UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

November 3, 2022

Marshall Crawford
Environmental Manager
Nucor Steel Louisiana, LLC
9101 LA Highway 3125
Convent, Louisiana 70723

Sent via email: Marshall.Crawford@nucor.com

Re: Clean Air Act Notice of Violation and Opportunity to Confer

Dear Mr. Crawford:

The United States Environmental Protection Agency, Region 6 ("EPA") has identified Nucor Steel Louisiana, LLC ("Nucor") as having violated the Clean Air Act ("CAA") and the regulations promulgated thereunder. The enclosed Notice of Violation and Opportunity to Confer ("NOVOC") is issued to Nucor[1] for violations of the CAA, 42 U.S.C. § 7401 *et seq.*, and violations of Title 33, Part III of the Louisiana Administrative Code ("LAC") at its Direct Reduced Iron ("DRI") facility in Convent, Louisiana ("Facility").

Based on information currently available, EPA alleges that Nucor is in violation of the requirements and prohibitions of Louisiana's federally approved State Implementation Plan ("SIP") as incorporated into the Title V Permit and Prevention of Significant Deterioration ("PSD") Permit of Nucor's Direct Reduced Iron ("DRI") facility located in Convent, Louisiana (the "Facility"). EPA also alleges that Nucor violated the General provisions of the New Source Performance Standards ("NSPS"), 40 C.F.R. Part 60, Subpart A, and the General Provisions of the National Emission Standards for Hazardous Air Pollutants for Source Categories ("NESHAP"), 40 C.F.R. Part 63, Subpart A, at the Facility.

This NOVOC is issued pursuant to Section 113(a)(1) and (3) of the CAA, 42 U.S.C. §§ 7413(a)(1) and (3). Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), requires the Administrator of the EPA to notify any person in violation of a SIP or permit of the violations, and this NOVOC serves as such notice. The authority to issue this NOVOC has been delegated to the Director of the Enforcement and Compliance Assurance Division, EPA Region 6.

[1] Please be advised that some companies may qualify as a "small business" under the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"). The U.S. Small Business Administration has established a Table of Small Business Size Standards, which can be found at: https://www.sba.gov/document/support-table-size-standards. The SBREFA Information Sheet provides information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at: https://www.epa.gov/compliance/small-business-resources-information-sheet.

EPA is providing Nucor an opportunity to confer regarding the violations identified in this NOVOC. We request Nucor contact Jamie Lee, Assistant Regional Counsel, at Lee.Jamie@epa.gov or (214) 665-6795 within ten (10) business days following receipt of this NOVOC to request a conference. This conference will provide Nucor an opportunity to advise the Agency of any further information EPA should consider with respect to the violations.

Sincerely,

Cheryl T. Seager

Digitally signed by CHERYL SEAGER
Date: 2022.11.03 16:01:57 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure: Notice of Violation and Opportunity to Confer

ec: Angela Marse, LDEQ (angela.marse@la.gov)
Trevor Burggraff, Hiser Joy (tburggraff@hiserjoy.com)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:	)	
	)	
Nucor Steel Louisiana, LLC	)	**NOTICE OF VIOLATION AND**
Convent, Louisiana	)	**OPPORTUNITY TO CONFER**
	)	
	)	
Proceedings Pursuant to	)	
Section 113(a) of the Clean Air Act,	)	
42 U.S.C. § 7413(a)	)	

SUPPLEMENTAL NOTICE OF VIOLATION AND OPPORTUNITY TO CONFER

The U.S. Environmental Protection Agency ("EPA") is providing this Supplemental Notice of Violation and Opportunity to Confer ("Supplemental NOVOC" or "Supplemental Notice") under Sections 113(a)(1) and (3) of the Clean Air Act (the "Act" or "CAA"), 42 U.S.C. §§ 7413(a)(1) and (3), to inform Nucor Steel Louisiana, LLC ("Nucor") of violations set forth in detail below. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), requires the Administrator of the EPA to notify any person in violation of a State Implementation Plan (SIP) or permit of the violation, and this Supplemental NOVOC serves as such notice. The authority to issue this Supplemental NOVOC has been delegated to the Director of the Enforcement and Compliance Assurance Division, EPA Region 6. EPA worked, and continues to work, in cooperation with the Louisiana Department of Environmental Quality ("LDEQ") to investigate, and identify violations at, the Facility.

