



FOR IMMEDIATE RELEASE
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DEP Denies Erie Coke Operating Permit; Files For Injunction to Close Plant Following Numerous Violations

Erie, PA – The Department of Environmental Protection (DEP) today denied Erie Coke’s application to renew its Title V operating permit and has filed a complaint for injunctive relief in Erie County Court seeking to shut down the coke production facility following years of numerous repetitive environmental violations.

“For more than a decade, DEP has received persistent complaints from the community and has continuously cited Erie Coke for various environmental violations. DEP has given Erie Coke many opportunities to address violations and comply with state and federal laws. Our staff have participated in stakeholder meetings and have worked with the community, elected officials and the company to address issues and concerns,” said DEP Secretary Patrick McDonnell.

“Unfortunately, the frequency and severity of Erie Coke’s violations have only increased during our review of its permit renewal and the operator has offered no tangible causes for its non-compliance nor viable plans to assure future compliance.

“After careful consideration of Erie Coke’s history of environmental violations and the company’s lack of intention or ability to comply with state and federal laws, DEP has made the rare decision to not only deny the company’s application to renew its operating permit, but also seek a court injunction to shut down the facility.”

Erie Coke has a significant and lengthy history of non-compliance with environmental regulations and has received numerous past enforcement actions, including notices of violations, shut down orders, consent decrees, civil penalty assessments, and unilateral enforcement orders by both DEP and the U.S. Environmental Protection Agency.

“DEP does not take this action lightly. DEP understands and appreciates the importance of industrial facilities to local communities. DEP proactively works with operators to achieve and maintain compliance and industrial sites across Pennsylvania demonstrate that economic success and environmental compliance are not mutually exclusive ideas,” McDonnell said. “Ultimately, DEP’s responsibility is to ensure that industrial facilities comply with environmental laws and Erie Coke has a fundamental responsibility by law to comply with those laws to maintain facility operations. Unfortunately, Erie Coke has failed to do so.”

The plant was [nearly shut down in 2010](#) by DEP before a court-ordered settlement was reached. Under a [2010 consent decree](#) with DEP, Erie Coke rebuilt Battery A and made certain repairs to Battery B, but Battery B has been in continuous operation without being rebuilt. Erie coke also paid a fine of \$4 million.

Erie Coke has had violations since the 2010 consent decree terminated. Beginning in June 2017, DEP started to identify an increasing number of air quality violations at the facility.

On Feb. 4, 2019, DEP [issued an order](#) to Erie Coke requiring Erie Coke to complete an investigation into the cause of recent increases in air quality violations associated with the operation of the pushing emission control system and increased opacity of emissions from the coke oven battery stack. In addition, the order required Erie Coke to submit a plan for the installation of a back-up hydrogen sulfide removal system to prevent the combustion of coke oven gas, which contains excess quantities of hydrogen sulfide.

Nearly two months later, on March 31, 2019 Erie Coke experienced a large release from a wastewater tank on the property. DEP estimates that over 30,000 gallons of wastewater were released from the tank that provides pretreatment of wastewater prior to its conveyance to the City of Erie sewage treatment plant. The wastewater was suspected to contain contaminants from the coking process including benzene, cyanide, naphthalene, ammonia and several other constituents. Erie Coke recovered contaminated water and material from the spill and repaired the wastewater tank but DEP did not allow Erie Coke to continue using the tank.

On May 6, DEP placed Erie Coke on the [air quality compliance docket](#) for nearly 80 unresolved air quality violations over the past two years. The Pennsylvania Air Pollution Control Act and DEP regulations prevented DEP from renewing Erie Coke's federal Title V operating permit if the violations were not resolved and until DEP determined that Erie Coke had the intention and ability to comply with the Air Pollution Control Act and the federal Clean Air Act.

On June 4, DEP sent a notice of violation with more than a dozen violations based on a May 15 inspection. Because Erie Coke has failed to adequately demonstrate an ability or its intent to comply, DEP issued today's denial of Erie Coke's application to renew its Title V Operating Permit.

Erie Coke owns and operates the foundry coke production facility, located at the foot of East Avenue between Presque Isle Bay and the Bayfront Highway in the City of Erie. The facility includes 58 coke ovens, a coke oven battery underfiring system, two boilers, a byproduct tar recovery system, and a wastewater treatment system. Thirty-five of the 58 coke ovens in the coke oven battery were put into operation at the facility in 1942 ("Battery B"). Twenty-three of the 58 coke ovens in the coke oven battery were put into operation at the Facility in 1952 ("Battery A").

MEDIA CONTACT: Neil Shader, 717-787-1323

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