

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

IN THE MATTER OF:

Erie Coke Corporation	:	
925 E. Bay Dr.	:	Air Pollution Control Act
Erie, PA 16512	:	

ORDER

NOW this 4TH day of FEBRUARY 2019, the Commonwealth of Pennsylvania,

Department of Environmental Protection (“Department”) has made and determined the following Findings and hereby issues this Administrative Order to Erie Coke Corporation:

Findings

- A. The Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119, *as amended*, 35 P.S. §§ 4001-4015 (“Air Act”); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P. L. 177, *as amended*, 71 P.S. § 510-17 (“Administrative Code”); and the rules and regulations promulgated thereunder (“Regulations”).
- B. Erie Coke Corporation (“Erie Coke”) is a Pennsylvania corporation that maintains a mailing address of P.O. Box 6180, Erie, PA 16512, and is a “person,” as that term is defined in Section 3 of the Air Act, 35 P.S. § 4003.
- C. Erie Coke owns and operates a foundry coke production facility located at the foot of East Avenue between Presque Isle Bay and the Bayfront Highway in the City of Erie, Erie County, Pennsylvania (“Facility”).
- D. At the Facility, Erie Coke owns and operates various “air contamination sources,” as that term is defined in Section 3 of the Air Act, 35 P.S. § 4003, and 25 Pa. Code § 121.1, including, but

not limited to, a coke oven battery consisting of 58 coke ovens (“Battery”), and a coke oven battery underfiring system (“Source 805” or “Underfiring System”).

E. Thirty-five of the 58 coke ovens in the Battery were put into operation at the Facility in 1942 (“B Coke Ovens”). Twenty-three of the 58 coke ovens in the Battery were put into operation at the Facility in 1952 (“A Coke Ovens”). Pursuant to a July 6, 2010 Consent Decree between the Department and Erie Coke, Erie Coke rebuilt all of the A Coke Ovens, rebuilt four of the B Coke Ovens, and completed flue-end repairs on some of the B Coke Ovens, among other things.

F. At the Facility, Erie Coke also owns and operates various “air cleaning devices,” as that term is defined in Section 3 of the Air Act, 35 P.S. § 4003, and 25 Pa. Code § 121.1, including, but not limited to, a device to prevent the flaring or combustion of coke oven by-product gas with hydrogen sulfide concentrations greater than 50 grains/100 dry standard cubic feet (“Source ID C805A” or “H₂S Absorber”), and a device to capture and control coke pushing emissions from the Battery (“Source ID C802” or “Coke Side Shed Baghouse”).

G. Erie Coke is authorized to operate and maintain its air contamination sources and air cleaning devices pursuant to and in accordance with Title V Operating Permit No. 25-00029, which the Department issued to Erie Coke on August 25, 1999, renewed on March 27, 2013, and amended on October 3, 2016 and August 1, 2017 (“Permit”).

H. On August 28, 2017, Erie Coke submitted an application to renew the Permit and the application remains under review by the Department.

I. On July 6, 2010, the Commonwealth Court entered a Consent Decree between Erie Coke and the Department (“Consent Decree”), which addressed numerous violations at the Facility and resolved multiple Administrative Orders (“Administrative Orders”) and an Assessment of Civil Penalty (“Assessment”) that the Department had issued to Erie Coke. The Commonwealth Court entered modifications to the Consent Decree on July 12, 2011, January 18, 2012, and March 15, 2013,

and was terminated on May 1, 2015. The Consent Decree and the modifications thereto are attached as Exhibit A and are incorporated as if fully set forth herein.

J. On October 22, 2015, the Department and Erie Coke executed a Consent Assessment of Civil Penalty in which Erie Coke admitted to violating the Air Act, 25 Pa. Code §§ 123.41(1) and 127.444, and the Permit by failing to prevent visible emissions exceeding 20% from the Battery stack for periods aggregating more than three minutes in an hour during the Second Quarter of 2015.

K. On April 22, 2016, the Department and Erie Coke executed a Consent Assessment of Civil Penalty in which Erie Coke admitted to violating the Air Act during the Fourth Quarter of 2015, by failing to:

1. Prevent visible emissions exceeding 20% from the Battery stack for periods aggregating more than three minutes in any one hour, in violation of 25 Pa. Code §§ 123.41(1) and 127.444, and the Permit; and
2. Prevent visible emissions exceeding 60% from the Battery stack at all times, in violation of 25 Pa. Code §§ 123.41(2) and 127.444, and the Permit.

L. On January 3, 2017, the Department and Erie Coke entered into a Consent Assessment of Civil Penalty in which Erie Coke admitted to violating the Air Act, 25 Pa. Code § 127.444, and the Permit by exceeding the nitrogen oxide emissions limits for the Underfiring System in 2014.

M. On January 10, 2017, the Department and Erie Coke entered into a Consent Assessment of Civil Penalty in which Erie Coke admitted to violating the Air Act, 25 Pa. Code §§ 123.41(1) and 127.444, and the Permit by failing to prevent visible emissions exceeding 20% from the Battery stack for periods aggregating more than three minutes in any one hour during the Third Quarter of 2016.

N. On June 13, 2017, the Department and Erie Coke entered into a Consent Assessment of Civil Penalty in which Erie Coke admitted to violating the Air Act and 25 Pa. Code §§ 127.11 and

127.443 by modifying and operating the H₂S Absorber between May 1, 2016 and April 4, 2017, prior to obtaining a plan approval.

O. On March 28, 2018, the Department and Erie Coke entered into a Consent Assessment of Civil Penalty in which Erie Coke admitted to violating the Air Act, by failing to:

1. During the Third Quarter of 2017, prevent visible emissions exceeding 20% from the Battery stack for periods aggregating more than three minutes in any one hour, in violation of 25 Pa. Code §§ 123.41(1) and 127.444, and the Permit; and

2. During the Fourth Quarter of 2017, prevent visible emissions exceeding 60% from the Battery stack at all times, in violation of 25 Pa. Code §§ 123.41(2) and 127.444, and the Permit.

P. Pursuant to Section 7.1 of the Air Act, 35 P.S. § 4007.1, the Department conducted a compliance review of the Facility in 2018 as part of the Permit renewal review process and identified violations at the Facility that are detailed in the table attached and incorporated as Exhibit B, including Erie Coke's failure to:

1. Prevent topside emissions from more than 5% of the offtake piping on operating coke ovens;

2. Prevent visible topside emissions from more than 2% of the charging port seals on operating coke ovens;

3. Prevent visible door area emissions from more than 10% of the door area of operating coke ovens;

4. Operate the H₂S Absorber at all times that the Battery is in operation;

5. Prevent the flaring or combustion of coke oven by-product gas with hydrogen sulfide concentrations greater than 50 grains/100 dry standard cubic feet;

6. Prevent visible open charging emissions of greater than 75 seconds for four consecutive charges;
7. Prevent visible emissions from the Battery stack exceeding 20% for periods aggregating more than three minutes in any one hour, for a total of 12,125 minutes from the First Quarter of 2018 through the Third Quarter of 2018;
8. Prevent visible emissions from the Battery stack exceeding 60% for a total of 268 minutes from the First Quarter of 2018 through the Third Quarter of 2018;
9. Prevent fugitive particulate matter emissions that are visible outside the Facility's property;
10. Prevent visible fugitive air contaminants in excess of 20% opacity from the Battery during coke pushing operations;
11. Record the annual adjustment or tune-up of the combustion process;
12. Maintain records on site of the 12-month rolling totals of NOx emissions for the boilers;
13. Conduct an annual stack test of the Coke Side Shed Baghouse for PM, PM10, and PM2.5, including condensable particulate matter;
14. Maintain the daily average fan RPM at or above the minimum level established during the initial or subsequent performance test;
15. Record fan RPM at least every eight hours;
16. Maintain records required to show continuous compliance with each applicable emission limitation, work practice standard, and operation and maintenance requirement; and
17. Conduct daily washing of the baffles according to the schedule in the Facility's operation and maintenance plan, and to continuously record the ambient temperature on the days the baffles were not washed.

Q. Following the Department's compliance review described in Paragraph P, above, between December 10, 2018 and December 16, 2018, Erie Coke did not operate the H₂S Absorber.

R. Following the Department's compliance review described in Paragraph P, above, on December 15, 2018, Erie Coke did not prevent visible door area emissions from more than 10% of the door area of operating coke ovens.

S. Following the Department's compliance review described in Paragraph P, above, on December 31, 2018, Erie Coke did not take reasonable actions to prevent particulate matter from becoming airborne by promptly removing earth or other material from paved streets onto which earth or other material has been transported by trucking.

Applicable Law

T. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.44(a)(5) and 127.444, and Section D, Source 807, Condition #002 of the Permit, Erie Coke is required to prevent topside emissions from more than 5% of the offtake piping on operating coke ovens.

U. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.44(a)(4) and 127.444, and Section D, Source 807, Condition # 002 of the Permit, Erie Coke is required to prevent visible topside emissions from more than 2% of the charging port seals on operating coke ovens.

V. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.44(a)(3) and 127.444, and Section D, Source 806, Condition #002 of the Permit, Erie Coke is required to prevent visible door area emissions from more than 10% of the door area of operating coke ovens.

W. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code § 127.444 and the Permit, Erie Coke is required to operate the H₂S Absorber at all times the Battery is in operation.

X. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.23(b) and 127.444; Section D, Source 801, Condition #001 of the Permit; Section D, Source 805, Condition #002

of the Permit; and Section D, Source 809, Condition #001 of the Permit, Erie Coke is required to prevent the flaring or combustion of coke oven by-product gas with hydrogen sulfide concentrations greater than 50 grains/100 dry standard cubic feet.

Y. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.44(a)(1)(i) and § 127.444, and Section D, Source 801, Condition #002 of the Permit, Erie Coke is required to prevent visible open charging emissions of greater than 75 seconds for four consecutive charges.

Z. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.41(1) and 127.444, and Section C, Condition #004 of the Permit, Erie Coke is required to prevent visible emissions from the Battery stack exceeding 20% for periods aggregating more than three minutes in an hour.

AA. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.41(2) and 127.444, and Section C, Condition #004 of the Permit, Erie Coke is required to prevent visible emissions from the Battery stack exceeding 60% at all times.

BB. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.2 and 127.444, and Section C, Condition #002 of the Permit, Erie Coke is required to prevent fugitive particulate matter emissions that are visible outside the Facility's property.

CC. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 127.444 and 129.15(c), and Source 802, Condition #001 of the Permit, Erie Coke is required to prevent visible fugitive air contaminants in excess of 20% opacity from the Battery during coke pushing operations.

DD. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 127.444 and 129.93(b)(3), and Section E, Source Group Name, 1-Boilers, Condition #007 of the Permit, Erie Coke is required to record the annual adjustment or tune-up of the combustion process.

EE. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 127.444 and 129.93(b)(3), and Section E, Source Group Name, 1-Boilers, Condition #008 of the Permit, Erie Coke is required to maintain records on site of the 12-month rolling totals of NOx emissions for the boilers.

FF. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code § 127.444, and Section E, Source Group Name, 9-Coke Shed Requirements, Condition #001(n) of the Permit, Erie Coke is required to conduct an annual stack test of the Coke Side Shed Baghouse for PM, PM10, and PM2.5, including condensable particulate matter.

GG. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 40 C.F.R. § 63.7333(d)(3)(i), 25 Pa. Code § 127.444, and Section E, Source Group Name, 7-NESHAP for Coke Ovens, Condition No. 015(d)(3)(i) of the Permit, Erie Coke is required to maintain the daily average fan RPM at or above the minimum level established during the initial or subsequent performance test.

HH. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 40 C.F.R. § 63.7333(d)(3)(ii), 25 Pa. Code § 127.444, and Section E, Source Group Name, 7-NESHAP for Coke Ovens, Condition #015(d)(3)(ii) of the Permit, Erie Coke is required to record fan RPM at least every eight hours.

II. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 40 C.F.R. § 63.7342(d), 25 Pa. Code § 127.444, and Section E, Source Group Name, 7-NESHAP for Coke Ovens, Condition #018 of the Permit, Erie Coke is required to maintain records required in 40 C.F.R. § 63.7333 to show continuous compliance with each applicable emission limitation, work practice standard, and operation and maintenance requirement.

JJ. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code § 127.444 and Section E, Source Group Name 7-NESHAP for Coke Ovens, Condition #031(b)(2) of the Permit, Erie Coke is required to conduct daily washing of the baffles according to the schedule in the Facility's operation and maintenance plan, and to continuously record the ambient temperature on the days the baffles are not washed.

KK. Pursuant to Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.1(c) and 127.444, and Section C, Condition #014 of the Permit, Erie Coke is required to take reasonable action to prevent particulate matter from becoming airborne including, but not limited to, the prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or other means.

Violations

LL. Erie Coke's failure to prevent topside emissions from more than 5% of the offtake piping on operating coke ovens as described in Paragraph P.1., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.44(a)(5) and 127.444, and Section D, Source 807, Condition #002 of the Permit.

MM. Erie Coke's failure to prevent visible topside emissions from more than 2% of the charging port seals on operating coke ovens as described in Paragraph P.2., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.44(a)(4) and 127.444, and Section D, Source 807, Condition #002 of the Permit.

NN. Erie Coke's failure to prevent visible door area emissions from more than 10% of the door area of operating coke ovens as described in Paragraphs P.3. and R., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.44(a)(3) and 127.444, and Section D, Source 806, Condition #002 of the Permit.

OO. Erie Coke's failure to operate the H₂S Absorber at all times that the Battery is in operation as described in Paragraphs P.4. and Q., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code § 127.444 and the Permit.

PP. Erie Coke's failure to prevent the flaring or combustion of coke oven by-product gas with hydrogen sulfide concentrations greater than 50 grains/100 dry standard cubic feet as described in Paragraph P.5., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa.

Code §§ 123.23(b) and 127.444, Section D, Source 801, Condition #001 of the Permit; Section D, Source 805, Condition #002 of the Permit; and Section D, Source 809, Condition #001 of the Permit.

QQ. Erie Coke's failure to prevent visible open charging emissions of greater than 75 seconds for four consecutive charges as described in Paragraph P.6., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.44(a)(1)(i) and 127.444, and Section D, Source 801, Condition #002 of the Permit.

RR. Erie Coke's failure to prevent visible emissions from the Battery stack exceeding 20% for periods aggregating more than three minutes in an hour as described in Paragraph P.7., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.41(1) and 127.444, and Section C, Condition #004 of the Permit.

SS. Erie Coke's failure to prevent visible emissions from the Battery stack exceeding 60% at all times as described in Paragraph P.8., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.41(2) and 127.444, and Section C, Condition #004 of the Permit.

TT. Erie Coke's failure to prevent fugitive particulate matter emissions that are visible outside the Facility's property as described in Paragraph P.9., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.2 and 127.444, and Section C, Condition #002 of the Permit.

UU. Erie Coke's failure to prevent visible fugitive air contaminants in excess of 20% opacity from the Battery during coke pushing operations as described in Paragraph P.10., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 127.444 and 129.15(c), and Source 802, Condition #001 of the Permit.

VV. Erie Coke's failure to record the annual adjustment or tune-up of the combustion process as described in Paragraph P.11., above, and Exhibit B, violates Section 6.1 of the Air Act, 35

P.S. § 4006.1, 25 Pa. Code §§ 127.444 and 129.93(b)(3), and Section E, Source Group Name, 1-Boilers, Condition #007 of the Permit.