Based on information currently available, EPA alleges that Nucor is in violation of the requirements and prohibitions of Louisiana's federally approved State Implementation Plan ("SIP") as incorporated into the Title V Permit and Prevention of Significant Deterioration ("PSD") Permit of Nucor's Direct Reduced Iron ("DRI") facility located in Convent, Louisiana (the "Facility"). EPA also alleges that Nucor violated the General provisions of the New Source Performance Standards ("NSPS"), 40 C.F.R. Part 60, Subpart A, and the General Provisions of the National Emission Standards for Hazardous Air Pollutants for Source Categories ("NESHAP"), 40 C.F.R. Part 63, Subpart A, at the Facility.

EPA is providing Nucor with the opportunity to request a conference with EPA to discuss the violations alleged in this Supplemental NOVOC. This conference will provide Nucor with the opportunity to present information on the identified violations, any efforts it has undertaken to comply, and the steps it will take to prevent future violations. You may have legal counsel represent and accompany you at this conference.

I. Statutory and Regulatory Background

1. The purpose of the CAA is to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population. CAA Section 101(b)(1), 42 U.S.C. § 7401(b)(1).

A. Clean Air Act Section 111 and National Emission Standards for Hazardous Air Pollutants

2. Section 111(b)(1)(A) of the Act, 42 U.S.C. § 7411(b)(1)(A), requires EPA to publish and periodically revise a list of categories of stationary sources, including those categories that, in EPA's judgment, cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare.

3. Once a category is included on the list, Section 111(b)(1)(B) of the Act, 42 U.S.C. § 7411(b)(1)(B), requires EPA to promulgate a federal standard of performance for new sources within the category, also known as a New Source Performance Standard ("NSPS"). Section 111(e) of the Act, 42 U.S.C. § 7411(e), prohibits an owner or operator of a new source from operating that source in violation of an NSPS after the effective date of the NSPS applicable to such source.

4. The NSPS rules are located in Part 60 of Title 40 of the Code of Federal Regulations.

a. 40 C.F.R. Part 60, Subpart A

5. EPA first promulgated 40 C.F.R. Part 60, Subpart A ("NSPS Subpart A") on December 23, 1971. *See* 36 Fed. Reg. 24,876. EPA has subsequently amended this subpart on several occasions.

6. NSPS Subpart A contains General Provisions, which codify general procedures and criteria related to the standards of performance that apply to owners and operators of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in 40 C.F.R. Part 60 of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

7. A "stationary source" is defined as any building, structure, facility, or installation which emits or may emit any air pollutant. 40 C.F.R. § 60.2.

8. 40 C.F.R. § 60.13 establishes requirements for all continuous monitoring systems required under applicable subparts of 40 C.F.R. Part 60, in addition to subpart-specific requirements. 40 C.F.R. § 60.13 requires continuous monitoring systems be subject to Appendix F of 40 C.F.R. Part 60 if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, unless otherwise specified in an applicable subpart of 40 C.F.R. Part 60 or by the EPA Administrator. 40 C.F.R. § 60.13(a).

9. Appendix F to 40 C.F.R. Part 60 establishes quality assurance procedures for continuous monitoring systems. Specifically, Procedure 1 establishes quality assurance requirements for gas continuous emission monitoring systems ("CEMS") used for compliance determinations.

10. Section 5 of Appendix F, 40 C.F.R. Part 60, requires each CEMS be audited at least once each calendar quarter. Successive quarterly audits must occur no closer than two months. In general, the Relative Accuracy Test Audit ("RATA") must be conducted at least once every four calendar quarters. A Cylinder Gas Audit ("CGA") may be conducted in three of four calendar quarters, but in no more than three quarters in a succession. A Relative Accuracy Audit ("RAA") may be conducted in three of four calendar quarters, but in no more than three quarters in succession.

B. Clean Air Act Section 112 and National Emission Standards for Hazardous Air Pollutants

11. Section 112 of the CAA, 42 U.S.C. § 7412(c)(1)-(2) and (d)(1)-(2), requires EPA to identify categories and subcategories of major sources of hazardous air pollutants ("HAPs"), and to establish emission standards requiring the maximum degree of reduction in emissions of HAPs that EPA determines is achievable through the application of measures, processes, methods, systems, or techniques, including, but not limited to, the enclosure of systems or processes to eliminate emissions, and design, equipment, work practice, or other operational standards.

12. Section 112(a)(1)(A) of the CAA, 42 U.S.C. § 7412(a)(1)(A), defines a "major source" to mean "any stationary source of group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, ten (10) tons per year or more of any hazardous air pollutant or twenty-five (25) tons per year or more of any combination of hazardous air pollutants." *See also* 40 C.F.R. § 63.2.

