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Breathe Project Statement on Allegheny County Ruling Concerning Coke Oven Regulations: “We Told You So – Over 2 and a Half Years Ago”

Pittsburgh, Pa. – Public media reported today that an Allegheny County hearing officer ruled that the Allegheny County Health Department (ACHD) exceeded its authority to update Coke Oven regulations, citing a 2019 settlement agreement.

The Breathe Project and 13 other environmental and community organizations, many with substantial environmental legal expertise, testified in July of 2019 that the Allegheny County Health Department should reject the provisions of this agreement noting that it would unnecessarily limit their authority to reduce coke oven emissions from the US Steel Clairton Coke Works. Ultimately, ACHD has placed those limits on itself by signing the agreement.

Here is the exactly what these groups [pointed out at the time](#):

“2f. ACHD should continue to project its authority to establish strident Coke Oven regulations and should not agree to terms that can interfere with its legal authority to enforce compliance with the Clean Air Act.”

Furthermore:

“Some of the restrictions for proposing more strident emissions controls in the agreement appear to unnecessarily restrain ACHD’s regulatory authority. For example, the agreement specifies, ‘any more stringent limit must be supported by a demonstration that the such limit is shown to correlate with a measurable reduction in hydrogen sulfide and benzene levels at the Liberty monitor.’”

And:

“The stipulation that more strident limits must correlate with measurable reduction of H2S and Benzene at the Liberty monitor is an inappropriate measure for constraining new regulations. The Liberty monitor is used to determine compliance for the County’s airshed and reflects the performance of multiple facilities in its proximity. It is also subjected to fluctuations and variation of weather factors, all of which obscure the ability to easily show correlated, measurable reduction in H2S and Benzene from the Coke Works. This provision to show correlation is unnecessary and should be struck from the agreement.”

ACHD ignored this testimony and the testimony of many community residents who spoke out against this settlement agreement.

“We told you so. We pointed out this potential adverse outcome in July of 2019. This is yet another example of what happens when the Allegheny County Health Department ignores community voices and sound legal and technical advice from county residents and environmental organizations,” said Matthew Mehalik, executive director of the Breathe Project. “This [stonewalling of community voices](#) fits a long pattern with this department. The stonewalling results in ongoing harms to county residents, especially to residents to the Mon Valley.”

"Contrary to any misinformation being circulated in the community, this outcome was not an inevitability, and it certainly was not the product of any aspect of the Clean Air Act and its administration," added Mehalik. "It is the outcome of a County Health Department that has allowed itself to align with industry interests, contrary to the health and interests of county residents."

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