WW. Erie Coke's failure to maintain records on site of the 12-month rolling totals of NOx emissions for the boilers as described in Paragraph P.12., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 127.444 and 129.93(b)(3), and Section E, Source Group Name, 1-Boilers, Condition #008 of the Permit.

XX. Erie Coke's failure to conduct an annual stack test of the Coke Side Shed Baghouse for PM, PM10, and PM2.5, including condensable particulate matter, as described in Paragraph P.13., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code § 127.444, and Section E, Source Group Name 9-Coke Shed Requirements, Condition #001(n) of the Permit.

YY. Erie Coke's failure to maintain the daily average fan RPM at or above the minimum level established during the initial or subsequent performance test as described in Paragraph P.14., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 40 C.F.R. § 63.7333(d)(3)(i), 25 Pa. Code § 127.444, and Section E, Source Group Name, 7-NESHAP for Coke Ovens, Condition #015(d)(3)(i) of the Permit.

ZZ. Erie Coke's failure to record fan RPM at least every eight hours as described in Paragraph P.15., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 40 C.F.R. § 63.7333(d)(3)(ii), 25 Pa. Code § 127.444, and Section E, Source Group Name, 7-NESHAP for Coke Ovens, Condition #015(d)(3)(ii) of the Permit.

AAA. Erie Coke's failure to maintain records required in 40 C.F.R. § 63.7333 to show continuous compliance with each applicable emission limitation, work practice standard, and operation and maintenance requirement as described in Paragraph P.16., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 40 C.F.R. § 63.7342(d), 25 Pa. Code § 127.444, and Section E, Source Group Name, 7-NESHAP for Coke Ovens, Condition #018 of the Permit.

BBB. Erie Coke's failure to conduct daily washing of the baffles according to the schedule in the Facility's operation and maintenance plan, and to continuously record the ambient temperature on the days the baffles were not washed as described in Paragraph P.17., above, and Exhibit B, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code § 127.444 and Section E, Source Group Name, 7-NESHAP for Coke Ovens, Condition #031(b)(2) of the Permit.

CCC. Erie Coke's failure to take reasonable action to prevent particulate matter from becoming airborne, including, but not limited to, promptly removing earth or other material from paved streets onto which earth or other material was transported by trucking or other means as described in Paragraph S., above, violates Section 6.1 of the Air Act, 35 P.S. § 4006.1, 25 Pa. Code §§ 123.1(c) and 127.444, and Section C, Condition #014 of the Permit.

DDD. The violations described in Paragraphs LL through CCC, above, constitute unlawful conduct under Section 8 of the Air Act, 35 P.S. § 4008, and a statutory public nuisance under Section 13 of the Air Act, 35 P.S. § 4013; and subject Erie Coke to a claim for civil penalties under Section 9.1 of the Air Act, 35 P.S. § 4009.1.

EEE. Erie Coke's violations described in Paragraphs LL through CCC, above, repeat many of the same violations addressed by the Consent Decree and repeat many of the same violations that Erie Coke admitted to in the Consent Assessments of Civil Penalty described in Paragraphs J, K, L, M, N, and O, above.

FFF. On November 9, 2018, the Department sent Erie Coke a letter detailing the violations noted above and requesting a plan and schedule for addressing the violations.

GGG. By letter dated December 21, 2018, Erie Coke's counsel responded with a general outline of a compliance plan and no schedule for implementation.

ORDER

NOW, THEREFORE, pursuant to Sections 4 and 10.1 of the Air Act, 35 P.S. §§ 4004 and 4010.1, and Section 1917-A of the Administrative Code, 71 P.S. § 510-17, the Department hereby ORDERS the following:

1. ***Stack Testing.***

a. Within 30 days after the date of this Order, Erie Coke shall submit a complete and acceptable stack testing protocol to the Department for the Coke Side Shed Baghouse in accordance with Section E, Group 9, Condition #001(c) of the Permit.

b. Within 30 days after the date the Department approves the stack testing protocol for the Coke Side Shed Baghouse, Erie Coke shall conduct stack testing of the Coke Side Shed Baghouse in accordance with the Department-approved protocol and Section E, Group 9, Condition #001(c) of the Permit.

2. ***H₂S Absorber.*** If Erie Coke takes the H₂S Absorber out of service:

a. Erie Coke shall record the exact date and time when the H₂S Absorber is taken out of service and when it is placed back into service; and

b. Erie Coke shall notify the Department by email at lmcnabb@pa.gov or telephone at 814-332-6634 within one hour after the H₂S Absorber is taken out of service and within one hour after it is placed back into service.

3. ***Corrective Action Plan.*** Within 60 days after the date of this Order, Erie Coke shall submit to the Department a plan and schedule to correct the violations listed in Paragraphs LL through WW and YY through CCC, above (“Plan”). The Plan shall be signed and sealed by a Pennsylvania-licensed professional engineer, and shall include, at a minimum, the following:

a. A report describing and determining the cause of the continuing opacity emissions exceedances from the Battery stack, and list of corrective actions to prevent further such exceedances

("Opacity Report"). The Opacity Report shall be prepared by a person with training and experience in the design and proper operation of coke oven batteries and include a listing of that person's relevant training and experience;

b. An engineering evaluation of the Coke Side Shed Baghouse's ability to capture and control coke pushing emissions from the Battery in accordance with the Air Act, the Regulations, the Permit, and all applicable Federal laws, and a list of corrective actions to prevent future opacity emission exceedances in the future;

c. An administratively complete plan approval for the construction and installation of a backup control device to prevent the flaring or combustion of coke oven byproduct gas with hydrogen sulfide concentrations greater than 50 grains/100 dry standard cubic feet to utilize when the H₂S Absorber is out of service;

d. An updated work practice plan and operation and maintenance plan for the Facility;

4. ***Correspondence with the Department.*** All correspondence with the Department concerning this Order shall be addressed to:

Eric A. Gustafson
Regional Air Quality Program Manager
Pennsylvania Department of Environmental Protection
230 Chestnut St.
Meadville, PA 16335-3481
Phone: (814) 332-6940
Fax: (814) 332-6121

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

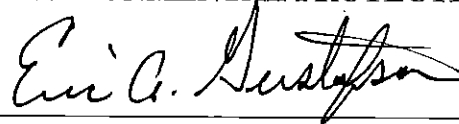
Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

**FOR THE COMMONWEALTH OF
PENNSYLVANIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

A handwritten signature in cursive script, reading "Eric A. Gustafson", written over a horizontal line.

Eric A. Gustafson
Regional Manager
Air Quality Program
Northwest Region

Exhibit A

February 4, 2019 Order

IN THE
COMMONWEALTH COURT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF ENVIRONMENTAL :
PROTECTION, :

Plaintiff, :

v. :

Docket No. _____ M.D. 2010

ERIE COKE CORPORATION AND :
J.D. CRANE, :

Defendants. :

CONSENT DECREE

FINDINGS

Parties

A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119, *as amended*, 35 P.S. §§4001-4015 ("Air Act"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. §§510-17 ("Administrative Code"); and the rules and regulations promulgated thereunder ("Regulations").

B. Erie Coke Corporation (“Erie Coke”) is a Pennsylvania corporation with a mailing address of P.O. Box 6180, Erie, Pennsylvania 16512, and is a “person,” as that term is defined in Section 3 of the Air Act, 35 P.S. §4003.

C. J.D. Crane is an adult individual and is the Chief Executive Officer of Erie Coke. Erie Coke is owned by a holding company known as Garner LLC, which is owned by another holding company known as Cooper Meridian LLC. Approximately ninety-seven (97%) of the Cooper Meridian stock (non-voting membership interests) is owned by charitable lead and remainder trusts whose charitable beneficiary is the Crane Family Foundation. Mr. Crane is one of the four Trustees for the Crane Family Foundation. The remaining approximately three-percent (3%) of the Cooper Meridian stock (voting membership interests) is owned by an irrevocable trust. Mr. Crane is also a Trustee of this trust that owns all of the voting stock of Cooper Meridian. Mr. Crane is a “person,” as that term is defined in Section 3 of the Air Act, 35 P.S. §4003.

Jurisdiction

D. This Court has jurisdiction pursuant to Section 761 of the Judicial Code, 42 Pa.C.S.A. §761, and Section 4012.1a of the Air Pollution Control Act, 35 P.S. §4012.1a.

Facts

E. Erie Coke owns and operates a facility for the production of foundry coke located at the foot of East Avenue between Presque Isle Bay and the Bayfront Highway in the City of Erie, Erie County, Pennsylvania (“Facility”). The Facility’s mailing address is P.O. Box 6180, Erie, Pennsylvania 16512.

F. Erie Coke owns and operates various “air contamination sources” at the Facility, as that term is defined in Section 3 of the Air Act, 35 P.S. §4003, and 25 Pa. Code §121.1. The

air contamination sources include, but are not limited to, a coke oven battery consisting of 58 coke ovens ("Battery"), an associated stack ("Battery Stack"), two combustion units ("Boilers," specifically, "Boiler No. 1" and "Boiler No. 2"), and their associated emission points ("Boiler Stack No. 1" and "Boiler Stack No. 2").

G. Erie Coke also owns and operates various "air cleaning devices" at the Facility, as that term is defined in Section 3 of the Air Act, 35 P.S. §4003, and 25 Pa. Code §121.1. The air cleaning devices include, but are not limited to, a Venturi Scrubber Car, and the associated stack used to capture emissions during pushing operations.

H. On June 23, 2008, the Department issued an administrative order to Erie Coke regarding Erie Coke's operation of the Facility ("2008 Order"). Erie Coke timely appealed the 2008 Order to the Environmental Hearing Board ("Board"), which appeal was docketed at EHB Docket No. 2008-029-R. The 2008 Order is maintained as a public document at the Department's Northwest Regional Office in Meadville, PA.

I. On June 23, 2008, the Department also issued an Assessment of Civil Penalty to Erie Coke ("2008 Assessment"). Erie Coke timely appealed the 2008 Assessment to the Board, which appeal was docketed at EHB Docket No. 2008-030-R. The 2008 Assessment is maintained as a public document at the Department's Northwest Regional Office in Meadville, PA.

J. On August 21, 2008, the Department placed Erie Coke on the Department's Compliance Docket, pursuant to 35 P.S. §4007.1, and 25 Pa. Code §§127.412(g) and (h) ("Compliance Docket Action"). Erie Coke timely appealed the Compliance Docket Action to the Board, which appeal was docketed at EHB Docket No. 2009-020-R. The Compliance Docket

Action is maintained as a public document at the Department's Northwest Regional Office in Meadville, PA.

K. On January 20, 2009, the Department issued an Administrative Order to Erie Coke and Mr. Crane requiring them to conduct testing of the Battery Stack ("2009 Order"). Erie Coke timely appealed the 2009 Order to the Board, which appeal was docketed at EHB Docket No. 2009-143-R. The 2009 Order is maintained as a public document at the Department's Northwest Regional Office in Meadville, PA.

L. On October 7, 2009, the Department sent a letter to Erie Coke regarding the results of the Battery Stack test at the Facility ("2009 Letter"). Erie Coke timely appealed the 2009 Letter to the Board, which appeal was docketed at EHB Docket No. 2009-282-R. The 2009 Letter is maintained as a public document at the Department's Northwest Regional Office in Meadville, PA.

M. On September 22, 2009, the Department and the U.S. Environmental Protection Agency filed a joint Complaint in the United States District Court for the Western District of Pennsylvania against Erie Coke ("Federal Complaint"). The Federal Complaint was docketed at 1:09-cv-00240-SJM, and a copy of the Federal Complaint is maintained as a public document at the Department's Northwest Regional Office in Meadville, PA.

N. On May 24, 2010, the Department issued an Administrative Order to Erie Coke and Mr. Crane revoking Erie Coke's Title V Permit ("2010 Order"). Erie Coke timely appealed the 2010 Order to the Board, which appeal was docketed at EHB Docket No. 2010-070-R. The 2010 Order is maintained as a public document at the Department's Northwest Regional Office in Meadville, PA.

O. Mr. Crane disagrees with the assertions in the Department's actions set forth in Paragraphs H-N, above. However, Mr. Crane and Erie Coke agree to and shall fulfill all of the terms and obligations of this Consent Decree.

P. In consideration of Erie Coke's and Mr. Crane's payment of the civil penalty and agreement to comply in full with the obligations in this Consent Decree in accordance with the schedule contained herein, the Department agrees to resolve the matters identified in Paragraphs H through N, above, without further litigation.

ORDER

Based upon the foregoing Findings, it appearing to the Court that this Consent Decree is just and proper, it is hereby **ORDERED, ADJUDGED, AND DECREED** that:

1. **Jurisdiction.** This Court has jurisdiction over this matter pursuant to Section 761 of the Judicial Code, 42 Pa.C.S.A. §761, and Section 4012.1a of the Air Pollution Control Act, 35 P.S. §4012.1a.

2. **Parties Bound.** This Consent Decree is an Order of this Court and applies to and is binding upon the Department and Erie Coke and Mr. Crane, jointly and severally. The failure of the Erie Coke and/or Mr. Crane to comply with any term or condition of this Order shall subject Erie Coke and Mr. Crane, jointly and severally, to all penalties and remedies provided for by law for failing to comply with an Order of this Court.

3. **Department Order.** This Consent Decree is also an Order of the Department and is authorized and issued pursuant to Section 4010.1 of the Air Act, 35 P.S. §4010.1, and Section 1917-A of the Administrative Code. The failure of Erie Coke and/or Mr. Crane to comply with any term or condition of this Consent Decree shall subject Erie Coke and Mr. Crane, jointly and

severally, to all penalties and remedies provided by those statutes for failing to comply with an Order of the Department.

4. ***Findings.***

a. Erie Coke and Mr. Crane agree that the Findings in Paragraphs A through P, above, are true and correct and, in any matter or proceeding between Erie Coke, and/or Mr. Crane, and the Department, Erie Coke and Mr. Crane shall not challenge the accuracy or validity of these Findings.

b. The Parties do not authorize any other persons to use the Findings in this Consent Decree in any matter or proceeding.

5. ***Effective Date and Title V Permit.***

a. For purposes of this Consent Decree, the "Effective Date" shall be that date that the Court signs the Consent Decree.

b. Upon the Effective Date of this Consent Decree, Erie Coke's Title V Permit is hereby reinstated.

6. ***Liability of Erie Coke and Mr. Crane.*** Erie Coke and Mr. Crane shall be jointly and severally liable for any violations of this Consent Decree, including those caused by, contributed to, or allowed by their directors, officers, investors, employees, contractors, consultants, agents, successors, or assigns.

7. ***Compliance.*** Erie Coke and Mr. Crane shall take any and all actions and obtain any and all funds necessary to attain and thereafter maintain compliance at the Facility with the Air Act, the Regulations, and Erie Coke's Title V Permit. These actions shall include, but not be limited to, those corrective actions set forth in Paragraph 8, below.