13. "Affected facility" is defined as "any apparatus to which a standard is applicable." 40 C.F.R. § 60.2.

14. EPA first promulgated 40 C.F.R. Part 63, Subpart A ("NESHAP Subpart A") on March 16, 1994. *See* 59 Fed. Reg. 12408. EPA has subsequently amended this subpart on several occasions.

15. NESHAP Subpart A contains General Provisions, which codify general procedures and criteria to implement emission standards for stationary sources that emit (or have the potential to emit) any hazardous air pollutant in or pursuant to Section 112(b) of the CAA. Subpart A was promulgated to eliminate the repetition of general information and requirements within the subparts of the NESHAP. These General Provisions have the legal force and effect of standards, and they may be enforced independently of relevant standards, if appropriate. *See* 59 Fed. Reg. 12,408.

16. NESHAP Subpart A applies to the owner or operator of any stationary source that emits or has the potential to emit any hazardous air pollutant listed in or pursuant to Section 112(b) of the CAA, and is subject to any standard, limitation, prohibition, or other federally enforceable requirement established pursuant to the NESHAP. 40 C.F.R. § 63.1(b)(1).

17. NESHAP Subpart A defines "stationary source" as any building, structure, facility, or installation which emits or may emit any air pollutant.

18. NESHAP Subpart A defines "affected source" as the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a Section 112(c) source category or subcategory for which a Section 112(d) standard or other relevant standard is established pursuant to Section 112 of the CAA.

19. 40 C.F.R. § 63.6 applies to the owner or operator of affected sources for which any relevant standard has been established pursuant to Section 112 of the CAA and the applicability of such requirements is set out in accordance with 40 C.F.R. § 63.1(a)(4) unless an exception in 40 C.F.R. § 63.6(a)(1)(i)-(ii) applies.

20. 40 C.F.R. § 63.6(e)(1)(i) requires, at all times, including periods of startup, shutdown, and malfunction, the owner or operator to operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices. The general duty to minimize emissions during a period of startup, shutdown, or malfunction does not require the owner or operator to achieve emission levels that would be required by the applicable standard at other times if this is not consistent with safety and good air pollution control practices, nor does it require the owner or operator to make any further efforts to reduce emissions if levels required by the applicable standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the EPA which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in 40 C.F.R. § 63.6(e)(3)), review of operation and maintenance records, and inspection of the source.

21. 40 C.F.R. § 63.8(c) requires the owner or operator of an affected source to maintain and operate each continuous monitoring system ("CMS") as specified in 40 C.F.R. § 63.8, or in a relevant standard, and in a manner consistent with good air pollution control practices.

22. 40 C.F.R. § 63.8(c)(4) requires all CMS, including continuous opacity monitoring systems ("COMS") and CEMS, be in continuous operation and meet minimum frequency

of operation requirements, except for system breakdowns, out-of-control periods, repairs, maintenance periods, calibration checks, and zero (low-level) and high-level calibration drift adjustments. The minimum frequency of operation requirements for CEMS is one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

C. Louisiana State Implementation Plan ("SIP")

23. Section 108(a) of the CAA, 42 U.S.C. § 7408(a), requires the Administrator of the EPA to identify and prepare air quality criteria for each air pollutant, emissions of which may endanger public health or welfare, and the presence of which results from numerous or diverse mobile or stationary sources. For each such "criteria" pollutant, Section 109 of the CAA, 42 U.S.C. § 7409, requires EPA to promulgate national ambient air quality standards ("NAAQS") requisite to protect the public health and welfare.

24. Pursuant to Sections 108 and 109 of the CAA, 42 U.S.C. §§ 7408 and 7409, EPA has identified ozone, among others, as a criteria pollutant, and has promulgated NAAQS for ozone. Certain precursors to ozone formation, such as volatile organic compounds ("VOCs") and oxides of nitrogen ("NOx"), are regulated as part of the air quality standards for ozone itself. 40 C.F.R. §§ 50.6–11.

25. Under Section 107(d) of the CAA, 42 U.S.C. § 7407(d), each state is required to designate those areas within its boundaries where the air quality either meets or does not meet the NAAQS for each criteria pollutant, or where the air quality cannot be classified due to insufficient data. An area that meets the NAAQS for a particular criteria pollutant is termed an "attainment" area with respect to such pollutant. An area that does not meet the NAAQS for a particular criteria pollutant is termed a "nonattainment" area with respect to such pollutant.

