



Environmental Groups Notify U.S. Steel of Intent to Sue Over Failure to Report Releases of Hazardous Pollutants

U.S. Steel Operated Plants for Over Three Months with Pollution Controls Offline

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Pittsburgh – Clean air advocates today notified U.S. Steel of their intention to sue over the company’s failure to report releases of thousands of pounds of hazardous pollutants from three plants over more than 100 days starting in December.

The Environmental Integrity Project (EIP), the Breathe Project, and Clean Air Council sent the notice to U.S. Steel and federal, state, and local agencies for pollution released by U.S. Steel’s Clairton Plant and related facilities.

A fire broke out on Christmas Eve 2018 at the Clairton Plant, which produces coke, a fuel used in steelmaking. The fire damaged and shut down two key control systems, which remove hazardous pollutants from coke oven gas.

U.S. Steel continued operating for more than three months without these controls. This released thousands of pounds of hazardous pollutants every day into the air, including benzene, which can cause cancer, and hydrogen sulfide, which can trigger asthma attacks and even death at high concentrations.

Federal law requires that companies immediately report unpermitted releases of hazardous pollutants to the National Response Center, which notifies state and local agencies and makes such reports available to the public. Even though U.S. Steel released hazardous substances for over 100 days, and was required to report each day, the company has yet to report them to the National Response Center.

“It is critically important that communities living downwind from major pollution sources have full information of the health and environmental hazards they face,” said Adam Kron, senior attorney for the Environmental Integrity Project. “U.S. Steel failed to make even a single call to

the National Response Center during its months of hazardous releases, depriving residents of the information they need to protect themselves.”

The legal notice today was the latest in a series of legal actions relating to U.S. Steel’s Mon Valley Works, including its Clairton Plant. Most recently, PennEnvironment and Clean Air Council filed a lawsuit against the company in federal court on April 29 over alleged air permit violations. A class action lawsuit over health impacts was filed in state court on April 9.

“The release reporting requirements are a fundamental aspect of environmental law, said Joseph Otis Minott, Executive Director and Chief Counsel of Clean Air Council. “When they are ignored, the lack of notification can exacerbate serious pollution problems. The company must improve its emergency response procedures to ensure that this does not happen again.”

Each failure to report is a violation of the federal Comprehensive Environmental Response, Compensation, and Liability Act (or CERCLA), carrying a potential penalty of over \$55,000 per violation. Across the three plants involved, U.S. Steel could face a penalty of over \$50 million for its failure to report its releases of hazardous substances between Christmas Eve and early April 2019.

“The act of omitting to report large quantities of emissions has potential detrimental consequences to the health of residents of Allegheny County and Southwestern Pennsylvania,” said Matthew Mehalik, Executive Director of the Breathe Project. “The company and the regulator should both know better and will need to do better in the future.”

For several months in 2019, the Liberty/Clairton area has had some of the poorest air quality in the U.S., according to EPA’s website AirNow. On several instances, including dates even after U.S. Steel claimed to have brought its control equipment back online, the Liberty/Clairton area’s air quality ranked worst in the U.S.

The amount of pollution emitted by the plants appeared to grow significantly since December. For example, the Allegheny County Health Department reported that on January 29 (more than a month after the fire), the three facilities released 74,100 pounds of sulfur dioxide—at least 35 times the facilities’ daily total release before the fire, according to the groups’ legal notice. The company has yet to publicly disclose emissions of hydrogen sulfide, benzene, and other hazardous substances.

Disclosures that companies make under CERCLA are supposed to estimate the specific quantity of benzene, hydrogen sulfide, coke oven gas, and other pollutants that are released above certain thresholds for each day these releases continue.

On April 4, 2019, U.S. Steel announced that it brought the control rooms back online, though monitoring data has shown pollutant spikes since then.

The notice filed today with U.S. Steel and governmental agencies means that the groups plan to file a lawsuit in the U.S. District Court for the Western District of Pennsylvania within 60 days, unless U.S. Steel corrects its violations before then.

The Environmental Integrity Project is a nonprofit, nonpartisan organization based in Washington, D.C., and Austin, Texas, that protects public health and the environment by investigating polluters, holding them accountable under the law, and strengthening public policy.

The Breathe Project is a clearinghouse for information on air quality in Pittsburgh, southwestern Pennsylvania and beyond. We use the best available science and technology to better understand the quality of the air we breathe and provide opportunities for citizens to engage and take action. The Breathe Collaborative is a coalition of citizens, environmental advocates, public health professionals and academics working to improve air quality, eliminate climate pollution and make our region a healthy and prosperous place to live. The Collaborative powers the Breathe Project through science-based work and a community outreach platform.

Clean Air Council is a member-supported, non-profit environmental organization dedicated to protecting everyone's right to a healthy environment. The Council is headquartered in Philadelphia and works through public education, community advocacy, and government oversight to ensure enforcement of environmental laws. For more information, please visit www.cleanair.org.

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