8. *Erie Coke's and Mr. Crane's Corrective Actions.* Erie Coke and Mr. Crane shall take the following corrective actions according to the following schedules:

a. Coke Shed Project. Erie Coke and Mr. Crane shall install a shed over the Battery on the coke pushing side, along with the associated control device ("Coke Shed Project") according to the following schedule:

- i. Within three months of the Effective Date, Erie Coke and Mr. Crane shall submit to the Department, for review and approval, an Administratively Complete application for a Plan Approval for the Coke Shed Project.
- ii. Upon the Department's approval of the Plan Approval, Erie Coke and Mr. Crane shall begin the installation of the Coke Shed Project.
- iii. In all cases, the Coke Shed Project shall be completely installed and operating in accordance with the Plan Approval within 18 months of the Effective Date.

b. Venturi Scrubber Car. Within three months of the Effective Date, Erie Coke and Mr. Crane shall complete the repairs or replacement of the Venturi Scrubber Car, and shall maintain the Venturi Scrubber Car to minimize fugitive emissions from the pushing operations.

c. A-Battery Rebuild. Within three years of the Effective Date, Erie Coke and Mr. Crane shall complete a floor-up rebuild of all of the coke ovens in A-Battery, as set forth below:

- i. Within one year of the Effective Date, Erie Coke and Mr. Crane shall complete, at a minimum, the floor-up rebuild of seven of the coke ovens in the A-Battery;
- ii. Within two years of the Effective Date, Erie Coke and Mr. Crane shall complete, at a minimum, the floor-up rebuild of 15 of the coke ovens in the A-Battery; and

- iii. Within three years of the Effective Date, Erie Coke and Mr. Crane shall complete the floor-up rebuild of all of the 23 coke ovens in the A-Battery.
- d. B-Battery Rebuild. Within three years of the Effective Date, Erie Coke and Mr. Crane shall complete the floor-up rebuild of B-Battery ovens No. 28, No. 30, No. 49, and No. 58.
- e. B-Battery Flue-End Repairs. Within two years of the Effective Date, Erie Coke and Mr. Crane shall complete flue-end repairs on the following B-Battery ovens, in accordance with the following schedule:
 - i. Within one year of the Effective Date, Erie Coke and Mr. Crane shall complete, at a minimum, flue-end repairs on half of the following B- Battery ovens on both the pushing side and coking side of the Facility, and within two years of the Effective Date, Erie Coke and Mr. Crane shall complete flue-end repairs on all of the following: No. 24, No. 25, No. 26, No. 27, No. 29, No. 31, No. 32, No. 33, No. 34, No. 35, No. 36, No. 37, No. 38, No. 39, No. 40, No. 41, No. 42, No. 43, No. 44, No. 45, No. 50, No. 51, No. 52, No. 53, No. 54, and No. 57; and
 - ii. Within two years of the Effective Date, Erie Coke and Mr. Crane shall complete flue-end repairs to the pushing side of the following B-Battery ovens: No. 46, No. 47, No. 48, and No. 56.
- f. Boiler Operation. Upon signing this Consent Decree, Erie Coke and Mr. Crane shall operate the Boilers using only coke oven gas and/or natural gas until the Department notifies Erie Coke and Mr. Crane, in writing, that it has determined that the Facility is operating continuously within 10% of its maximum routine operating condition.
- g. Boiler Stack Re-Testing.
 - i. Within three months of the Effective Date, Erie Coke and Mr. Crane shall re-test both Boiler Stacks for particulate matter and NO_x ("Boiler Stack Re-Test"), in accordance with a Department-approved protocol, as required by the Title V Permit and at maximum routine operating conditions; and

ii. During the Boiler Stack Re-Test, Erie Coke and Mr. Crane may use any combination of coke breeze, coke oven gas and/or natural gas to fuel the Boilers. However, upon completion of the Boiler Stack Re-Test, Erie Coke and Mr. Crane shall only use coke oven gas and/or natural gas to fuel the Boilers until such time as the Boilers are operating in accordance with Paragraph 8.f., above, regardless of the Boiler Stack Re-Test results; and

iii. Within two months after the Boiler Stack Re-Test, as set forth, above, in Paragraph 8.g.i., Erie Coke and Mr. Crane shall submit the results of the Boiler Stack Re-Test to the Department for review and approval.

h. Battery Stack Testing.

i. Within three months of the Effective Date, Erie Coke Corporation and Mr. Crane shall test the Battery Stack ("Battery Stack Test"), in accordance with a Department-approved protocol.

ii. Within two months after completing the Battery Stack Test, as set forth, above, in Paragraph 8.h.i., Erie Coke and Mr. Crane shall submit the results of the Battery Stack Test to the Department for review and approval.

i. NO_x RACT. If the results of the Boiler Stack Re-Test identified in Paragraph 8.g., above, the results of the Battery Stack Test identified in Paragraph 8.h., above, and any testing required pursuant to the Plan Approval for the Coke Shed Project, identified in Paragraph 8.g, above, or any combination of the testing thereof, indicate that the Facility is exceeding the NO_x emission limits established in the Reasonably Available Control Technology ("RACT") approval for the Facility, Erie Coke and Mr. Crane shall comply with the following:

i. Upon completion of: 1) the corrective actions set forth in Paragraphs 8.a.-8.h., above; 2) any stack testing required by the Plan Approval for the Coke Shed Project, as set forth in Paragraph 8.a, above; and 3) within 48 months of the Effective Date, Erie Coke and Mr. Crane shall submit an Administratively Complete revised RACT proposal for NO_x to the Department that includes an implementation schedule and that is in accordance with 25 Pa. Code §129.92; and

- ii. Upon approval of the revised RACT proposal, Erie Coke and Mr. Crane shall install any controls at the Facility necessary to meet the RACT requirements for NO_x, pursuant to a Department-approved implementation schedule.

j. VOC RACT. If the results of the Battery Stack Test identified in Paragraph 8.h., above, and any testing required pursuant to the Plan Approval for the Coke Shed Project, or any combination of the testing thereof, indicate that the combined emissions of volatile organic compounds ("VOC") from the Facility equal to 50 tons or more per year, Erie Coke and Mr. Crane shall comply with the following:

- i. Upon completion of: 1) the corrective actions set forth in Paragraphs 8.a.-8.h., above; 2) any stack testing required by the Plan Approval for the Coke Shed Project, as set forth in Paragraph 9.a., above, and 3) within 48 months of the Effective Date, Erie Coke and Mr. Crane shall submit an Administratively Complete RACT proposal for VOC emissions that includes an implementation schedule and that is in accordance with 25 Pa. Code §§129.91 and 129.92, to the Department, for review and approval; and
- ii. Upon approval for the RACT proposal, Erie Coke and Mr. Crane shall install any controls at the Facility necessary to meet the RACT requirements for VOC, pursuant to a Department-approved implementation schedule.

k. Emergency Generator. Within two months of the Effective Date, Erie Coke and Mr. Crane shall submit to the Department, for review and approval, an Administratively Complete application for a Plan Approval for the emergency generator that Erie Coke and Mr. Crane installed at the Facility in the Spring of 2010.

l. Update Emissions Inventory. Within 12 months of the Effective Date, Erie Coke Corporation and Mr. Crane shall update the Facility's emissions inventory using the data from the Boiler Stack Re-Test identified in Paragraph 8.g., above, the data from the Battery Stack Test identified in Paragraph 8.h., above, and the updated emission factors from AP-42.

m. Past Emission Fees. Based upon the results of the Battery Stack Test that is to be conducted pursuant to Paragraph 8.h., above, within 90 days of the Department's written request for payment, Erie Coke and Mr. Crane shall pay all past emissions fees owed for the Facility, including penalties and interest, as required under 35 P.S. §4006.3.

n. Withdrawal of Appeals. Within five days after the Effective Date, Erie Coke Corporation and Mr. Crane shall withdraw their appeals, with prejudice, before the Board which are docketed at EHB Docket Nos. EHB 2008-229-R, EHB 2008-230-R, EHB 2009-282-R, EHB 2009-020-R, EHB 2009-143-R, and EHB 2010-070-R.

9. *Department's Tasks.*

a. Within five days after the Effective Date, the Department will remove Erie Coke from the Compliance Docket.

b. Within five days after the Effective Date, the Department will file a Motion in Federal District Court to dismiss the Department, with prejudice, from the Federal Complaint docketed at 1:09-cv-00240-SJM.

10. *Submission of Documents.* With regard to any document that Erie Coke and Mr. Crane are required to submit pursuant to Paragraph 8, above, of this Consent Decree, the Department will review Erie Coke's and/or Mr. Crane's document and will approve, modify, or disapprove the document, or portion thereof, in writing. If the document, or any portion of the document, is disapproved by the Department, Erie Coke and/or Mr. Crane, as the case may be, shall submit a revised document to the Department that addresses the Department's concerns within a reasonable time, as specified by the Department. The Department will approve, or modify and approve, the revised document in writing. Upon approval by the Department, the document shall become a part of this Consent Decree and shall be enforceable hereunder.

11. ***Progress Reports.*** Beginning three months after the Effective Date and continuing quarterly thereafter, Erie Coke and Mr. Crane shall jointly submit written progress reports to the Department that specifically identify the actions that they have taken in the past quarter, and the actions that they will take in the next quarter to comply with their obligations under this Consent Decree.

12. ***Civil Penalty Settlement.*** Upon signing this Consent Decree, Erie Coke and Mr. Crane shall pay a civil penalty of \$6,000,000, in settlement of the Department's claim for civil penalties for the violations set forth in the 2008 Order, the 2008 Assessment, the Compliance Docket Action, the 2009 Order, the 2009 Letter, the Federal Complaint, and the 2010 Order and any other outstanding violations at or relating to the Facility that were known to the Department as of June 17, 2010, as follows:

a. **Civil Penalty Payment.** Upon signing this Consent Decree, Erie Coke and Mr. Crane shall pay the Department \$4,000,000. The payment shall be made by certified check or the like made payable to the "Clean Air Fund," and shall be sent to the individual at the address set forth in Paragraph 17 (Correspondence with the Department), below.

b. **Bond.** Upon signing this Consent Decree, Erie Coke and Mr. Crane shall post a bond in the amount of \$2,000,000, in accordance with the following:

- i. The \$2,000,000 bond shall be held by the Department until such time as the Department has determined that Erie Coke and/or Mr. Crane have fully complied with all of their obligations under this Consent Decree;
- ii. If the Department determines that Erie Coke and/or Mr. Crane have failed to fully comply in a timely manner with all of their obligations under the Consent Decree, the Department will forfeit the \$2,000,000 bond, and Erie Coke and Mr. Crane agree that they shall not appeal or otherwise contest such forfeiture to the Board or any Court; and

- iii. Forfeiture of the \$2,000,000 bond shall be in addition to any stipulated penalties owed by Erie Coke and/or Mr. Crane for their failure, jointly or severally, to comply with this Consent Decree.

13. *Stipulated Penalties.*

a. Timely Compliance. If Erie Coke and Mr. Crane fail to timely comply with their obligations under this Consent Decree, Erie Coke and Mr. Crane shall, jointly and severally, be in violation of this Consent Decree and, in addition to other applicable remedies, shall pay stipulated penalties in accordance with the following schedule:

DAYS DELAY IN COMPLETION	DAILY STIPULATED PENALTY
1 - 9	\$250
10 - 29	\$500
30 +	\$1,000

b. Pushing Emissions. Erie Coke and Mr. Crane shall pay a monthly stipulated penalty of \$20,000 until such time as the Coke Shed Project, identified in Paragraph 8.a., above, is installed and operating in compliance with the Plan Approval, as determined by the Department.

c. Opacity Violations.

- i. Erie Coke and Mr. Crane shall pay a monthly stipulated penalty of \$20,000 for opacity violations from the Battery Stack, until such time as Erie Coke's Continuous Opacity Monitor ("COM") is certified by the Department; and
- ii. Once the COM is certified by the Department, Erie Coke and Mr. Crane shall pay the following stipulated penalties for each clock hour that the Battery Stack is not in compliance with the opacity limits set forth in the Title V Permit, as determined by the COM:

DATE OF COM VIOLATION	STIPULATED PENALTY
Date of COM Certification - 12/31/2011	\$200
1/1/2012 - 12/31/2013	\$300
12/31/2013 - Termination of Consent Decree	\$500

iii. The first 33 clock hour opacity limit violations of the Battery Stack in any calendar quarter shall not be subject to stipulated civil penalties. In addition, for ovens that have had a complete floor-up rebuild, the stipulated penalties shall be assessed beginning the eighth coking cycle following the first charge after an oven floor-up rebuild has been completed. Stipulated penalties under this Sub-paragraph shall be due without notice within 30-days after the close of each quarter in which the opacity violation(s) occurred; and

iv. Erie Coke and Mr. Crane shall submit a stipulated civil penalty in the amount of \$50,000 for each calendar quarter that the COM availability is less than 90%. Stipulated penalties under this Sub-paragraph shall be due without notice within 30-days after the close of each quarter in which the COM availability is less than 90% according to the data validation and reduction criteria specified in the Department's Continuous Source Monitoring Manual, Revision Number 8, T.G.D. Number 274-0300-001.

d. Except as set forth in Paragraphs 13.c.iii. and iv., above, stipulated civil penalty payments shall commence as of the Effective Date, and shall be payable monthly on or before the 15th day of each succeeding month. All stipulated penalties shall be made by corporate check or the like made payable to the "Clean Air Fund" and sent to the individual at the address set forth in Paragraph 17 (Correspondence with the Department), below.

e. Any payment under this Paragraph shall neither waive Erie Coke's and Mr. Crane's duty to meet their obligations under this Consent Decree nor preclude the Department from commencing an action to compel Erie Coke's and Mr. Crane's compliance with terms and conditions of this Consent Decree. The payment resolves only Erie Coke's and

Mr. Crane's liability for civil penalties arising from the violations of this Consent Decree for which the payment is made.

f. Stipulated civil penalties shall be due automatically and without notice.

14. ***Additional Remedies, Enforcement of Consent Decree, and Bankruptcy.***

a. If Erie Coke and/or Mr. Crane fail to comply with any provision of this Consent Decree, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an order of the Court and/or an order of the Department, including, without limitation, bringing a contempt action against Erie Coke and Mr. Crane, and/or issuing an order revoking Erie Coke's Title V Permit. The remedies provided by this Paragraph and Paragraph 13 (Stipulated Civil Penalties), above, are cumulative and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy. The payment of a stipulated civil penalty, however, shall preclude any further assessment of civil penalties for the violation for which the stipulated civil penalty is paid.

b. If the Department must bring an action for contempt against Erie Coke and Mr. Crane for their failure to comply with this Consent Decree, including for failure to pay stipulated civil penalties owed, and this Court finds them in contempt, Erie Coke and Mr. Crane shall reimburse the Department for all costs and expenses of such action, including, but not limited to, the Department's personnel costs and attorneys' fees.

c. Erie Coke and Mr. Crane hereby agree that their obligations under Paragraphs 7 and 8, above: are *not* subject to an automatic stay, and are *not* dischargeable in a Bankruptcy proceeding under any Chapter of the United States Bankruptcy Code, 11 U.S.C. §§101, *et. seq.*; do *not* give rise to a right of payment as an alternative to performing the

obligation; and are *not* a "claim," as that term is defined in any Chapter of the United States Bankruptcy Code, 11 U.S.C. §101(5). Erie Coke and Mr. Crane hereby agree and promise that they and any other person(s) acting on their behalf, jointly or severally, shall hereafter and forever never file any litigation, action, appeal, claim, and/or document with any Court or tribunal that contains assertions that are contrary to this Paragraph.

