

**ALLEGHENY COUNTY HEALTH DEPARTMENT  
AIR QUALITY PROGRAM**

In the Matter of:

GenOn Power Midwest, LP  
Cheswick Generating Station  
Pittsburgh & Porter Streets  
Springdale, PA 15144

Violation No. 200702

Violations of Article XXI, § 2102.03  
("Permits Generally") at property:

Pittsburgh & Porter Streets  
Springdale, PA 15144

**ENFORCEMENT ORDER**

**NOW**, this 30th day of July 2020, the Allegheny County Health Department (hereinafter "ACHD") issues this Enforcement Order after it has found and determined the following:

1. The Director of the ACHD has been delegated authority pursuant to the federal Clean Air Act, 42 U.S.C. Sections 7401 -7671q (hereinafter "CAA"), and the Pennsylvania Air Pollution Control Act, 35 P.S. Sections 4001-4014 (hereinafter "APCA"), and the ACHD is a local health agency organized under the Local Health Administration Law, 19 P.S. §§ 12001-12028, whose powers and duties include the enforcement of laws relating to public health within Allegheny County including, but not limited to, the ACHD's Rules and Regulations, Article XXI, Air Pollution Control (Allegheny County Code of Ordinances Chapters 505, 507 and 535) (hereinafter "Article XXI").

2. GenOn Power Midwest, LP<sup>1</sup> (hereinafter “GenOn”) operates the Cheswick Generating Station which is an electric generating facility located on Pittsburgh & Porter Streets, Springdale, PA 15144.

3. GenOn was issued a Major Source Operating Permit (Permit No.: 0054r) on November 21, 2017, for the Cheswick Generating Station.

4. GenOn’s Operating Permit, Condition V.A.1.c, states that sulfur oxides (SO<sub>x</sub>) emissions, expressed as sulfur dioxide, from Stack-001a shall not exceed 3,176 lb/hr on a daily average basis.

5. Between March 14, 2018 and February 1, 2019, GenOn had thirteen (13) exceedances of the SO<sub>2</sub> emissions limits set forth in Condition V.A.1.c of the Operating Permit.

The following table lists the thirteen (13) exceedances:

Date	Actual Daily Average lb/hr SO <sub>2</sub> emissions	Daily Average lb/hr SO <sub>2</sub> Emission Limit	Daily Average lb/hr SO <sub>2</sub> Above Limit	Total Daily lbs SO <sub>2</sub> above the limit	Total Tons SO <sub>2</sub> above the limit
3/14/2018	3388.2	3176	212.2	5092.8	2.5
7/2/2018	3781.1	3176	605.1	14522.4	7.3
7/3/2018	3364.6	3176	188.6	4526.4	2.3
7/4/2018	3294.1	3176	118.1	2834.4	1.4
7/5/2018	3485.2	3176	309.2	7420.8	3.7
7/10/2018	3321.5	3176	145.5	3492.0	1.7
9/4/2018	3424.9	3176	248.9	5973.6	3.0
11/28/2018	3806	3176	630	15120.0	7.6
11/29/2018	3607.4	3176	431.4	10353.6	5.2
11/30/2018	3180.6	3176	4.6	110.4	0.1
1/21/2018	3921.5	3176	745.5	17892.0	8.9
1/31/2019	3484.9	3176	308.9	7413.6	3.7
2/1/2019	3685.7	3176	509.7	12232.8	6.1
<b>Total</b>				<b>106,984.8 lbs SO<sub>2</sub></b>	<b>53.5 Tons SO<sub>2</sub></b>

<sup>1</sup> GenOn was formerly known as NRG Power Midwest, LP. On April 29, 2019, the ACHD received a notification of a change of name of the Cheswick Generating Station to GenOn Power Midwest, LP. GenOn advised the ACHD that “[t]here is no change in owner, operator or control of these facilities.”

6. Condition V.A.5 of the Operating Permit and Article XXI, §2103.12.k, requires that GenOn submit to the ACHD quarterly reports identifying all instances of non-compliance with the requirements of the Operating Permit.

7. On April 26, 2018, July 20, 2018, October 22, 2018 and January 17, 2019, GenOn submitted quarterly reports to the ACHD containing SO<sub>2</sub> emissions data. The three (3) quarterly reports (1<sup>st</sup> Q, 3<sup>rd</sup> Q, and 4<sup>th</sup> Q) submitted by GenOn for the 2018 calendar year failed to clearly identify the exceedances of the SO<sub>2</sub> emission limits set forth in Condition V.A.1.c which constitutes three (3) violations of Article XXI § 2103.12.k.1 which reads as follows:

**§ 2103.12 ISSUANCE, STANDARD CONDITIONS**

**k. Standard Reporting Requirements**

1. Submittal of reports of any required monitoring at least every 6 months. **All instances of deviations from permit requirements must be clearly identified in such reports.** All required reports must be certified by a responsible official as required by §2102.01 of this Article;

8. On February 28, 2019, GenOn submitted a revised addendum to the 2018 quarterly reports disclosing ten (10) previously unreported SO<sub>2</sub> emission exceedances.

9. On April 18, 2019, the ACHD received the first quarter 2019 quarterly report submitted by GenOn which identified three (3) SO<sub>2</sub> emission exceedances.

