. 7
Pittsburgh, PA 15201
aqpermits@alleghenycounty.us

**Re: Comments of Group Against Smog and Pollution Regarding the
RACT Determination and Draft Installation Permit for U.S. Steel's
Clairton Plant (Permit # 0052-I020)**

Dear Sir or Madam:

Please accept these comments regarding the draft Installation Permit (#0052-I020) (the "Permit") and RACT II determination for the U.S. Steel Clairton Plant (the "Facility"), which I am submitting on behalf of the Group Against Smog and Pollution. According to the notice posted on its website, the Allegheny County Health Department ("ACHD") is accepting comments on the Permit through March 17, 2020.

Very truly yours,

/s

John K. Baillie
Senior Attorney

**COMMENTS OF THE GROUP AGAINST SMOG AND POLLUTION REGARDING
THE REASONABLY AVAILABLE CONTROL TECHNOLOGY DETERMINATION
AND INSTALLATION PERMIT 0052-I020
FOR U.S. STEEL'S CLAIRTON PLANT (#0052)**

The National Ambient Air Quality Standard (the “NAAQS”) for ozone was revised in 2008.¹ Allegheny County was designated as a moderate nonattainment area for the 2008 NAAQS for ozone effective July 20, 2012.² The Final Rule implementing the 2008 NAAQS for ozone required Pennsylvania and other states in the Ozone Transport Region created by section 184 of the Clean Air Act to submit revisions to their State Implementation Plans to include revised Reasonably Available Control Technology (“RACT”) determinations for major sources of oxides of nitrogen (“NOx”) and volatile organic compounds (“VOCs”) within 24 months of a nonattainment designation, and to implement RACT within five years of a nonattainment designation.³ Thus, Allegheny County was to have made RACT determinations by July 20, 2014, and major sources within the county were to have implemented RACT by July 20, 2017.

I. A NUMERIC EMISSION LIMIT MAY QUALIFY AS RACT

ACHD has determined that RACT for the Facility’s six boilers⁴ is lower emission limits for NOx, based on data from the continuous emission monitoring systems (“CEMS”) units on the boilers’ stacks.⁵ The proposed emissions limits would reduce the Facility’s potential to emit

¹ National Ambient Air Quality Standards for Ozone, 73 Fed. Reg. 16436 (March 27, 2008).

² Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards, 77 Fed. Reg. 30088, 30143 (May 21, 2012).

³ See 40 C.F.R. § 51.1116(b).

⁴ See Allegheny County Health Department Air Quality Program, *Reasonably Available Control Technology (RACT II) Determination, U.S. Steel Clairton Plant*, at 9-10 (Feb. 10, 2020) (identifying the Facility’s six boilers as Boilers 1, 2, R1, R2, T1, and T2).

⁵ See *id.*, at 9-10.

ozone-forming NOx from 10,200 tons per year to 8302.6 tons per year,⁶ a reduction of 1,897 tons per year, or more than 18%.

Article XXI of ACHD’s regulations define “Reasonably Available Control Technology” to mean “any pollution control equipment, process modifications, operating and maintenance standards, or other apparatus or techniques which may reduce emissions and which [the Allegheny County Health Department (“ACHD”)] determines is available for use by the source ... in consideration of the necessity for obtaining the emission reductions, the social and economic impact of such reductions, and the availability of alternative means of providing for the attainment and maintenance of the NAAQS.”⁷ Thus, in contrast to the Pennsylvania Code,⁸ Article XXI does not expressly include “emission limits” in its definition of RACT.

Nevertheless, numeric emission limits, such as the new NOx limits proposed for the Facility’s six boilers, may qualify as RACT. In its approval of the regulations that implement the RACT requirement in areas of Pennsylvania outside of Allegheny and Philadelphia Counties, the United States Environmental Protection Agency stated:

RACT generally requires the establishment of “emission limitations.” Since the 1970’s, **EPA has consistently defined “RACT” as the lowest emission limit that a particular source is capable of meeting** by the application of the control technology that is reasonably available considering technological and economic feasibility ... CAA section 302(k) defines an emissions limitation as “a requirement established by the State or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis including any requirement relating to the operation or maintenance of a source to

⁶ See *id.*, at 11 (RACT II Emission Reduction Summary).

⁷ Article XXI of the Rules and Regulations of the Allegheny County Health Department (“Art. XXI”), § 2101.20.

⁸ See 25 Pa. Code § 121.1 (defining RACT to mean “the lowest emission limit for VOCs or NOx that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility”).

assure continuous emission reduction, and any design, equipment, work practice or operational standard promulgated under this chapter.”⁹

Accordingly, the proposed numeric emission limits for the Facility’s six boilers may qualify as RACT.

II. NEW EMISSION LIMITS FOR THE FACILITY’S BOILERS MAY QUALIFY AS RACT IF THEY ARE “CONSISTENTLY ACHIEVABLE”

For a numeric emission limit to qualify as RACT, it must be “consistently achievable.”¹⁰

The review memo for ACHD’s RACT determination for the Facility states that the proposed NOx emission limits for the Facility’s six boilers are based on monitoring data from the CEMS units on the boilers’ stacks, specifically from 2013 for Boilers 1 and 2, and from 2012 for Boilers R1, R2, T1, and T2.

ACHD’s review memo does not, but should, explain why the CEMS data for 2012 and 2013 that was used to establish the proposed emission limits for the Facility’s six boilers represent operating results that are “consistently achievable.” ACHD should provide such an explanation; it would help refute any assertion that the proposed NOx emission limits do not represent RACT.

⁹ Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Regulatory Amendments Addressing Reasonably Available Control Technology Requirements Under the 1997 and 2008 8-Hour Ozone National Ambient Air Quality Standards, 84 Fed. Reg. 20274, 20280 (May 9, 2019) (emphasis added and footnote omitted).

¹⁰ *See id.*, at 20277.

III. ACHD’S RACT DETERMINATION FOR THE FACILITY’S SIX BOILERS MUST CONSIDER THE NECESSITY OF OBTAINING EMISSION REDUCTIONS, THE SOCIAL AND ECONOMIC IMPACT OF SUCH REDUCTIONS, AND THE AVAILABILITY OF OTHER MEANS FOR ATTAINING AND MAINTAINING THE NAAQS

It is not clear that ACHD considered all of the factors purportedly required by Article XXI’s definition of “RACT” in making its RACT determination for the Facility’s six boilers. Specifically, it does not appear that ACHD considered the necessity for obtaining emission reductions, the social impact of such reductions, the economic impact of reductions on any party other than the Facility’s operator, or other means (if any) of attaining and maintaining the 2008 NAAQS for ozone.¹¹ ACHD’s RACT analysis for the Facility’s six boilers should incorporate all the factors that Article XXI uses to define “RACT,” and the RACT determination for the Facility’s six boilers should be revised based on that re-analysis, if necessary.

¹¹ See Art. XXI, § 2102.20 (defining “Reasonably Available Control Technology” in terms of these factors).