15. *Reservation of Rights.* The Department reserves the right to require additional measures to achieve compliance with applicable law. Erie Coke and Mr. Crane reserve the right to challenge any action which the Department may take to require those measures.

16. *Transfer of the Facility.*

a. Erie Coke's and Mr. Crane's duties and obligations under this Consent Decree shall not be modified, diminished, terminated, or otherwise altered by the transfer of any legal or equitable interest in the Facility or any part thereof.

b. If Erie Coke and/or Mr. Crane intend to transfer any legal or equitable interest in the Facility, or any part thereof, which is affected by this Consent Decree, Erie Coke and/or Mr. Crane, as the case may be, shall serve a copy of this Consent Decree upon the prospective transferee of the legal and equitable interest at least 30 days prior to the contemplated transfer and shall simultaneously inform the Department of such intent pursuant to Paragraph 17 (Correspondence with the Department), below.

c. If Erie Coke and Mr. Crane are in full compliance with all of their obligations under this Consent Decree, including payment of all stipulated civil penalties owed, the Department, in its sole discretion, may agree to modify or terminate Erie Coke's and Mr. Crane's duties and obligations under this Consent Decree upon transfer of the Facility *and* the transferee, entering into an enforceable document with the Department concerning the remainder

of Erie Coke's and Mr. Crane's obligations under this Consent Decree for the Facility. Erie Coke and Mr. Crane waive any rights they may have to challenge the Department's decision in this regard.

17. *Correspondence with the Department.* All correspondence with the Department concerning this Consent Decree shall be addressed to:

Air Quality Regional Manager
Commonwealth of Pennsylvania
Department of Environmental Protection
230 Chestnut Street
Meadville, PA 16335-3481

18. *Correspondence with Erie Coke and Mr. Crane.* All correspondence with and notice to Erie Coke Corporation and Mr. Crane concerning this Consent Decree shall be addressed to:

Erie Coke Corporation and Mr. J. D. Crane
P.O. Box 6180,
Erie, PA 16512

With a copy to: Louis A. Naugle Esquire
Reed Smith LLP
225 Fifth Avenue
Pittsburgh, PA 15222

Erie Coke and Mr. Crane shall notify the Department whenever there is a change in the contact person's name or address. Service to Erie Coke and Mr. Crane of any notice or any legal process for any purpose under this Consent Decree, including its enforcement, may be made by mailing a copy by first-class mail to the above addresses.

19. *Force Majeure.*

a. If Erie Coke and Mr. Crane are prevented from complying in a timely manner with any time limit imposed in this Consent Decree solely because of a strike, fire, flood,

act of God, or other circumstances beyond Erie Coke's and Mr. Crane's control and which Erie Coke and Mr. Crane, by the exercise of all reasonable diligence, are unable to prevent, then Erie Coke and Mr. Crane may petition the Department for an extension of time. An increase in the cost of performing the obligations set forth in this Consent Decree shall not constitute circumstances beyond Erie Coke's and Mr. Crane's control. Erie Coke's and Mr. Crane's economic inability to comply with any of the obligations of this Consent Decree shall not be grounds for any extension of time.

b. Erie Coke and Mr. Crane shall only be entitled to the benefits of this Paragraph if they notify the Department within five working days by telephone and within 10 working days in writing of the date they become aware or reasonably should have become aware of the event impeding performance. The written submission shall include all necessary documentation, as well as a notarized affidavit from an authorized individual specifying the reasons for the delay, the expected duration of the delay, and the efforts which have been made and are being made by Erie Coke and Mr. Crane to mitigate the effects of the event and to minimize the length of the delay. The initial written submission may be supplemented within ten working days of its submission. Erie Coke's and Mr. Crane's failure to comply with the requirements of this Paragraph specifically and in a timely fashion shall render this Paragraph null and of no effect as to the particular incident involved.

c. The Department will decide whether to grant all or part of the extension requested on the basis of all documentation submitted by Erie Coke and Mr. Crane and other information available to the Department. In any subsequent litigation, Erie Coke and Mr. Crane shall have the burden of proving that the Department's refusal to grant the requested extension was an abuse of discretion based upon the information then available to it.

20. *Severability.* The Paragraphs of this Consent Decree shall be severable and should any part be declared invalid or unenforceable, the remainder shall continue in full-force and effect between the Parties.

21. *Entire Agreement.* This Consent Decree shall constitute the entire integrated agreement of the Parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or intent of any provisions herein in any litigation or any other proceeding.

22. *Attorneys' Fees.* Except as set forth in Paragraph 14.b., above, the Parties shall bear their respective attorneys' fees, expenses, and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this Consent Decree.

23. *Modifications.* Changes, additions, modifications, or amendments of this Consent Decree shall only be made with the consent of the Parties and approved by this Court in accordance with a Joint Motion by the Parties.

24. *Titles.* A title used at the beginning of any Paragraph of this Consent Decree may be used to aid in the construction of that Paragraph, but shall not be treated as controlling.

25. *Decisions under Consent Decree.* Except as set forth in Paragraphs 12.b. and 16.c., above, any decision which the Department makes under the provisions of this Consent Decree is not intended to be either a final action under 25 Pa. Code §1021.2, nor an adjudication under 2 Pa.C.S.A. §101. Any objection that Erie Coke and/or Mr. Crane have to the decision will be preserved until the Department enforces this Consent Decree.

26. *Retention of Jurisdiction.* This Court shall retain jurisdiction over the matters governed by this Consent Decree.

27. *Termination of Consent Decree.* Erie Coke's and Mr. Crane's obligations, but not the Findings, of this Consent Decree shall terminate when Erie Coke and Mr. Crane have completed all of their obligations under this Consent Decree, including payment of the bond and/or stipulated civil penalties due under Paragraphs 12 and/or 13, above, and this Court grants a motion by any Party to terminate this Consent Decree, as follows:

a. Within 30 days of written notice from Erie Coke and Mr. Crane that they have complied with all of their obligations under this Consent Decree, the Department will verify whether Erie Coke and Mr. Crane have complied with all of their obligations, including whether they have paid the bond and/or stipulated civil penalties due under Paragraphs 12 and/or 13, above.

b. Upon the Department's written notice to Erie Coke and Mr. Crane that it has verified their compliance with all of their obligations under this Consent Decree, the Department, Erie Coke, and/or Mr. Crane may petition this Court to terminate this Consent Decree, except for the Findings.

c. If the bond is still being held by the Department, within 5 days of the date of receipt of this Court's Order terminating this Consent Decree, the Department shall commence such actions as are required to return the bond and any accrued interest, to Erie Coke and Mr. Crane.

FOR ERIE COKE CORPORATION:



Robert A. Bloom
President

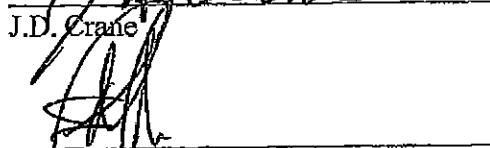


Louis A. Naugle, Esq.
Reed Smith LLP
Attorney for Erie Coke Corporation

J.D. CRANE:

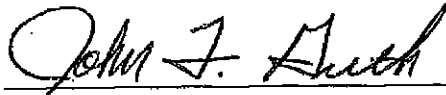


J.D. Crane

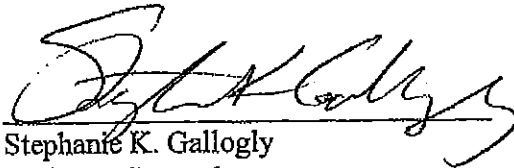


Louis A. Naugle, Esq.
Reed Smith LLP
Attorney for Mr. Crane

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION:



John F. Guth
Regional Manager
Air Quality
Northwest Region



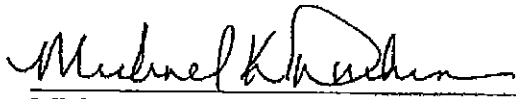
Stephanie K. Gallogly
Assistant Counsel

APPROVED BY THE COURT:

_____ J.

Date: _____

FOR ERIE COKE CORPORATION:

A handwritten signature in cursive script, appearing to read "Michael K. Durkin". The signature is written in black ink and is positioned above a horizontal line.

Michael K. Durkin
Treasurer

ERIE COKE CORPORATION

Unanimous Written Consent of the Board of Directors to Action Taken Without a Meeting

The undersigned, being all of the directors of Erie Coke Corporation, a Pennsylvania corporation (the "Corporation"), do hereby adopt the following resolutions by unanimous written consent pursuant to Section 1727(b) of the Business Corporation Law of the Commonwealth of Pennsylvania, with the same force and effect as though such resolutions had been adopted at a duly convened special meeting of the Board of Directors held on the date hereof and do hereby waive all notice requirements in connection with said special meeting:

WHEREAS, the Corporation has received two Orders from the Pennsylvania Department of Environmental Protection ("PaDEP") dated June 23, 2008 and May 24, 2010, respectively, as well as an Assessment of Civil Penalty action dated June 23, 2008 and certain other Department actions, all of which have been appealed by the Corporation to the Pennsylvania Environmental Hearing Board ("EHB"); and

WHEREAS, the PaDEP Orders alleged that the operations of the Corporation at its foundry coke facility in Erie, Pennsylvania were not in compliance with Pennsylvania laws and regulations relating to air quality; and

WHEREAS, the Corporation and PaDEP have reached a resolution of their differences in a Consent Decree which was executed on behalf of the Corporation on June 16, 2010 by its president, Robert A. Bloom; and

WHEREAS, the Consent Decree would resolve all of the pending appeals filed by the Corporation with the EHB and would also resolve PaDEP's participation in a federal lawsuit filed in the U.S. District Court for the Western District of Pennsylvania (in Erie); and

WHEREAS, the Consent Decree has been presented to the Board of Directors for its approval.

It is hereby **RESOLVED**, that the Board of Directors of the Corporation deems it advisable to approve the Corporation's entry into the aforementioned Consent Decree;

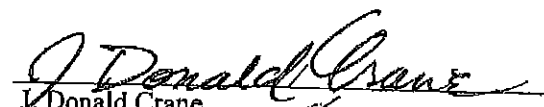

RESOLVED FURTHER, that the Board of Directors affirms that the president, any vice president, and the treasurer of the Corporation be, and each of them hereby is, authorized and directed for and on behalf of the Corporation to execute and deliver the Consent Decree in such form as such officers shall approve, and each of them hereby is authorized to take any and all further action and to execute and deliver any and all documents for and on behalf of the Corporation as in such officer's opinion is necessary to fulfill the obligations of the Corporation contained in the aforementioned Consent Decree;

RESOLVED FURTHER, that the acts of the officers of the Corporation in negotiating and preparing for execution and delivery of the Consent Decree, and the execution of the Consent Decree by the Corporation's President on June 16, 2010, be,

and the same hereby are, in all respects ratified, confirmed and approved by the Board of Directors; and

RESOLVED, that this consent may be executed (i) in multiple counterparts, each of which is deemed an original and all of which taken together constitute one and the same instrument and (ii) by a director using a facsimile or electronic signature and such facsimile or electronic signature will be conclusive evidence that this consent has been duly executed by such director.

IN WITNESS WHEREOF, the undersigned have duly executed this consent this 29th day of June, 2010.


J. Donald Crane

Robert A. Bloom

The undersigned certifies that the above Consent has been duly filed with the minutes of the Corporation.


Colleen A. Crane, Secretary

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania, :
Department of Environmental :
Protection, :
Petitioner :

v. :

Erie Coke Corporation and :
J.D. Crane, :
Respondents :

No. 539 M.D. 2010

ORDER

NOW, July 6, 2010, the parties' consent agreement filed as Exhibit A to the petitioner's petition to enforce is approved and is entered as an order of this Court.



Keith B. Quigley, Senior Judge

Certified from the Record

JUL 07 2010

And Order Exit

**IN THE
COMMONWEALTH COURT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Plaintiff,

v.

ERIE COKE CORPORATION AND
J.D. CRANE,

Defendants.

Docket No. 539 M.D. 2010

FIRST MODIFICATION TO THE JULY 6, 2010 CONSENT DECREE

This First Modification to the July 6, 2010 Consent Decree, ("First Modification") is entered into this 6th day of July 2011, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), Erie Coke Corporation ("Erie Coke"), and J.D. Crane.

FINDINGS

Q. On July 6, 2010, the Commonwealth Court approved a Consent Decree between the Department, Erie Coke and J. D. Crane to resolve violations of the Air Pollution Control Act ("July 6, 2010 Consent Decree").

R. Pursuant to Paragraph 8.c.i. of the July 6, 2010 Consent Decree, Erie Coke and Mr. Crane were obligated to complete, at a minimum, the floor-up rebuild of seven of the coke ovens in the A- Battery within one year of the Effective Date (i.e., July 6, 2011).

S. On April 14, 2011, Erie Coke and Mr. Crane sent a cover letter and supporting documents to the Department informing the Department that: Erie Coke and Mr. Crane had been diligently working on the end flue repairs for the coke ovens in the B- Battery in accordance with Paragraph 8.c.ii of the July 6, 2010 Consent Decree; during the course of this work, Erie Coke and Mr. Crane had determined that additional repair work needed to be done on the end flues for the B-Battery coke ovens; that this additional repair work had required additional engineering and production of repair modules for the end flues, which had affected the schedule for production and delivery of modules for the thru wall rebuilds in A-Battery; and that because of this additional work, Erie Coke and Mr. Crane would need an additional four months in which to complete the floor-up rebuild of the initial seven coke ovens in the A- Battery.

T. Since the April 14, 2011 submission, Erie Coke and Mr. Crane have continued their efforts to accelerate the completion of floor-up rebuilds of the ovens in A-Battery to comply with Paragraph 8.c.i of the July 6, 2010 Consent Decree and, as a result, now need only two additional months in which to complete the floor-up rebuild of the initial seven coke ovens in the A-Battery.

U. Pursuant to Paragraph 8.k. of the July 6, 2010 Consent Decree, Erie Coke and Mr. Crane were obligated to submit a Plan Approval application to the Department by September 6, 2010, for the emergency generator that Erie Coke and Mr. Crane installed at the Facility in the Spring of 2010.

V. Erie Coke and Mr. Crane timely submitted a Plan Approval application to the

Department for the emergency generator. However, Erie Coke and Mr. Crane have now determined that they do not need the emergency generator and plan on removing it from the Facility.

W. Pursuant to Paragraph 23 of the July 6, 2010 Consent Decree, the Department, Erie Coke and Mr. Crane hereby agree to modify the July 6, 2010 Consent Decree as follows.

ORDER

Based upon the foregoing Findings, it appearing to the Court that this First Modification is just and proper, it is hereby **ORDERED, ADJUDGED, AND DECREED** that:

1. **Jurisdiction.** This Court has jurisdiction over this matter pursuant to Section 761 of the Judicial Code, 42 Pa.C.S.A. §761, and Section 4012.1a of the Air Pollution Control Act, 35 P.S. §4012.1a.
2. **Parties Bound.** This First Modification is an Order of this Court and applies to and is binding upon the Department and Erie Coke and Mr. Crane, jointly and severally. The failure of the Erie Coke and/or Mr. Crane to comply with any term or condition of this Order shall subject Erie Coke and Mr. Crane, jointly and severally, to all penalties and remedies provided for by law for failing to comply with an Order of this Court.
3. **Department Order.** This First Modification is also an Order of the Department and is authorized and issued pursuant to Section 4010.1 of the Air Act, 35 P.S. §4010.1, and Section 1917-A of the Administrative Code. The failure of Erie Coke and/or Mr. Crane to comply with any term or condition of this First Modification shall subject Erie Coke and Mr. Crane, jointly and severally, to all penalties and remedies provided by those statutes for failing to comply with an Order of the Department.
4. **First Modification Effective Date.** For purposes of this First Modification, the

“First Modification Effective Date” shall be that date that the Court issues an Order approving this First Modification.