10. In total, GenOn reported thirteen (13) exceedances of the SO<sub>2</sub> emission limit between March 14, 2018 and February 1, 2019. The specific dates of the exceedances are identified in the chart above. The above identified exceedances of the emission limits for SO<sub>2</sub>

set forth in Condition V.A.1.c of the Operating Permit constitutes thirteen (13) violations of Article XXI, § 2102.03.c<sup>2</sup>

11. Based on information provided by GenOn during the ACHD's investigation of the violations, the emission exceedances were due to a recycle pump failure on a scrubber after the pump was brought back into service following an extended time out of service. The spray nozzle(s) associated with the pump became clogged with lime crystallization and failed to control excess emissions. Repairs to the pump and the cleaning of the nozzle were completed on April 24, 2019.

12. As of the date of this Order, GenOn has not submitted a breakdown report for the pump failure which resulted in the SO<sub>2</sub> exceedances of the permit limit which constitutes a violation of Article XXI §2108.01.c and which reads as follows:

#### **§ 2108.01 REPORTS REQUIRED**

##### **c. Breakdowns.**

1. In the event that any air pollution control equipment, process equipment, or other source of air contaminants breaks down in such manner as to have a substantial likelihood of causing the emission of air contaminants in violation of this Article, or of causing the emission into the open air of potentially toxic or hazardous materials, the person responsible for such equipment or source shall immediately, but in no event later than 60 minutes after the commencement of the breakdown, notify the Department of such breakdown and shall, as expeditiously as possible but in no event later than seven (7) days after the original notification, provide written notice to the Department.

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<sup>2</sup> Article XXI, § 2102.03.c states: “**Conditions.** It shall be a violation of this Article giving rise to the remedies provided by Part I of this Article for any person to fail to comply with any terms or conditions set forth in any permit issued pursuant to this Part.”

**ORDER**

**NOW THEREFORE**, pursuant to the authority granted to the ACHD by Article XXI, § 2109.03.a.1, and the Local Health Administration Law, 19 P.S. § 12010, it is hereby **ORDERED** that:

13. For the violations set forth in the preceding paragraphs, GenOn is hereby assessed a civil penalty of THIRTY-TWO THOUSAND TWO HUNDRED EIGHTY DOLLARS (\$32,280.00). The civil penalty is as follows:

**A. Gravity Based Component**

<b>Violation</b>	<b>Gravity Based Penalty</b>	<b>Number of Violations</b>	<b>Total Gravity Penalty</b>
Excess SO <sub>2</sub> Emissions (Article XXI, § 2102.03, Condition V.A.1.c)	\$1,300.00	12	\$15,600.00
Excess SO <sub>2</sub> Emissions (Article XXI, § 2102.03, Condition V.A.1.c)	\$2,500.00	1	\$2,500.00
Failure to identify instances of deviation from permit requirements in quarterly reports (Article XXI § 2103.12.k, Condition V.A.5.a)	\$2,500.00	3	\$7,500.00
Failure to submit a breakdown report (Article XXI, § 2108.1.c)	\$1,300.00	1	\$1,300.00
<b>Gravity Component Subtotal</b>			<b>\$26,900.00</b>

**B. Adjustment Factors:**

Title V Source	<b>\$5,380.00</b>
<b>TOTAL CIVIL PENALTY</b>	<b>\$32,280.00</b>

14. GenOn shall pay the civil penalty amount within thirty (30) days of receipt of this Order. Payment shall be made by corporate or certified check, or the like, made payable to the “Allegheny County Clean Air Fund”, and sent to Air Quality Program Manager, Allegheny County Health Department, 301 39th Street, Bldg. #7, Pittsburgh, PA 15201.

15. The ACHD has determined the above penalty in accordance with Article XXI § 2109.06.b. reflecting relevant factors including, but not limited to: the nature, severity and frequency of the alleged violations; the maximum amount of civil and criminal penalties authorized by law; the willfulness of such violations; the impact of such violations on the public and the environment; the economic benefit gained by failing to comply with the ACHD’s regulations; the actions taken by GenOn to minimize such violations and to prevent future violations.

16. The gravity-based component of the civil penalty reflects the severity of the violation and the potential harm to the public or environment from the violation. The gravity-based component may be adjusted for factors and circumstances unique to the violator.

17. Pursuant to Article XI (“Hearings and Appeals”) of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order you have thirty (30) days from the date of issuance or receipt of this Order in which to file an appeal. Such a Notice of Appeal shall be filed in the Office of the Director at 542 Fourth Avenue, Pittsburgh, PA 15219.

18. If you appeal this Order, you are required within 30 days of receipt of this Order to either forward the penalty amount to the ACHD for placement in an escrow account or post an appeal bond to the ACHD in the amount of the penalty. Please review the specific requirements for prepaying the penalty or posting the appeal bond found in Article XXI, §§ 2109.06.a.2-3. A

copy of Article XXI and Article XI may be found at <https://www.alleghenycounty.us/Health-Department/Health-Department-Regulations.aspx>.

19. This Order is enforceable upon issuance and any appeal of this Order shall not act as a stay unless the Director of the ACHD so orders. In the absence of a timely appeal, the terms of this Order shall become final.

20. Failure to comply with this Order within the times specified herein is a violation of Article XXI giving rise to the remedies provided by Article XXI § 2109.02 including civil penalties of up to \$25,000 per violation per day.

21. The provisions of this Order shall apply to, be binding upon, and inure to the benefit of the ACHD and GenOn, and upon their respective officers, directors, agents, contractors, employees, servants, successors, and assigns.

**DONE** and **ENTERED** this 30<sup>th</sup> day of July 2020, in Allegheny County, Pennsylvania.

  
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Dean DeLuca  
Air Quality Program Manager

7/30/2020  
Date