26. Section 110(a) of the CAA, 42 U.S.C. § 7410(a), requires each state to adopt and submit to the Administrator of the EPA a plan that provides for implementation, maintenance, and enforcement, for each promulgated NAAQS, in each air quality control region (or portion thereof). Each such plan (*i.e.*, SIP), must include enforceable emission limitations and other control measures as well as a permit program to regulate the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that NAAQS are achieved. Section 110(a)(2)(A) of the CAA, 42 U.S.C. § 7410(a)(2)(A). The SIP must also provide for the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality and, upon request, make such data available to EPA. Section 110(a)(2)(B) of the CAA, 42 U.S.C. § 7410(a)(2)(B).

27. Pursuant to Section 113(a) and (b) of the CAA, 42 U.S.C. § 7413(a) and (b), upon EPA approval, SIP requirements are federally enforceable under Section 113. Under 40 C.F.R. § 52.23, any permit limitation or condition contained within a permit issued under an EPA-approved program that is incorporated in a SIP is a requirement of the SIP and is federally enforceable under Section 113.

28. Pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, the State of Louisiana adopted regulations that comprise the SIP for Louisiana (the "Louisiana SIP"). The Louisiana SIP regulations as approved by EPA are set forth in 40 C.F.R. § 52.970(c). The Louisiana SIP incorporates the State of Louisiana's New Source Review ("NSR") permitting programs for both major and minor sources.

29. Section 501 of Title 33, Part III, of the Louisiana Administrative Code ("LAC") establishes the scope and applicability of air permit procedures.

30. LAC 33:III.501C.2 requires that, except as specified in LAC 33:III.Chapter 3, no construction, modification, or operation of a facility which ultimately may result in an initiation of, or an increase in, emission of air contaminants as defined in LAC 33:III.111 shall commence until the appropriate permit fee has been paid (in accordance with LAC 33:III.Chapter 2) and a permit (certificate of approval) has been issued by the permitting authority.

31. LAC 33:III.501.C.4 requires the owner or operator of, among other sources, any major source to "operate[ ] in accordance with all terms and conditions of [its] permit. Noncompliance with any term or condition of the permit shall constitute a violation of this Chapter and shall be grounds for enforcement action, for permit revision or termination, or for denial of a permit renewal application." LAC 33:III.501.C.4.

32. Section 509 of Title 33, Part III, of the LAC establishes requirements for the PSD permit program.

33. Section 509 of Title 33, Part III, of the LAC defines "major modification" as any physical change in or change in the method of operation of a major stationary source that would result in significant emissions increase of a regulated NSR pollutant, and a significant net emission increase of that pollutant from the major stationary source. Any significant emissions increase from any emissions unit or net emissions increase at a major stationary source that is significant for VOCs or NOx is considered significant for ozone.

34. A "major stationary source" is either any of the stationary sources of air pollutants listed in Table A of LAC 33:III.509 that emits, or has the potential to emit, 100 tons per year or more of any pollutant (except for greenhouse gases ("GHGs")) subject to regulation under LAC 33:III.509; for stationary source categories other than those listed in Table A, any stationary source that emits, or has the potential to emit, 250 tons per year or more of any air pollutant (except for GHGs) subject to LAC 33:III.509; or any physical change that would occur at a source not otherwise qualifying as a major stationary source if the change would constitute a major source by itself. LAC 33:III.509.B.

35. LAC 33:III.509.A.3 requires the submission of a permit modification application to the Louisiana Department of Environmental Quality ("LDEQ") prior to a major modification.

36. LAC 33:III.509.J.3 requires that a major modification apply best available control technology for each regulated NSR pollutant for which it would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

37. Section 523 of Title 33, Part III, of the LAC outlines procedures for incorporating test results into permit amendments or modifications if such testing demonstrates that the terms and conditions of the existing permit are inappropriate or inaccurate.

38. LAC 33:III.523.A requires an owner or operator of any facility permitted under Chapter 5 of Title 33, Part III, of the LAC to request a permit amendment or modification to reflect the results of any testing required or approved by the permitting authority, if such testing demonstrates that the terms and conditions of the existing permit are inappropriate or inaccurate. The request must be submitted within 90 days of obtaining the relevant test results. Any change to incorporate test results that does not meet the criteria for administrative amendments must be incorporated into the permit via a minor or significant modification. LAC 33:III.523.A.2.

II. Factual Background

39. Nucor Steel Louisiana LLC owns and operates its DRI facility at 9101 LA Hwy 3125, Convent, St. James Parish, Louisiana (the "Facility").