5. *Findings.*

a. Erie Coke and Mr. Crane agree that the Findings in Paragraphs Q through W, above, are true and correct and, in any matter or proceeding between Erie Coke, and/or Mr. Crane, and the Department, Erie Coke and Mr. Crane shall not challenge the accuracy or validity of these Findings.

b. The Parties do not authorize any other persons to use the Findings in this First Modification in any matter or proceeding.

6. *Replacement of Paragraph 8.c of the July 6, 2010 Consent Decree.* Paragraph 8.c. of the July 6, 2010 Consent Decree is replaced in its entirety as follows:

8.c. A-Battery Rebuild. Erie Coke and Mr. Crane shall complete a floor-up rebuild of all of the coke ovens in A-Battery, as set forth below:

- i. By September 6, 2011, Erie Coke and Mr. Crane shall complete, at a minimum, a floor-up rebuild of seven of the coke ovens in the A-Battery;
- ii. By July 6, 2012, Erie Coke and Mr. Crane shall complete, at a minimum, the floor-up rebuild of 15 of the coke ovens in the A-Battery; and
- iii. By May 6, 2013, Erie Coke and Mr. Crane shall complete the floor-up rebuild of all of the 23 coke ovens in the A-Battery.

7. *Replacement of Paragraph 8.k of the July 6, 2010 Consent Decree.* Paragraph 8.k. of the July 6, 2010 Consent Decree is replaced in its entirety as follows:

k. Emergency Generator.

- i. Within ten (10) days of the First Modification Effective Date, Erie

Coke and Mr. Crane shall submit to the Department, a letter withdrawing the Plan Approval application for the emergency generator.

- ii. Within 60 days of the First Modification Effective Date, Erie Coke and Mr. Crane shall remove the emergency generator from the Facility.

8. *Modification of Paragraph 13a. of the July 6, 2010 Consent Decree.* Paragraph

13.a. of the July 6, 2010 Consent Decree is modified as follows:

a. Timely Compliance.

- i. If Erie Coke and Mr. Crane fail to timely comply with their obligations under this Consent Decree, Erie Coke and Mr. Crane shall, jointly and severally, be in violation of this Consent Decree and, in addition to other applicable remedies, shall pay stipulated penalties in accordance with the following schedule:

DAYS DELAY IN COMPLETION	DAILY STIPULATED PENALTY
1 - 9	\$250
10 - 29	\$500
30 +	\$1,000

- ii. Erie Coke and Mr. Crane shall pay a monthly stipulated penalty of \$5,000 for each of the additional two months (July 2011, August 2011) that Erie Coke and Mr. Crane have been granted in the First Modification to complete the floor-up rebuild of seven (7) of the coke ovens in the A-Battery.

9. *Addition of Paragraph 28.* A new Paragraph 28 is added to the July 6, 2010

Consent Decree as follows:


28. Settlement. Within ten (10) days of the First Modification Effective Date, Erie Coke and Mr. Crane shall pay \$5,000 in consideration of this First Modification. The

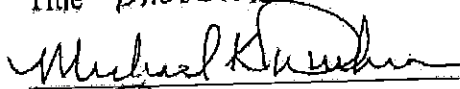
payment shall be made by certified check or the like made payable to the AClean Air Fund and shall be sent to the individual at the address set forth in Paragraph 17 (Correspondence with the Department) of the July 6, 2010 Consent Decree.

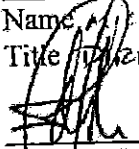
10. **Other Terms of the July 6, 2010 Consent Decree.** All other Findings, provisions, terms, and conditions of the July 6, 2010 Consent Decree, not specifically modified, replaced, or added above, shall remain in effect and are fully enforceable as set forth therein.

11. **Resolution.** Attached as Exhibit A, and incorporated herein by reference, is a resolution from Board of Directors agreeing to enter into the First Modification.

FOR ERIE COKE CORPORATION:



Name PAUL A. SAFFRIN
Title DIRECTOR


Name MICHAEL DURKIN
Title DIRECTOR

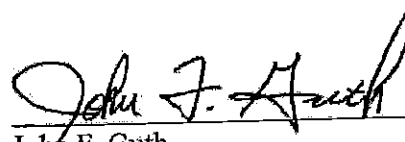

Louis A. Naugle, Esq.
Reed Smith LLP
Attorney for Erie Coke Corporation

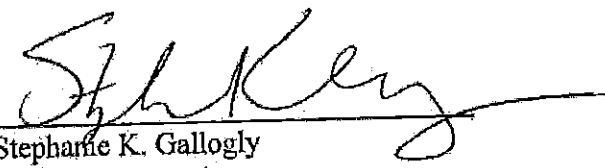
J.D. CRANE:


J.D. Crane


Louis A. Naugle, Esq.
Reed Smith LLP
Attorney for Mr. Crane

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION:


John F. Guth
Regional Manager
Air Quality
Northwest Region


Stephanie K. Gallogly
Assistant Counsel

APPROVED BY THE COURT:

_____ J.

Date: _____

ERIE COKE CORPORATION

Unanimous Written Consent of the Board of Directors to Action Taken Without a Meeting

The undersigned, being all of the directors of Erie Coke Corporation, a Pennsylvania corporation (the "Corporation"), do hereby adopt the following resolutions by unanimous written consent pursuant to Section 1727(b) of the Business Corporation Law of the Commonwealth of Pennsylvania, with the same force and effect as though such resolutions had been adopted at a duly convened special meeting of the Board of Directors held on the date hereof and do hereby waive all notice requirements in connection with said special meeting:

WHEREAS, the Corporation J.D. Crane and the Pennsylvania Department of Environmental Protection (the "Department") entered into a Consent Decree which was executed on behalf of the Corporation on June 16, 2010 by its president, Robert A. Bloom (the "Consent Decree") which Consent Decree was approved by the Commonwealth Court of Pennsylvania on July 6, 2010 and docketed at No. 539 M.D. 2010; and

WHEREAS, the Department, J.D. Crane and the Corporation have agreed to modify the Consent Decree to extend the time within which the Corporation must complete a floor-up rebuild of all of the coke ovens in A-Battery and certain other matters as set forth in the form of First Modification to the July 6, 2010 Consent Decree attached hereto as Exhibit A (the "First Modification to Consent Decree").

It is hereby **RESOLVED**, that the Board of Directors of the Corporation deems it advisable to approve the Corporation's entry into the First Modification of Consent Decree;

RESOLVED FURTHER, that the Board of Directors affirms that the president, any vice president, and the treasurer of the Corporation be, and each of them hereby is, authorized and directed for and on behalf of the Corporation to execute and deliver the First Modification to Consent Decree in such form as such officers shall approve, and each of them hereby is authorized to take any and all further action and to execute and deliver any and all documents for and on behalf of the Corporation as in such officer's opinion is necessary to fulfill the obligations of the Corporation contained in the aforementioned First Modification to Consent Decree;

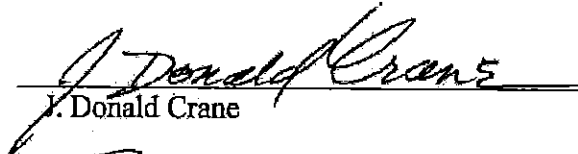
RESOLVED FURTHER, that the acts of the officers of the Corporation in negotiating and preparing for execution and delivery of the First Modification to Consent Decree, be, and the same hereby are, in all respects ratified, confirmed and approved by the Board of Directors; and

RESOLVED, that this consent may be executed (i) in multiple counterparts, each of which is deemed an original and all of which taken together

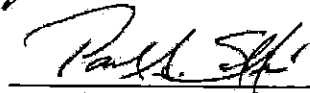
constitute one and the same instrument and (ii) by a director using a facsimile or electronic signature and such facsimile or electronic signature will be conclusive evidence that this consent has been duly executed by such director.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the undersigned have duly executed this Written Consent of the Board of Directors Without a Meeting as of June 21, 2011.



J. Donald Crane

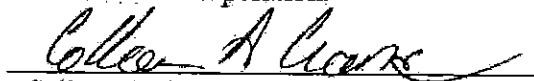


Paul Saffrin



Michael Durkin

The undersigned certifies that the above Consent has been duly filed with the minutes of the Corporation.



Colleen A. Crane, Secretary

Exhibit A

Form of First Modification to Consent Decree

See attached

**IN THE
COMMONWEALTH COURT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF ENVIRONMENTAL	:	
PROTECTION,	:	
	:	
Plaintiff,	:	
v.	:	Docket No. 539 M.D. 2010
	:	
ERIE COKE CORPORATION AND	:	
J.D. CRANE,	:	
	:	
Defendants,	:	

FIRST MODIFICATION TO THE JULY 6, 2010 CONSENT DECREE

This First Modification to the July 6, 2010 Consent Decree, (“First Modification”) is entered into this ____ day of _____, 2011, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”), Erie Coke Corporation (“Erie Coke”), and J.D. Crane.

FINDINGS

Q. On July 6, 2010, the Commonwealth Court approved a Consent Decree between the Department, Erie Coke and J. D. Crane to resolve violations of the Air Pollution Control Act (“July 6, 2010 Consent Decree”).

R. Pursuant to Paragraph 8.c.i. of the July 6, 2010 Consent Decree, Erie Coke and Mr. Crane were obligated to complete, at a minimum, the floor-up rebuild of seven of the coke ovens in the A- Battery within one year of the Effective Date (i.e., July 6, 2011).

S. On April 14, 2011, Erie Coke and Mr. Crane sent a cover letter and supporting documents to the Department informing the Department that: Erie Coke and Mr. Crane had been diligently working on the end flue repairs for the coke ovens in the B- Battery in accordance with Paragraph 8.c.ii of the July 6, 2010 Consent Decree; during the course of this work, Erie Coke and Mr. Crane had determined that additional repair work needed to be done on the end flues for the B-Battery coke ovens; that this additional repair work had required additional engineering and production of repair modules for the end flues, which had affected the schedule for production and delivery of modules for the thru wall rebuilds in A-Battery; and that because of this additional work, Erie Coke and Mr. Crane would need an additional four months in which to complete the floor-up rebuild of the initial seven coke ovens in the A- Battery.

T. Since the April 14, 2011 submission, Erie Coke and Mr. Crane have continued their efforts to accelerate the completion of floor-up rebuilds of the ovens in A-Battery to comply with Paragraph 8.c.i of the July 6, 2010 Consent Decree and, as a result, now need only two additional months in which to complete the floor-up rebuild of the initial seven coke ovens in the A-Battery.

U. Pursuant to Paragraph 8.k. of the July 6, 2010 Consent Decree, Erie Coke and Mr. Crane were obligated to submit a Plan Approval application to the Department by September 6, 2010, for the emergency generator that Erie Coke and Mr. Crane installed at the Facility in the Spring of 2010.

V. Erie Coke and Mr. Crane timely submitted a Plan Approval application to the

Department for the emergency generator. However, Erie Coke and Mr. Crane have now determined that they do not need the emergency generator and plan on removing it from the Facility.

W. Pursuant to Paragraph 23 of the July 6, 2010 Consent Decree, the Department, Erie Coke and Mr. Crane hereby agree to modify the July 6, 2010 Consent Decree as follows.

ORDER

Based upon the foregoing Findings, it appearing to the Court that this First Modification is just and proper, it is hereby **ORDERED, ADJUDGED, AND DECREED** that:

1. **Jurisdiction.** This Court has jurisdiction over this matter pursuant to Section 761 of the Judicial Code, 42 Pa.C.S.A. §761, and Section 4012.1a of the Air Pollution Control Act, 35 P.S. §4012.1a.
2. **Parties Bound.** This First Modification is an Order of this Court and applies to and is binding upon the Department and Erie Coke and Mr. Crane, jointly and severally. The failure of the Erie Coke and/or Mr. Crane to comply with any term or condition of this Order shall subject Erie Coke and Mr. Crane, jointly and severally, to all penalties and remedies provided for by law for failing to comply with an Order of this Court.
3. **Department Order.** This First Modification is also an Order of the Department and is authorized and issued pursuant to Section 4010.1 of the Air Act, 35 P.S. §4010.1, and Section 1917-A of the Administrative Code. The failure of Erie Coke and/or Mr. Crane to comply with any term or condition of this First Modification shall subject Erie Coke and Mr. Crane, jointly and severally, to all penalties and remedies provided by those statutes for failing to comply with an Order of the Department.
4. **First Modification Effective Date.** For purposes of this First Modification, the

"First Modification Effective Date" shall be that date that the Court issues an Order approving this First Modification.

5. *Findings.*

a. Erie Coke and Mr. Crane agree that the Findings in Paragraphs Q through W, above, are true and correct and, in any matter or proceeding between Erie Coke, and/or Mr. Crane, and the Department, Erie Coke and Mr. Crane shall not challenge the accuracy or validity of these Findings.

b. The Parties do not authorize any other persons to use the Findings in this First Modification in any matter or proceeding.

6. *Replacement of Paragraph 8.c of the July 6, 2010 Consent Decree.* Paragraph 8.c. of the July 6, 2010 Consent Decree is replaced in its entirety as follows:

8.c. A-Battery Rebuild. Erie Coke and Mr. Crane shall complete a floor-up rebuild of all of the coke ovens in A-Battery, as set forth below:

- i. By September 6, 2011, Erie Coke and Mr. Crane shall complete, at a minimum, a floor-up rebuild of seven of the coke ovens in the A-Battery;
- ii. By July 6, 2012, Erie Coke and Mr. Crane shall complete, at a minimum, the floor-up rebuild of 15 of the coke ovens in the A-Battery; and
- iii. By May 6, 2013, Erie Coke and Mr. Crane shall complete the floor-up rebuild of all of the 23 coke ovens in the A-Battery.

7. *Replacement of Paragraph 8.k of the July 6, 2010 Consent Decree.* Paragraph 8.k. of the July 6, 2010 Consent Decree is replaced in its entirety as follows:

k. Emergency Generator.

- i. Within ten (10) days of the First Modification Effective Date, Erie

Coke and Mr. Crane shall submit to the Department, a letter withdrawing the Plan Approval application for the emergency generator.

- ii. Within 60 days of the First Modification Effective Date, Erie Coke and Mr. Crane shall remove the emergency generator from the Facility.

8. **Modification of Paragraph 13a. of the July 6, 2010 Consent Decree.** Paragraph

13.a. of the July 6, 2010 Consent Decree is modified as follows:

a. Timely Compliance.

- i. If Erie Coke and Mr. Crane fail to timely comply with their obligations under this Consent Decree, Erie Coke and Mr. Crane shall, jointly and severally, be in violation of this Consent and, in addition to other applicable remedies, shall penalties in accordance with the following schedule:

Crane
Decree
pay stipulated

DAYS DELAY IN COMPLETION	DAILY STIPULATED PENALTY
1 - 9	\$250
10 - 29	\$500
30 +	\$1,000

- ii. Erie Coke and Mr. Crane shall pay a monthly stipulated penalty of \$5,000 for each of the additional two months (July 2011, August 2011) that Erie Coke and Mr. Crane have been granted in the First Modification to complete the floor-up rebuild of seven (7) of the coke ovens in the A-Battery.

9. **Addition of Paragraph 28.** A new Paragraph 28 is added to the July 6, 2010

Consent Decree as follows:

28. Settlement. Within ten (10) days of the First Modification Effective

Date, Erie Coke and Mr. Crane shall pay \$5,000 in consideration of this First Modification. The

payment shall be made by certified check or the like made payable to the "Clean Air Fund" and shall be sent to the individual at the address set forth in Paragraph 17 (Correspondence with the Department) of the July 6, 2010 Consent Decree.

10. *Other Terms of the July 6, 2010 Consent Decree.* All other Findings, provisions, terms, and conditions of the July 6, 2010 Consent Decree, not specifically modified, replaced, or added above, shall remain in effect and are fully enforceable as set forth therein.

11. *Resolution.* Attached as Exhibit A, and incorporated herein by reference, is a resolution from Board of Directors agreeing to enter into the First Modification.

FOR ERIE COKE CORPORATION:

Name
Title

Name
Title

Louis A. Naugle, Esq.
Reed Smith LLP
Attorney for Erie Coke Corporation

J.D. CRANE:

J.D. Crane

Louis A. Naugle, Esq.
Reed Smith LLP
Attorney for Mr. Crane

F:\sgallogly\Erie Coke First Mod\ConsentDecree-first mod
060211.wpd

**FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:**

John F. Guth
Regional Manager
Air Quality
Northwest Region

Stephanie K. Gallogly
Assistant Counsel

APPROVED BY THE COURT:

J.

Date: _____

ERIE COKE CORPORATION

WRITTEN CONSENT OF SOLE SHAREHOLDER WITHOUT A MEETING

The undersigned, being the sole holder of all of the issued and outstanding stock of Erie Coke Corporation, a Pennsylvania corporation (the "Corporation"), does hereby take the following actions by written consent as of June 21, 2011, pursuant to the provisions of Section 1766 of the Business Corporation Law of the Commonwealth of Pennsylvania:

Adoption of the following resolutions:

Amendment to
By-Laws regarding
Number of Directors

RESOLVED, that the first sentence of Article IV, Section 1 of the By-Laws of the Corporation is hereby restated and replaced in its entirety with the following new first sentence:

"The business of the Corporation shall be managed by its Board of Directors, three in number as of June 16, 2011, and thereafter in number as determined by the Board of Directors from time to time by resolution, who shall be natural persons at least 18 years of age and need not be residents of this Commonwealth or shareholders of the Corporation."

Election of Directors

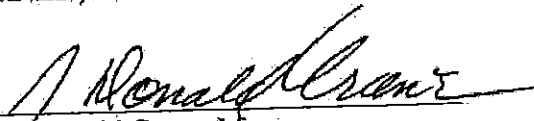
RESOLVED, that the undersigned hereby acknowledges that the following persons are the current directors of the Corporation and shall continue to serve as directors of the Corporation to hold office until the next annual meeting of shareholders and until their successors have been duly elected and have qualified, or until their earlier death, resignation or removal:

J. Donald Crane
Paul Saffrin
Michael Durkin

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, this Written Consent of Sole Shareholder Without a Meeting was executed as of the date first above written.

GARNER, LLC

By: 
J. Donald Crane, Manager

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania, :
Department of Environmental :
Protection, :
Petitioner :

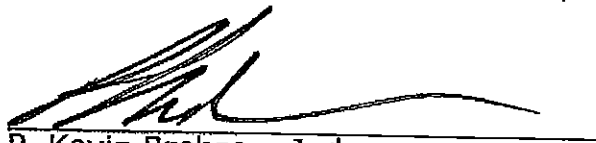
v. :

Erle Coke Corporation and :
J.D. Crane, :
Respondents :

No. 539 M.D. 2010

ORDER

NOW, July 12, 2011, upon consideration of the parties' joint motion to modify consent decree, the motion is granted and the parties' "first modification of the July 6, 2010 consent decree," attached to the parties' joint motion to modify consent decree, is hereby approved and incorporated into and made part of the Court's July 6, 2010 order approving the parties' consent decree.


P. Kevin Brobson, Judge

IN THE
COMMONWEALTH COURT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Plaintiff,

v.

ERIE COKE CORPORATION AND
J.D. CRANE,

Defendants.

Docket No. 539 M.D. 2010

SECOND MODIFICATION TO THE JULY 6, 2010 CONSENT DECREE

This Second Modification to the July 6, 2010 Consent Decree, ("Second Modification") is entered into this 12th day of January 2012, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), Erie Coke Corporation ("Erie Coke"), and J.D. Crane.

FINDINGS

X. On July 12, 2011, the Commonwealth Court approved a First Modification to the July 6, 2010 Consent Decree between the Department, Erie Coke and J. D. Crane.

Y. Pursuant to Paragraph 8.a.iii of the July 6, 2010 Consent Decree, Erie Coke and Mr. Crane were obligated to complete the Coke Shed Project within 18 months of the Effective Date.

Z. On December 16, 2011, Erie Coke and Mr. Crane sent a cover letter and supporting documents to the Department informing the Department that: Erie Coke and Mr. Crane had been diligently working on the Coke Shed Project in accordance with Paragraph 8.a of the July 6, 2010 Consent Decree; Erie Coke and Mr. Crane have completed substantial portions of the work required for the Coke Shed Project including the installation of foundations, the erection of a majority of the steel superstructure and the installation of the baghouse; during the course of this work, Erie Coke and Mr. Crane had determined that additional work was needed to upgrade the electric service for the Coke Shed Project; the upgrade of the electrical service will make the service more reliable and reduce down time for the Coke Shed baghouse; the upgrade of the electrical service required additional designs that required approval by the City of Erie before work could begin; Erie Coke and Mr. Crane could not obtain the approval and complete the Coke Shed Project within 18 months of the Effective Date as required by Paragraph 8.a.

AA. As a result of the additional electrical work required for the Coke Shed Project, Erie Coke and Mr. Crane requested that they be given until May 1, 2012 to complete the Coke Shed Project.

BB. Pursuant to Paragraph 23 of the July 6, 2010 Consent Decree, the Department, Erie Coke and Mr. Crane hereby agree to modify the July 6, 2010 Consent Decree as follows.

ORDER

Based upon the foregoing Findings, it appearing to the Court that this Second Modification is just and proper, it is hereby **ORDERED, ADJUDGED, AND DECREED** that:

1. **Jurisdiction.** This Court has jurisdiction over this matter pursuant to Section 761 of the Judicial Code, 42 Pa.C.S.A. §761, and Section 4012.1a of the Air Pollution Control Act, 35 P.S. §4012.1a.

2. **Parties Bound.** This Second Modification is an Order of this Court and applies to and is binding upon the Department and Erie Coke and Mr. Crane, jointly and severally. The failure of the Erie Coke and/or Mr. Crane to comply with any term or condition of this Order shall subject Erie Coke and Mr. Crane, jointly and severally, to all penalties and remedies provided for by law for failing to comply with an Order of this Court.

3. **Department Order.** This Second Modification is also an Order of the Department and is authorized and issued pursuant to Section 4010.1 of the Air Act, 35 P.S. §4010.1, and Section 1917-A of the Administrative Code. The failure of Erie Coke and/or Mr. Crane to comply with any term or condition of this Second Modification shall subject Erie Coke and Mr. Crane, jointly and severally, to all penalties and remedies provided by those statutes for failing to comply with an Order of the Department.

4. **Second Modification Effective Date.** For purposes of this Second Modification, the "Second Modification Effective Date" shall be that date that the Court issues an Order approving this Second Modification.

5. **Findings.**

a. Erie Coke and Mr. Crane agree that the Findings in Paragraphs X through AA, above, are true and correct and, in any matter or proceeding between Erie Coke, and/or Mr. Crane, and the Department, Erie Coke and Mr. Crane shall not challenge the accuracy or validity of these Findings.

b. The Parties do not authorize any other persons to use the Findings in this Second Modification in any matter or proceeding.

6. *Replacement of Paragraph 8.a. of the July 6, 2010 Consent Decree.* Paragraph 8.a. of the July 6, 2010 Consent Decree is replaced in its entirety as follows:

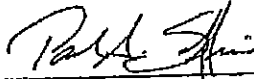
"a. Coke Shed Project. Erie Coke and Mr. Crane shall install a shed over the Battery on the coke pushing side, along with the associated control device ("Coke Shed Project") according to the following schedule:

- i. Within three months of the Effective Date, Erie Coke and Mr. Crane shall submit to the Department, for review and approval, an Administratively Complete application for a Plan Approval for the Coke Shed Project.
- ii. Upon the Department's approval of the Plan Approval, Erie Coke and Mr. Crane shall begin the installation of the Coke Shed Project.
- iii. In all cases, the Coke Shed Project shall be completely installed and operating in accordance with the Plan Approval by May 1, 2012."

7. *Other Terms of the July 6, 2010 Consent Decree.* All other Findings, provisions, terms, and conditions of the July 6, 2010 Consent Decree, not specifically modified, replaced, or added above, shall remain in effect and are fully enforceable as set forth therein.

8. *Resolution.* Attached as Exhibit A, and incorporated herein by reference, is a resolution from Board of Directors agreeing to enter into this Second Modification.

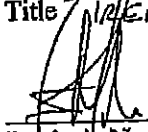
FOR ERIE COKE CORPORATION:



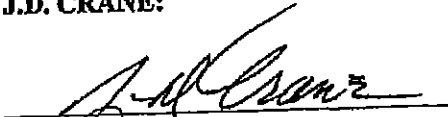
Name PAUL A. SAFFRIN
Title OFFICER



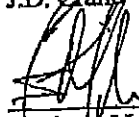
Name MICHAEL K. DURKIN
Title TREASURER


Louis A. Naugle, Esq.
Reed Smith LLP
Attorney for Erie Coke Corporation

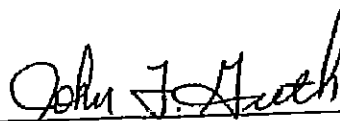
J.D. CRANE:



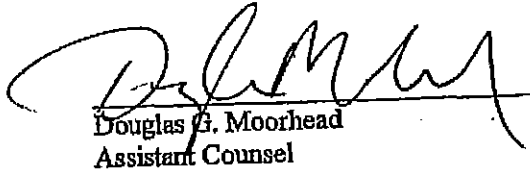
J.D. Crane


Louis A. Naugle, Esq.
Reed Smith LLP
Attorney for Mr. Crane

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION:



John F. Guth
Regional Manager
Air Quality
Northwest Region


Douglas G. Moorhead
Assistant Counsel

APPROVED BY THE COURT:

_____ J.

Date: _____

ERIE COKE CORPORATION

**Unanimous Written Consent of the Board of
Directors to Action Taken Without a Meeting**

The undersigned, being all of the directors of Erie Coke Corporation, a Pennsylvania corporation (the "Corporation"), do hereby adopt the following resolutions by unanimous written consent pursuant to Section 1727(b) of the Business Corporation Law of the Commonwealth of Pennsylvania, with the same force and effect as though such resolutions had been adopted at a duly convened special meeting of the Board of Directors held on the date hereof and do hereby waive all notice requirements in connection with said special meeting:

WHEREAS, the Corporation J.D. Crane and the Pennsylvania Department of Environmental Protection (the "Department") entered into a Consent Decree which was executed on behalf of the Corporation on June 16, 2010 by its president, Robert A. Bloom (the "Consent Decree") which Consent Decree was approved by the Commonwealth Court of Pennsylvania on July 6, 2010 and docketed at No. 539 M.D. 2010; and

WHEREAS, the Department, J.D. Crane and the Corporation modified the Consent Decree to extend the time within which the Corporation must complete a floor-up rebuild of all of the coke ovens in A-Battery and certain other matters as set forth in a First Modification to the July 6, 2010 Consent Decree approved by the Commonwealth Court of Pennsylvania on July 12, 2011; and

WHEREAS, the Department, J.D. Crane and the Corporation have agreed to a second modification to the Consent Decree to extend the time within which the Corporation must complete the Coke Shed Project (as defined in the Second Modification to Consent Decree) and certain other matters as set forth in the form of Second Modification to the July 6, 2010 Consent Decree attached hereto as Exhibit A (the "Second Modification to Consent Decree").

It is hereby **RESOLVED**, that the Board of Directors of the Corporation deems it advisable to approve the Corporation's entry into the Second Modification to Consent Decree;

RESOLVED FURTHER, that the Board of Directors affirms that the president, any vice president, and the treasurer of the Corporation be, and each of them hereby is, authorized and directed for and on behalf of the Corporation to execute and deliver the Second Modification to Consent Decree in such form as such officers shall approve, and each of them hereby is authorized to take any and all further action and to execute and deliver any and all documents for and on behalf of the Corporation as in such officer's opinion is necessary to fulfill the obligations of the Corporation contained in the aforementioned Second Modification to Consent Decree;

RESOLVED FURTHER, that the acts of the officers of the Corporation in negotiating and preparing for execution and delivery of the Second Modification to Consent Decree, be, and the same hereby are, in all respects ratified, confirmed and approved by the Board of Directors; and


RESOLVED, that this consent may be executed (i) in multiple counterparts, each of which is deemed an original and all of which taken together constitute one and the same instrument and (ii) by a director using a facsimile or electronic signature and such facsimile or electronic signature will be conclusive evidence that this consent has been duly executed by such director.

[SIGNATURE PAGE FOLLOWS]

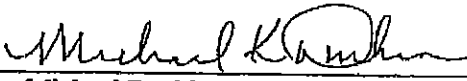
IN WITNESS WHEREOF, the undersigned have duly executed this Written Consent of the Board of Directors Without a Meeting as of January 6, 2012.



J. Donald Crane



Paul Saffrin



Michael Durkin

Exhibit A

Form of Second Modification to Consent Decree

See attached

IN THE
COMMONWEALTH COURT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Plaintiff,

v.

ERIE COKE CORPORATION AND
J.D. CRANE,

Defendants.

Docket No. 539 M.D. 2010

SECOND MODIFICATION TO THE JULY 6, 2010 CONSENT DECREE

This Second Modification to the July 6, 2010 Consent Decree, ("Second Modification") is entered into this ___ day of _____ 2012, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), Erie Coke Corporation ("Erie Coke"), and J.D. Crane.

FINDINGS

X. On July 12, 2011, the Commonwealth Court approved a First Modification to the July 6, 2010 Consent Decree between the Department, Erie Coke and J. D. Crane.

Y. Pursuant to Paragraph 8.a.iii of the July 6, 2010 Consent Decree, Erie Coke and Mr. Crane were obligated to complete the Coke Shed Project within 18 months of the Effective Date.