40. The Facility utilizes the DRI process, which reduces the iron oxide content of iron ore pellets into iron metal through direct contact with a reducing gas. The effectiveness of this reduction process is called metallization. The process equipment is designed to achieve a metallization rate of at least 92 percent of the oxides within the ore. The reduction takes place in a countercurrent vertical shaft furnace, where reducing gas passes up through iron oxide pellets which feed downward through the furnace by gravity. The major elements of the DRI process include iron oxide preparation, reducing gas preparation, operation of the DRI reactor shaft furnace, spent reducing gas preparation for reuse, DRI product handling, and ancillary operations, including two package boilers, two cooling towers, and a flare for controlling vent gas during emergency situations. *See* EPA Region 6 Inspection Report (May 19, 2022).

41. The Facility operates under Title V Permit No. 3086-V9 (issued June 23, 2020 and expired January 29, 2021) (the "Title V Permit") and PSD-LA-751(M4) Permit (issued June 23, 2020) (the "PSD Permit"), issued under the Louisiana Operating Permits Program. The Facility submitted to LDEQ a Title V Permit Air Permit Renewal Application and a PSD Modification Application on July 27, 2021.

42. On January 24, 2022, EPA Region 6 issued a NOVOC to Nucor regarding unauthorized emissions of hydrogen sulfide and sulfuric acid mist, and exceedance of permitted limits for sulfur dioxide emissions at the Facility.

43. On March 22–23, 2022, EPA Region 6 and LDEQ inspectors conducted an on-site, announced inspection of the Facility.

44. EPA issued the final inspection report on May 19, 2022.

IV. Violations

COUNT 1: Violation of 40 C.F.R. § 63.6(e)(1)(i), LAC 33:III.501.C.4, and the Facility's Title V Permit for emissions of NOx at the DRI Unit No. 1 Process Heater (EQT0069) in excess of permitted limits during 2018, 2019, 2020, 2021, and 2022.

45. Based on a review of the CEMS data submitted by the Facility, the Facility exceeded its permitted NOx emissions limits at the DRI Unit No 1. Process Heater (EQT0069) during the following times: 29 days in 2018, 55 days in 2019, 22 days in 2020, 47 days in 2021, and 4 days in 2022.

46. Nucor violated 40 C.F.R. § 63.6(e)(1)(i), LAC 33:III.501.C.4, and the Facility's Title V Permit for emitting NOx in excess of permitted limits under the Facility's Title V Permit.

COUNT 2: Violation of 40 C.F.R. § 63.6(e)(1)(i), LAC 33:III.501.C.4, and the Facility's Title V Permit for emissions of sulfur dioxide at EQT0069 and DRI Unit No. 1 Hot Flare (EQT0071) in excess of permitted pound per hour limits during 2019 and 2020.

47. Based on a review of the Facility's Title V Semiannual Monitoring Reports, the Facility exceeded the maximum pound per hour permit limit for sulfur dioxide for the following periods: approximately 8,341 hours from July 10, 2019 to December 31, 2020 at EQT0069; approximately 580 hours from January 30, 2020, to December 31, 2020 at the DRI Unit No. 1 Hot Flare (EQT0071).

48. Nucor violated 40 C.F.R. § 63.6(e)(1)(i), LAC 33:III.501.C.4, and the Facility's Title V Permit for emitting sulfur dioxide at EQT0069 and EQT0071 in excess of permitted pound per hour limits during 2019 and 2020.

COUNT 3: Violation of 40 C.F.R. § 63.6(e)(1)(i), LAC 33:III.501.C.4, and the Facility's Title V Permit for emissions of sulfur dioxide at EQT0071 in excess of the permitted tons per year limit during 2020.

49. Based on a review of the Facility's Title V Semiannual Monitoring Reports, the Facility emitted 0.081 tons of sulfur dioxide at EQT0071 in 2020, exceeding the 0.01 tons per year permitted limit.

50. Nucor violated 40 C.F.R. § 63.6(e)(1)(i), LAC 33:III.501.C.4, and the Facility's Title V Permit for emitting sulfur dioxide at EQT0071 in excess of the permitted tons per year limit during 2020.

COUNT 4: Violation of 40 C.F.R. § 63.6(e)(1)(i), LAC 33:III.501.C.4, and the Facility's Title V Permit for emissions of sulfuric acid at EQT0069 in excess of permitted limits during 2020.

51. Based on a review of the Facility's Title V Semiannual Monitoring Reports, the Facility exceeded the permitted pounds per hour limit for sulfuric acid at EQT0069 for 5,496 hours from January 1, 2020 to December 31, 2020.