Z. On December 16, 2011, Erie Coke and Mr. Crane sent a cover letter and supporting documents to the Department informing the Department that: Erie Coke and Mr. Crane had been diligently working on the Coke Shed Project in accordance with Paragraph 8.a of the July 6, 2010 Consent Decree; Erie Coke and Mr. Crane have completed substantial portions of the work required for the Coke Shed Project including the installation of foundations, the erection of a majority of the steel superstructure and the installation of the baghouse; during the course of this work, Erie Coke and Mr. Crane had determined that additional work was needed to upgrade the electric service for the Coke Shed Project; the upgrade of the electrical service will make the service more reliable and reduce down time for the Coke Shed baghouse; the upgrade of the electrical service required additional designs that required approval by the City of Erie before work could begin; Erie Coke and Mr. Crane could not obtain the approval and complete the Coke Shed Project within 18 months of the Effective Date as required by Paragraph 8.a.

AA. As a result of the additional electrical work required for the Coke Shed Project, Erie Coke and Mr. Crane requested that they be given until May 1, 2012 to complete the Coke Shed Project.

BB. Pursuant to Paragraph 23 of the July 6, 2010 Consent Decree, the Department, Erie Coke and Mr. Crane hereby agree to modify the July 6, 2010 Consent Decree as follows.

ORDER

Based upon the foregoing Findings, it appearing to the Court that this Second Modification is just and proper, it is hereby **ORDERED, ADJUDGED, AND DECREED** that:

1. **Jurisdiction.** This Court has jurisdiction over this matter pursuant to Section 761 of the Judicial Code, 42 Pa.C.S.A. §761, and Section 4012.1a of the Air Pollution Control Act, 35 P.S. §4012.1a.

2. **Parties Bound.** This Second Modification is an Order of this Court and applies to and is binding upon the Department and Erie Coke and Mr. Crane, jointly and severally. The failure of the Erie Coke and/or Mr. Crane to comply with any term or condition of this Order shall subject Erie Coke and Mr. Crane, jointly and severally, to all penalties and remedies provided for by law for failing to comply with an Order of this Court.

3. **Department Order.** This Second Modification is also an Order of the Department and is authorized and issued pursuant to Section 4010.1 of the Air Act, 35 P.S. §4010.1, and Section 1917-A of the Administrative Code. The failure of Erie Coke and/or Mr. Crane to comply with any term or condition of this Second Modification shall subject Erie Coke and Mr. Crane, jointly and severally, to all penalties and remedies provided by those statutes for failing to comply with an Order of the Department.

4. **Second Modification Effective Date.** For purposes of this Second Modification, the "Second Modification Effective Date" shall be that date that the Court issues an Order approving this Second Modification.

5. **Findings.**

a. Erie Coke and Mr. Crane agree that the Findings in Paragraphs X through AA, above, are true and correct and, in any matter or proceeding between Erie Coke, and/or Mr. Crane, and the Department, Erie Coke and Mr. Crane shall not challenge the accuracy or validity of these Findings.

b. The Parties do not authorize any other persons to use the Findings in this Second Modification in any matter or proceeding.

6. *Replacement of Paragraph 8.a. of the July 6, 2010 Consent Decree.* Paragraph 8.a. of the July 6, 2010 Consent Decree is replaced in its entirety as follows:

"a. Coke Shed Project. Erie Coke and Mr. Crane shall install a shed over the Battery on the coke pushing side, along with the associated control device ("Coke Shed Project") according to the following schedule:

- i. Within three months of the Effective Date, Erie Coke and Mr. Crane shall submit to the Department, for review and approval, an Administratively Complete application for a Plan Approval for the Coke Shed Project.
- ii. Upon the Department's approval of the Plan Approval, Erie Coke and Mr. Crane shall begin the installation of the Coke Shed Project.
- iii. In all cases, the Coke Shed Project shall be completely installed and operating in accordance with the Plan Approval by May 1, 2012."

7. *Other Terms of the July 6, 2010 Consent Decree.* All other Findings, provisions, terms, and conditions of the July 6, 2010 Consent Decree, not specifically modified, replaced, or added above, shall remain in effect and are fully enforceable as set forth therein.

8. *Resolution.* Attached as Exhibit A, and incorporated herein by reference, is a resolution from Board of Directors agreeing to enter into this Second Modification.

FOR ERIE COKE CORPORATION:

Name
Title

Name
Title

Louis A. Naugle, Esq.
Reed Smith LLP
Attorney for Erie Coke Corporation

J.D. CRANE:

J.D. Crane

Louis A. Naugle, Esq.
Reed Smith LLP
Attorney for Mr. Crane

**FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:**

John F. Guth
Regional Manager
Air Quality
Northwest Region

Douglas G. Moorhead
Assistant Counsel

APPROVED BY THE COURT:

J.

Date: _____

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania, :
Department of Environmental :
Protection, :
Petitioner :

v. :

Erie Coke Corporation and :
J.D. Crane, :
Respondents :

No. 539 M.D. 2010

ORDER

NOW, January 18, 2012, upon consideration of the parties' joint motion to modify consent decree, the motion is granted and the parties' "second modification to the July 6, 2010 consent decree," attached to the parties' joint motion to modify consent decree, is hereby approved and made part of this Court's order of July 6, 2010 order approving the parties' consent decree.



Keith B. Quigley, Senior Judge

IN THE
COMMONWEALTH COURT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION,

Plaintiff,

v.

Docket No. 539 M.D. 2010

ERIE COKE CORPORATION AND
J.D. CRANE,

Defendants.

THIRD MODIFICATION TO THE JULY 6, 2010 CONSENT DECREE

This Third Modification to the July 6, 2010 Consent Decree, ("Third Modification") is entered into this 7th day of March 2013, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), Erie Coke Corporation ("Erie Coke"), and J.D. Crane.

FINDINGS

CC. On January 18, 2012, the Commonwealth Court approved a Second Modification to the July 6, 2010 Consent Decree between the Department, Erie Coke and J.D. Crane.

DD. Pursuant to Paragraph 13.b. of the July 6, 2010 Consent Decree, Erie Coke and Mr. Crane are obligated to pay a monthly stipulated penalty of \$20,000 until such time as the Coke Shed Project is installed and operating in accordance with the Plan Approval, as determined by the Department.

EE. Erie Coke and Mr. Crane interpret Paragraph 13.b. of the July 6, 2010 Consent Decree to end their obligation to pay the monthly stipulated penalty upon completing construction of the Coke Shed Project and commencing operation in accordance with the Plan Approval.

FF. The Department interprets Paragraph 13.b. of the July 6, 2010 Consent Decree to continue Erie Coke's and Mr. Crane's obligations to pay the monthly stipulated penalty until the Department determines the Coke Shed Project is operating in compliance with the Plan Approval by the review and approval of, among other things, a stack test.

GG. On May 25, 2012, Erie Coke and Mr. Crane completed the installation of the Coke Shed Project and began operation of the coke shed.

HH. Erie Coke and Mr. Crane have not paid the monthly stipulated penalty for the months of May through December 2012.

II. Before litigating their respective positions in an action to enforce the July 6, 2010 Consent Decree, the Parties have negotiated a resolution to avoid litigation.

JJ. Pursuant to Paragraph 23 of the July 6, 2010 Consent Decree, the Department, Erie Coke and Mr. Crane hereby agree to modify the July 6, 2010 Consent Decree as follows.

ORDER

Based upon the foregoing Findings, it appearing to the Court that this Third Modification is just and proper, it is hereby **ORDERED, ADJUDGED, AND DECREED** that:

1. **Jurisdiction.** This Court has jurisdiction over this matter pursuant to Section 761 of the Judicial Code, 42 Pa.C.S.A. §761, and Section 4012.1a of the Air Pollution Control Act, 35 P.S. §4012.1a.

2. **Parties Bound.** This Third Modification is an Order of this Court and applies to and is binding upon the Department and Erie Coke and Mr. Crane, jointly and severally. The failure of the Erie Coke and/or Mr. Crane to comply with any term or condition of this Order shall subject Erie Coke and Mr. Crane, jointly and severally, to all penalties and remedies provided for by law for failing to comply with an Order of this Court.

3. **Department Order.** This Third Modification is also an Order of the Department and is authorized and issued pursuant to Section 4010.1 of the Air Act, 35 P.S. §4010.1, and Section 1917-A of the Administrative Code. The failure of Erie Coke and/or Mr. Crane to comply with any term or condition of this Third Modification shall subject Erie Coke and Mr. Crane, jointly and severally, to all penalties and remedies provided by those statutes for failing to comply with an Order of the Department.

4. **Third Modification Effective Date.** For purposes of this Third Modification, the "Third Modification Effective Date" shall be that date that the Court issues an Order approving this Third Modification.

5. **Findings.**

a. Erie Coke and Mr. Crane agree that the Findings in Paragraphs CC through JJ, above, are true and correct and, in any matter or proceeding between Erie Coke,

and/or Mr. Crane, and the Department, Erie Coke and Mr. Crane shall not challenge the accuracy or validity of these Findings.

b. The Parties do not authorize any other persons to use the Findings in this Third Modification in any matter or proceeding.

6. *Replacement of Paragraph 13.b. of the July 6, 2010 Consent Decree.* Paragraph 13.b. of the July 6, 2010 Consent Decree is replaced in its entirety as follows:

"b. Pushing Emissions.

i. Within 10 days after signing this Third Modification, Erie Coke and Mr. Crane shall pay the Department \$100,000 in stipulated monthly penalties;

ii. Within 10 days after the Third Modification Effective Date, Erie Coke and Mr. Crane shall deposit \$80,000 in an interest bearing account with a FDIC-insured financial institution under the account name "Erie Coke Corporation/DEP Escrow Account" ("Escrow Account") and submit to the Department documentation evidencing the account, including, but not limited to the name of the financial institution, the account number, the opening account balance and contact information for the financial institution;

iii. By February 28, 2013, and continuing each month thereafter on or before the last day of the month, Erie Coke and Mr. Crane shall deposit \$20,000 each month in the Escrow Account ("Monthly Deposit");

iv. By March 15, 2013, and continuing each month thereafter on or before the fifteenth day of the month, Erie Coke and Mr. Crane shall submit to the Department a statement from the financial institution holding the Escrow Account documenting the Monthly Deposit made for the preceding month and the present balance of the Escrow Account;

v. If the Department notifies Erie Coke and Mr. Crane in writing that the Department-verified results of the stack test completed on November 21, 2012, demonstrates that Erie Coke is **not** in compliance with the particulate matter emission limit of 0.01 grains per dscf as determined by the Reference Method 5 front-half catch (hereafter "front catch"), then Erie Coke and Mr. Crane shall:

(1) within 30 days after such notification, submit all funds accumulated in the Escrow Account to the Department;

(2) immediately stop depositing the Monthly Deposit in the Escrow Account and begin submitting a monthly stipulated penalty of \$20,000 per month to the Department in accordance with Paragraph 13.d of this Consent Decree;


(3) continue paying the monthly stipulated penalty of \$20,000 per month in accordance with Paragraph 13.d of this Consent Decree until the Department notifies Erie Coke and Mr. Crane in writing that the Department-verified results of any retest conducted by Erie Coke demonstrate that Erie Coke is in compliance with the particulate matter emission limit of 0.01 grains per dscf (front catch).


vi. If the Department notifies Erie Coke and Mr. Crane in writing that the Department-verified results of the stack test completed on November 21, 2012, demonstrate that Erie Coke is in compliance with the particulate matter emission limit of 0.01 grains per dscf as determined by the Reference Method 5 front-half catch, then all funds accumulated in the Escrow Account shall be released to Erie Coke and Mr. Crane and the stipulated monthly penalty for Pushing Emissions shall end."


7. *Other Terms of the July 6, 2010 Consent Decree.* All other Findings, provisions, terms, and conditions of the July 6, 2010 Consent Decree, not specifically modified, replaced, or added above, shall remain in effect and are fully enforceable as set forth therein.

8. *Resolution.* Attached as Exhibit A, and incorporated herein by reference, is a resolution from Board of Directors agreeing to enter into this Third Modification.

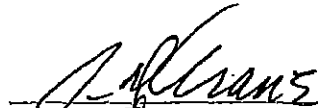

FOR ERIE COKE CORPORATION:


Name PAUL A. SAFFRIN
Title OFFICER



Name MICHAEL K. DUNKIN
Title TREASURER

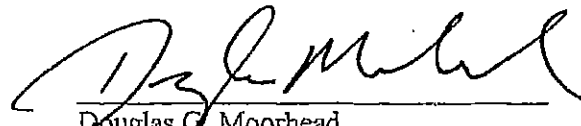

Louis A. Naugle, Esq.
Reed Smith LLP
Attorney for Erie Coke Corporation

J.D. CRANE:


J.D. Crane

Louis A. Naugle, Esq.
Reed Smith LLP
Attorney for Mr. Crane

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:


John F. Guth
Regional Manager
Air Quality
Northwest Region


Douglas G. Moorhead
Assistant Counsel

APPROVED BY THE COURT:

J. _____

Date: _____

EXHIBIT A

ERIE COKE CORPORATION

Unanimous Written Consent of the Board of Directors to Action Taken Without a Meeting

The undersigned, being all of the directors of Erie Coke Corporation, a Pennsylvania corporation (the "Corporation"), do hereby adopt the following resolutions by unanimous written consent pursuant to Section 1727(b) of the Business Corporation Law of the Commonwealth of Pennsylvania, with the same force and effect as though such resolutions had been adopted at a duly convened special meeting of the Board of Directors held on the date hereof and do hereby waive all notice requirements in connection with said special meeting:

WHEREAS, the Corporation J.D. Crane and the Pennsylvania Department of Environmental Protection (the "Department") entered into a Consent Decree which was executed on behalf of the Corporation on June 16, 2010 by its President, Robert A. Bloom (the "Consent Decree") which Consent Decree was approved by the Commonwealth Court of Pennsylvania on July 6, 2010 and docketed at No. 539 M.D. 2010; and

WHEREAS, the Department, J.D. Crane and the Corporation modified the Consent Decree to extend the time within which the Corporation must complete a floor-up rebuild of all of the coke ovens in A-Battery and certain other matters as set forth in a First Modification to the July 6, 2010 Consent Decree approved by the Commonwealth Court of Pennsylvania on July 12, 2011; and

WHEREAS, the Department, J.D. Crane and the Corporation modified the Consent Decree to extend the time within which the Corporation must complete the Coke Shed Project and certain other matters as set forth in a Second Modification to the July 6, 2010 Consent Decree approved by the Commonwealth Court of Pennsylvania on January 18, 2012; and

WHEREAS, the Department, J.D. Crane and the Corporation have agreed to a third modification to the Consent Decree to agree upon the matters as set forth in the form of Third Modification to the July 6, 2010 Consent Decree attached hereto as Exhibit A (the "Third Modification to Consent Decree").

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Board of Directors of the Corporation deems it advisable to approve the Corporation's entry into the Third Modification to Consent Decree;

RESOLVED FURTHER, that the Board of Directors affirms that the president, any vice president, and the treasurer of the Corporation be, and each of them hereby is, authorized and directed for and on behalf of the Corporation to execute and deliver the Third Modification to Consent Decree in such form as such officers shall approve, and each of them hereby is authorized to take any and all further action and to execute and deliver any and all documents for and on behalf of the Corporation as in such officer's opinion is necessary to fulfill the

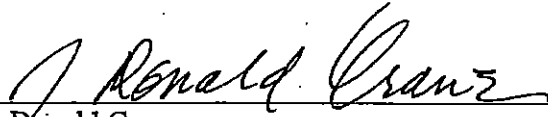
obligations of the Corporation contained in the aforementioned Third Modification to Consent Decree;

RESOLVED FURTHER, that the acts of the officers of the Corporation in negotiating and preparing for execution and delivery of the Third Modification to Consent Decree, be, and the same hereby are, in all respects ratified, confirmed and approved by the Board of Directors; and

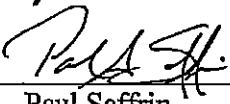
RESOLVED, that this consent may be executed (i) in multiple counterparts, each of which is deemed an original and all of which taken together constitute one and the same instrument and (ii) by a director using a facsimile or electronic signature and such facsimile or electronic signature will be conclusive evidence that this consent has been duly executed by such director.

[SIGNATURE PAGE FOLLOWS]

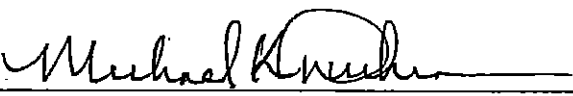
IN WITNESS WHEREOF, the undersigned have duly executed this Written Consent of the Board of Directors Without a Meeting as of February 8, 2013.



J. Donald Crane



Paul Saffrin



Michael Durkin

Exhibit A

Form of Third Modification to Consent Decree

See attached

**IN THE
COMMONWEALTH COURT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF ENVIRONMENTAL :
PROTECTION, :

Plaintiff, :

v. :

Docket No. 539 M.D. 2010

ERIE COKE CORPORATION AND :
J.D. CRANE, :

Defendants. :

THIRD MODIFICATION TO THE JULY 6, 2010 CONSENT DECREE

This Third Modification to the July 6, 2010 Consent Decree, ("Third Modification") is entered into this ____ day of _____ 2013, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), Erie Coke Corporation ("Erie Coke"), and J.D. Crane.

FINDINGS

CC. On January 18, 2012, the Commonwealth Court approved a Second Modification to the July 6, 2010 Consent Decree between the Department, Erie Coke and J.D. Crane.

DD. Pursuant to Paragraph 13.b. of the July 6, 2010 Consent Decree, Erie Coke and Mr. Crane are obligated to pay a monthly stipulated penalty of \$20,000 until such time as the Coke Shed Project is installed and operating in accordance with the Plan Approval, as determined by the Department.

EE. Erie Coke and Mr. Crane interpret Paragraph 13.b. of the July 6, 2010 Consent Decree to end their obligation to pay the monthly stipulated penalty upon completing construction of the Coke Shed Project and commencing operation in accordance with the Plan Approval.

FF. The Department interprets Paragraph 13.b. of the July 6, 2010 Consent Decree to continue Erie Coke's and Mr. Crane's obligations to pay the monthly stipulated penalty until the Department determines the Coke Shed Project is operating in compliance with the Plan Approval by the review and approval of, among other things, a stack test.

GG. On May 25, 2012, Erie Coke and Mr. Crane completed the installation of the Coke Shed Project and began operation of the coke shed.

HH. Erie Coke and Mr. Crane have not paid the monthly stipulated penalty for the months of May through December 2012.

II. Before litigating their respective positions in an action to enforce the July 6, 2010 Consent Decree, the Parties have negotiated a resolution to avoid litigation.

JJ. Pursuant to Paragraph 23 of the July 6, 2010 Consent Decree, the Department, Erie Coke and Mr. Crane hereby agree to modify the July 6, 2010 Consent Decree as follows.

ORDER

Based upon the foregoing Findings, it appearing to the Court that this Third Modification is just and proper, it is hereby **ORDERED, ADJUDGED, AND DECREED** that:

1. *Jurisdiction.* This Court has jurisdiction over this matter pursuant to Section 761 of the Judicial Code, 42 Pa.C.S.A. §761, and Section 4012.1a of the Air Pollution Control Act, 35 P.S. §4012.1a.

2. *Parties Bound.* This Third Modification is an Order of this Court and applies to and is binding upon the Department and Erie Coke and Mr. Crane, jointly and severally. The failure of the Erie Coke and/or Mr. Crane to comply with any term or condition of this Order shall subject Erie Coke and Mr. Crane, jointly and severally, to all penalties and remedies provided for by law for failing to comply with an Order of this Court.

3. *Department Order.* This Third Modification is also an Order of the Department and is authorized and issued pursuant to Section 4010.1 of the Air Act, 35 P.S. §4010.1, and Section 1917-A of the Administrative Code. The failure of Erie Coke and/or Mr. Crane to comply with any term or condition of this Third Modification shall subject Erie Coke and Mr. Crane, jointly and severally, to all penalties and remedies provided by those statutes for failing to comply with an Order of the Department.

4. *Third Modification Effective Date.* For purposes of this Third Modification, the "Third Modification Effective Date" shall be that date that the Court issues an Order approving this Third Modification.

5. *Findings.*

a. Erie Coke and Mr. Crane agree that the Findings in Paragraphs CC through JJ, above, are true and correct and, in any matter or proceeding between Erie Coke,

and/or Mr. Crane, and the Department, Erie Coke and Mr. Crane shall not challenge the accuracy or validity of these Findings.

b. The Parties do not authorize any other persons to use the Findings in this Third Modification in any matter or proceeding.

6. *Replacement of Paragraph 13.b. of the July 6, 2010 Consent Decree.* Paragraph 13.b. of the July 6, 2010 Consent Decree is replaced in its entirety as follows:

"b. Pushing Emissions.

i. Within 10 days after signing this Third Modification, Erie Coke and Mr. Crane shall pay the Department \$100,000 in stipulated monthly penalties;

ii. Within 10 days after the Third Modification Effective Date, Erie Coke and Mr. Crane shall deposit \$80,000 in an interest bearing account with a FDIC-insured financial institution under the account name "Erie Coke Corporation/DEP Escrow Account" ("Escrow Account") and submit to the Department documentation evidencing the account, including, but not limited to the name of the financial institution, the account number, the opening account balance and contact information for the financial institution;

iii. By February 28, 2013, and continuing each month thereafter on or before the last day of the month, Erie Coke and Mr. Crane shall deposit \$20,000 each month in the Escrow Account ("Monthly Deposit");

iv. By March 15, 2013, and continuing each month thereafter on or before the fifteenth day of the month, Erie Coke and Mr. Crane shall submit to the Department a statement from the financial institution holding the Escrow Account documenting the Monthly Deposit made for the preceding month and the present balance of the Escrow Account;

v. If the Department notifies Erie Coke and Mr. Crane in writing that the Department-verified results of the stack test completed on November 21, 2012 demonstrates that Erie Coke is not in compliance with the particulate matter emission limit of 0.01 grains per dscf as determined by the Reference Method 5 front-half catch (hereafter "front catch"), then Erie Coke and Mr. Crane shall:

(1) within 30 days after such notification, submit all funds accumulated in the Escrow Account to the Department;

(2) immediately stop depositing the Monthly Deposit in the Escrow Account and begin submitting a monthly stipulated penalty of \$20,000 per month to the Department in accordance with Paragraph 13.d of this Consent Decree;

(3) continue paying the monthly stipulated penalty of \$20,000 per month in accordance with Paragraph 13.d of this Consent Decree until the Department notifies Erie Coke and Mr. Crane in writing that the Department-verified results of any retest conducted by Erie Coke demonstrate that Erie Coke is in compliance with the particulate matter emission limit of 0.01 grains per dscf (front catch).

vi. If the Department notifies Erie Coke and Mr. Crane in writing that the Department-verified results of the stack test completed on November 21, 2012 demonstrate that Erie Coke is in compliance with the particulate matter emission limit of 0.01 grains per dscf as determined by the Reference Method 5 front-half catch, then all funds accumulated in the Escrow Account shall be released to Erie Coke and Mr. Crane and the stipulated monthly penalty for Pushing Emissions shall end."

7. *Other Terms of the July 6, 2010 Consent Decree.* All other Findings, provisions, terms, and conditions of the July 6, 2010 Consent Decree, not specifically modified, replaced, or added above, shall remain in effect and are fully enforceable as set forth therein.

8. *Resolution.* Attached as Exhibit A, and incorporated herein by reference, is a resolution from Board of Directors agreeing to enter into this Third Modification.

FOR ERIE COKE CORPORATION:

Name
Title

Name
Title

Louis A. Naugle, Esq.
Reed Smith LLP
Attorney for Erie Coke Corporation

J.D. CRANE:

J.D. Crane

Louis A. Naugle, Esq.
Reed Smith LLP
Attorney for Mr. Crane

**FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:**

John F. Guth
Regional Manager
Air Quality
Northwest Region

Douglas G. Moorhead
Assistant Counsel

APPROVED BY THE COURT:

J.

Date: _____

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania, :
Department of Environmental :
Protection, :

Petitioner :

v. :

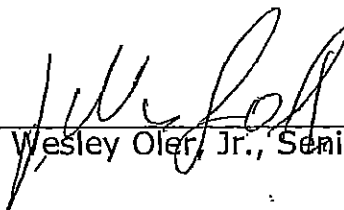
Erie Coke Corporation and :
J.D. Crane, :

Respondents

No. 539 M.D. 2010

ORDER

NOW, March 15, 2013, upon consideration of the parties' joint motion to modify consent decree, the motion is granted and the parties' "third modification to the July 6, 2010 consent decree," attached to the parties' joint motion to modify consent decree, is hereby approved and made part of this Court's order of July 6, 2010 approving the parties' consent decree.



J. Wesley Oler, Jr., Senior Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania, :
Department of Environmental :
Protection, :
 Petitioner :

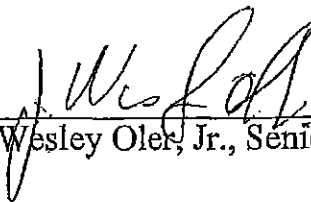
v. :

Erie Coke Corporation and :
J.D. Crane, :
 Respondents :

No. 539 M.D. 2010

ORDER

NOW, May 1, 2015, upon review of respondent Erie Coke Corporation's Petition To Terminate Consent Decree, and upon review of the parties' July 6, 2010 Consent Decree and subsequent Modifications thereto, it is hereby ordered that the July 6, 2010 Consent Decree and the First, Second and Third Modifications thereto are terminated as to both respondents, except for the Findings contained within the Consent Decree and the subsequent Modifications to the Decree.



J. Wesley Oler, Jr., Senior Judge

Certified from the Record

MAY 04 2015

And Order Exit

Exhibit B
February 4, 2019 Order

Exhibit B – February 4, 2019 Order

Violation or CEM Report Date	Regulatory Violation	Brief Description
6/3/2017	25 Pa. Code § 123.44	offtakes > 5%
6/17/2017	25 Pa. Code § 123.44	sum of charges >75 sec
7/24/2017	25 Pa. Code § 123.44	offtakes > 5%
7/24/2017	25 Pa. Code § 127.444	offtakes > 5%
7/26/2017	25 Pa. Code § 123.44	offtakes > 5%
7/26/2017	25 Pa. Code § 127.444	offtakes > 5%
7/29/2017	25 Pa. Code § 123.44	offtakes > 5%
7/29/2017	25 Pa. Code § 127.444	offtakes > 5%
8/7/2017	25 Pa. Code § 123.44	sum of charges >75 sec
8/11/2017	25 Pa. Code § 123.44	offtakes > 5%
8/11/2017	25 Pa. Code § 123.44	doors > 10%
8/26/2017	25 Pa. Code § 123.44	offtakes > 5%
8/27/2017	25 Pa. Code § 123.44	doors>10%
9/4/2017	25 Pa. Code § 123.44	sum of charges >75 sec
10/10/2017	25 Pa. Code § 123.44	offtakes > 5%
10/10/2017	25 Pa. Code § 127.444	offtakes > 5%
10/14/2017	25 Pa. Code § 123.44	doors > 10%
10/14/2017	25 Pa. Code § 127.444	doors > 10%
10/15/2017	25 Pa. Code § 123.44	sum of charges >75 sec
10/15/2017	25 Pa. Code § 127.444	sum of charges >75 sec
11/26/2017	25 Pa. Code § 123.44	offtakes > 5%
12/11/2017	25 Pa. Code § 123.44	offtakes > 5%
4/16/2018	25 Pa. Code § 123.41	1Q2018 COMS
5/16/2018	25 Pa. Code § 123.44	>5% offtakes
5/16/2018	25 Pa. Code § 123.44	>2% lid leaks
5/16/2018	25 Pa. Code § 123.44	>5% offtakes
5/17/2018	25 Pa. Code § 123.44	offtakes >5%
5/24/2018	25 Pa. Code § 127.444	Bypassed H2S Absorber
5/29/2018	25 Pa. Code § 123.44	doors > 10%
6/20/2018	25 Pa. Code § 123.2	Pushing fugitive emissions crossing off property
7/1/2018	25 Pa. Code § 123.44	offtakes >5%
7/1/2018	25 Pa. Code § 123.44	lids > 2%
7/20/2018	25 Pa. Code § 123.41	2Q2018 COMS
7/26/2018	25 Pa. Code § 123.44	offtakes >5%
7/27/2018	25 Pa. Code § 123.44	offtakes >5%
7/28/2018	25 Pa. Code § 123.44	offtakes >5%
7/29/2018	25 Pa. Code § 123.44	offtakes >5%

Violation or CEM Report Date	Regulatory Violation	Brief Description
8/7/2018	25 Pa. Code § 123.44	offtakes >5%
8/1/2018	25 Pa. Code § 123.44	offtakes >5%
8/2/2018	25 Pa. Code § 123.2	Pushing FE xing property
8/2/2018	25 Pa. Code § 127.444	Pushing FE xing property
8/13/2018	25 Pa. Code § 129.15	Pushing >20% from coke shed
8/13/2018	25 Pa. Code § 127.444	Pushing >20% from coke shed
9/16/2018	25 Pa. Code § 123.44	doors>10%
9/23/2018	25 Pa. Code § 123.44	offtakes >5%
9/11/2018	25 Pa. Code § 129.15	Pushing >20% from coke shed
9/11/2018	25 Pa. Code § 127.444	Pushing >20% from coke shed
9/13/2018	25 Pa. Code § 129.15	Pushing >20% from coke shed
9/13/2018	25 Pa. Code § 127.444	Pushing >20% from coke shed
9/28/2018	25 Pa. Code § 127.444	Not monitor RPM every 8 hours
9/28/2018	25 Pa. Code § 127.444	No continuous records of baghouse fan RPM's
9/28/2018	25 Pa. Code § 127.444	Not meeting minimum fan RPM in West Baghouse Fan
9/28/2018	25 Pa. Code § 127.444	Failed to stack test coke shed baghouse annually
9/28/2018	25 Pa. Code § 127.444	Bypassed H2S Absorber 7/25-7/26/2018
9/28/2018	25 Pa. Code § 127.444	daily records of baffle wash temperature recorded until temperature exceeds 30 degree threshold
9/28/2018	25 Pa. Code § 127.444	boiler annual adjustment - no records of annual adjustment pg 67 of permit
9/28/2018	25 Pa. Code § 129.93	boiler annual adjustment - no records of annual adjustment pg 67 of permit
9/28/2018	25 Pa. Code § 127.444	Failed to record 12 mo rolls for NOx for each boiler
10/11/2018	25 Pa. Code § 123.41	3Q2018 COMS