52. Nucor violated 40 C.F.R. § 63.6(e)(1)(i), LAC 33:III.501.C.4, and the Facility's Title V Permit for emitting sulfuric acid at EQT0071 in excess of permitted pounds per hour limits during 2020.

COUNT 5: Violation of LAC 33:III.501.C.4, LAC 33:III.509, the Facility's Title V Permit, and the Facility's PSD Permit for emissions of particulate matter, VOCs, carbon monoxide, sulfur dioxide, sulfuric acid, arsenic, barium, cadmium, chromium, cobalt, copper, lead, manganese, nickel, and selenium at EQT0069 in excess of permitted limits during 2020 and 2021.

53. The Facility submitted to LDEQ the Performance Test Reports for EQT0069, dated January 8, 2021 and March 12, 2021, for tests conducted on or about November 17, 2020 and November 18, 2020, and the retest conducted on or about January 14, 2021, as required by 40 C.F.R. Part 63, Subpart DDDDD. Based on a review of the Performance Test reports, the Facility exceeded the pound per hour limits under the Facility's Title V Permit for the following pollutants at EQT0069 in the 2020 test: particulate matter (PM10), VOCs, carbon monoxide, sulfur dioxide, sulfuric acid, arsenic, cadmium, chromium, cobalt, copper, lead, nickel, and selenium.

54. Based on a review of the Performance Test Reports, the Facility exceeded the pound per hour limits under the Facility's Title V Permit for the following pollutants at EQT0069 in the 2021 retest: PM2.5, PM10, carbon monoxide, sulfuric acid, arsenic, barium, chromium, cobalt, copper, lead, manganese, nickel, and selenium.

55. Based on a review of the Performance Test Reports, the Facility exceeded the pound per hour limits under the Facility's PSD Permit for the following pollutants at EQT0069 in the 2020 test: PM10, sulfur dioxide, carbon monoxide, and VOCs.

56. Based on a review of the Performance Test Reports, the Facility exceeded the pound per hour limits under the Facility's PSD Permit for the following pollutants at EQT0069 in the 2021 retest: PM2.5, PM10, sulfur dioxide, and carbon monoxide.

57. Nucor violated LAC 33:III.501.C.4 and the Facility's Title V Permit for emitting PM10, VOCs, carbon monoxide, sulfur dioxide, sulfuric acid, arsenic, cadmium, chromium, cobalt, copper, lead, nickel, and selenium at EQT0069 in excess of permitted pound per hour limits in 2020.

58. Nucor violated LAC 33:III.501.C.4 and the Facility's Title V Permit for emitting PM2.5, PM10, carbon monoxide, sulfuric acid, arsenic, barium, chromium, cobalt, copper, lead, manganese, nickel, and selenium at EQT0069 in excess of permitted pound per hour limits in 2021.

59. Nucor violated LAC 33:III.501.C.4, LAC 33:III.509, and the Facility's PSD Permit for emitting PM10, sulfur dioxide, carbon monoxide, and VOCs at EQT0069 in excess of permitted pound per hour limits in 2020.

60. Nucor violated LAC 33:III.501.C.4, LAC 33:III.509, and the Facility's PSD Permit for emitting PM2.5, PM10, sulfur dioxide, and carbon monoxide at EQT0069 in excess of permitted pound per hour limits in 2021.

COUNT 6: Violation of 40 C.F.R. § 60.13 and Appendix F of 40 C.F.R. Part 60, Procedure 1, Section 5, for failure to conduct valid CEMS audits at the EQT0069 for NOx during the second quarter of 2019.

61. Based on a review of records provided by the Facility, the Facility conducted a CGA for EQT0069 on March 13, 2019 and a RATA for EQT0069 on May 7, 2019. The CGA and RATA were conducted less than sixty (60) days apart.

62. Nucor violated 40 C.F.R. § 60.13 and Appendix F of 40 C.F.R. Part 60, Procedure 1, Section 5, by conducting consecutive CEMS audits at EQT0069 less than two months apart.

COUNT 7: Violation of 40 C.F.R. § 60.13 and Appendix F of 40 C.F.R. Part 60, Procedure 1, Section 5 for failure to conduct a RATA at the EQT0069 nitrogen oxides CEMS after three consecutive quarters of CGAs in 2019 and 2020.

63. Based on a review of records provided by the Facility, the Facility conducted three consecutive quarters of CGAs during the third and fourth quarters of 2019 and the first quarter of 2020 at EQT0069 for the NOx CEMS. The Facility failed to conduct a RATA during the second quarter of 2020.

64. Nucor violated 40 C.F.R. § 60.13 and Appendix F of 40 C.F.R. Part 60, Procedure 1, Section 5, by failing to conduct a RATA at EQT0069 for the NOx CEMS in the second quarter of 2020 after three consecutive quarters of CGAs in 2019 and 2020.

COUNT 8: Violation of 40 C.F.R. § 63.8(c) for failure to continuously operate the nitrogen oxides CEMS at the EQT0069 during 2019, 2020, 2021, and 2022.

65. Based on a review of the CEMS data provided by the Facility, during 2018, the NOx CEMS for EQT0069 was either out of service ("MOS") or out of control ("MOC"), or the data acquisition system ("DAS") was out of service ("COS"), for five (5) days.

66. Based on a review of the CEMS data provided by the Facility, during 2019, the NOx CEMS for EQT0069 was either MOS or MOC, or the DAS was COS, for sixty-nine (69) days.

67. Based on a review of the CEMS data provided by the Facility, during 2020, the NOx CEMS for EQT0069 was either MOS or MOC, or the DAS was COS, for twenty-three (23) days.

68. Based on a review of the CEMS data provided by the Facility, during 2021, the NOx CEMS for EQT0069 was either MOS or MOC, or the DAS was COS, for thirty-eight (38) days.

69. Based on a review of the CEMS data provided by the Facility, during 2022, the NOx CEMS for EQT0069 was either MOS or MOC, or the DAS was COS, for five (5) days.

70. Nucor violated 40 C.F.R. § 63.8(c) for failing to continuously operate the NOx CEMS at EQT0069 during 2018, 2019, 2020, 2021, and 2022.

COUNT 9: Violation of LAC 33:III.501.C.4 and Specific Requirement 33 of the Facility's Title V Permit for failure to control particulate matter by watering roadways during 2021.

71. Based on a review of records provided by the Facility, the Facility failed to water roadways for periods of time during 2021. In particular, the Facility failed to water roadways 9, 10, 11, 12, 13, 14, 15, 16, 17, A, and B during November 1–17, 2021. The Facility provided information demonstrating that roadways 9, 10, 11, 12, and A were not in use during that period.

72. Nucor violated LAC 33:III.501.C.4 and Specific Requirement 33 of the Facility's Title V Permit for failing to control particulate matter by watering roadways during 2021.

COUNT 10: Violation of LAC 33:III.501.C.4, LAC 33:III.509.J.3, the Facility's PSD Permit, and the Facility's Title V Permit for failure to apply best available control technology ("BACT") for each regulated NSR pollutant for which it would result in a significant emissions increase at the source during 2017, 2018, 2019, 2020, 2021, and 2022.

73. The Facility's PSD Permit and Title V Permit require tail gas routed to the process gas heater as fuel be desulfurized by routing the tail gas through an Acid Gas Recovery Unit ("AGRU") to produce "lean tail gas," which is further processed downstream at the SulfOx unit.

74. Based on correspondence to LDEQ dated August 16, 2021, the Facility failed to apply best available control technology ("BACT") for sulfur dioxide, hydrogen sulfide, and sulfuric acid mist emissions by allowing tail gas into the process heater fuel gas system without pre-treatment from July 2014 to the present. The Facility stopped treating tail gas with the AGRU in July 2014. All reasonable precautions were not taken to ensure that the process gas heater fuel gas for EQT0069 was completely pre-treated, thus the tail gas in

the process gas heater fuel gas system was released to the atmosphere through the common stack without pre-treatment from July 2014 to the present.

75. Nucor violated LAC 33:III.501.C.4 and the Facility's Title V Permit, including Specific Requirement 545 of Title V Permit No. 3086-V4 and 3086-V4AA, Specific Requirement 497 of Title V Permit No. 3086-V5, Specific Requirement 116 of Title V Permit No. 3086-V6 and 3086-V7, Specific Requirement 126 of Title V Permit No. 3086-V8, Specific Requirement 134 of Title V Permit No. 3086-V9 for failing to apply BACT for each regulated NSR pollutant for which it would result in a significant emissions increase at the source during 2017, 2018, 2019, 2020, 2021, and 2022.

76. Nucor violated LAC 33:III.509, LAC 33:III.509.J.3, and the Facility's PSD Permit (*i.e.*, PSD-LA-751 (M2), PSD-LA-751 (M3), PSD-LA-751 (M4)) for failing to apply BACT for each regulated NSR pollutant for which it would result in a significant emissions increase at the source during 2017, 2018, 2019, 2020, 2021, and 2022.

COUNT 11: Violation of LAC 33:III.501.C.2 and 33:III.509.A.3 for failure to submit a permit application prior to construction, reconstruction, or modification of the AGRU, for hydrogen sulfide and sulfuric acid mist emissions, and for the operation of EQT0069 and AV-1 DRI Unit No. 1 Acid Gas Absorption Vent (EQT0072).

77. The Facility stopped treating process gas heater fuel gas for EQT0069 with the AGRU in July 2014, which resulted in tail gas containing hydrogen sulfide ("rich tail gas") being released to the atmosphere through the common stack without pre-treatment. When the process gas heater burners combusted the rich tail gas, the majority of the sulfur was converted to, and emitted as, sulfur dioxide and sulfuric acid mist.

78. Nucor violated LAC 33:III.509.A.3 in 2017, 2018, 2019, 2020, and 2021 for failing to submit a permit modification application prior to discontinuing use of the AGRU, which resulted in a significant increase of emissions of hydrogen sulfide and sulfuric acid mist. On July 27, 2021, the Facility submitted to LDEQ a Title V Air Permit Renewal Application and a PSD Modification Application to address the removal of the AGRU.

79. The Facility was originally permitted to operate EQT0069 and the AV-1 DRI Unit No. 1 Acid Gas Absorption Vent (EQT0072) as separate emissions sources with their own stacks in Title V Permit No. 3086-V0 issued on January 27, 2011. The stack for EQT0072 was never constructed; therefore, the stacks of EQT0069 and EQT0072 were combined into one stack and operated contrary to the original permit authorization. The Facility did not submit a permit application to LDEQ until July 27, 2021 to address the reconciliation of the stack parameters for EQT0069 and EQT0072 in the Facility's Title V Permit and PSD Permit.

80. Nucor violated LAC 33:III.501.C.2 in 2017, 2018, 2019, 2020, and 2021 for failing to submit a permit application prior to construction, reconstruction, or modification of the DRI 1 Unit.

COUNT 12: Violation of LAC 33:III.523.A for failure to submit a permit modification application within 90 days after receipt of stack test results, if such testing demonstrates that the terms and conditions of the existing permit are inappropriate or inaccurate, in 2021.

81. The Facility submitted to LDEQ the Performance Test Reports for EQT0069, dated January 8, 2021 and March 12, 2021, for tests conducted on or about November 17, 2020 and November 18, 2020, and the retest conducted on or about January 14, 2021. *See* Count 5. Based on information provided to LDEQ, the Facility received the results of the retest on or about February 19, 2021.

82. The Facility submitted a Title V Air Permit Renewal Application and PSD Modification Application to LDEQ on July 27, 2021, which was approximately two (2) months after the 90-day deadline to submit a permit application after receiving the results of the retest on or about February 19, 2021.

83. Nucor violated LAC 33:III.523.A in 2021 for failing to submit a permit modification application within 90 days after receipt of stack test results on or about February 19, 2021, given that the testing demonstrated the terms and conditions of the existing permit were inappropriate or inaccurate.

V. Enforcement Provisions

84. Sections 113(a)(1) and (3) of the CAA, 42 U.S.C §§ 7413(a)(1) and (3), provide the Administrator with several enforcement options to resolve these violations.

85. Sections 113(a)(1) and (3) of the CAA, 42 U.S.C. §§ 7413(a)(1) and (3), provide that the Administrator may bring a judicial civil action in accordance with Section 113(b) of the Act, 42 U.S.C. § 7413(b), whenever, on the basis of any information available to the Administrator (and following thirty (30) days' notice for actions under Section 113(a)(1)), the Administrator finds, inter alia, that any person has violated or is in violation of any requirement or prohibition of the provisions of the Louisiana SIP or rules promulgated under Subchapter I of the CAA (42 U.S.C. §§ 7401 – 7515).

86. Section 113(b) of the CAA, 42 U.S.C. § 7413(b), authorizes the Administrator to initiate a judicial enforcement action for a permanent or temporary injunction, and/or for a civil penalty of up to $109,024 per day for each violation that occurred after November 2, 2015, where penalties are assessed on or after January 12, 2022, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by 31 U.S.C. § 3701, 40 C.F.R. § 19.4, and 87 Fed. Reg. 1,676 (Jan. 12, 2022), against any person who has violated, or is in violation of, the requirements or prohibitions of the provisions of the Louisiana SIP or rules promulgated under Subchapter I of the CAA (42 U.S.C. §§ 7401 – 7515).