

ALLEGHENY COUNTY HEALTH DEPARTMENT

IN RE:

Bacharach, Inc.
625 Alpha Drive
Allegheny County
Pittsburgh, PA 15238

) **PLAN APPROVAL ORDER**
) **AND AGREEMENT NO. 263**
) **UPON CONSENT**

AND NOW, this 10th day of October, 1997,

WHEREAS, the Allegheny County Health Department, (hereafter referred to as "Department"), has determined that Bacharach, Inc. (hereafter referred to as "Bacharach"), 625 Alpha Drive, O'Hara Township, Allegheny County, PA 15238, is the owner and operator of a gas detection equipment and temperature and measurement devices manufacturing facility at 625 Alpha Drive, O'Hara Township, Allegheny County, PA 15238 (hereafter referred to as "the facility"), is a potential major stationary source of volatile organic compounds (hereafter referred to as "VOCs") emissions as defined in Section 2101.20 of Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control (hereafter referred to as "Article XXI"); and

WHEREAS, the Department has determined that Section 2105.06.a. of Article XXI, entitled "Major Sources of Oxides of Nitrogen & Volatile Organic Compounds" is applicable to Bacharach's operations at this facility; and

WHEREAS, Bacharach submitted to the Department all documents required by Section 2105.06.b of Article XXI (hereafter referred to as "the proposal"); and

WHEREAS, the Department, after a review of the proposal, has determined that it satisfies

all the requirements of Section 2105.06.b of Article XXI and is complete; and

WHEREAS, the Department has further determined, after review of the proposal and other information available to the Department, that it constitutes Reasonably Available Control Technology as defined in Section 2101.20 of Article XXI (hereafter referred to as "RACT") for control of VOC emissions from Bacharach; and

WHEREAS, the Department and Bacharach desire to memorialize the details of the submitted proposal by entry of a Plan Approval Order and Agreement Upon Consent; and

WHEREAS, pursuant to Section 2109.03 of Article XXI, whenever the Director of the Allegheny County Health Department or his designated representative finds, on the basis of any information available to him, that any source is being operated in violation of any provision of Article XXI, he may order the person or persons responsible for the source to comply with Article XXI; and

NOW, THEREFORE, this day first written above, the Department, pursuant to Section 2109.03 of Article XXI, and upon agreement of the parties as hereinafter set forth, hereby issues this Plan Approval Order and Agreement upon Consent:

I. ORDER

- 1.1. At no time shall Bacharach allow the total combined annual facility wide emissions of VOCs to equal or exceed fifty (50) tons per year.

- 1.2. Bacharach shall at all times maintain appropriate records to demonstrate compliance with the requirements of both Section 2105.06 of Article XXI and this Order. Such records shall provide sufficient data to demonstrate that all requirements of Section 2105.06 of Article XXI and this Order are being met and shall include, but not be limited to, the following:
 - A. Material purchase and consumption records

- 1.3. Bacharach shall retain records required by both Section 2105.06 of Article XXI and this Order for the facility for at least two (2) years and shall make the same available to the Department upon request.

II. AGREEMENT

The foregoing Order shall be enforced in accordance with and is subject to the following agreement of the parties, to wit:

- 2.1. The contents of this Order shall be submitted to the U.S. EPA as a revision to the Commonwealth of Pennsylvania's State Implementation Plan (hereafter referred to as "SIP").
- 2.2. Failure to comply with any portion of this Order or Agreement is a violation of Article XXI that may subject Bacharach to civil proceedings, including injunctive relief, by the Department.
- 2.3. This Order does not, in any way, preclude, limit or otherwise affect any other remedies available to the Department for violations of this Order or of Article XXI, including, but not limited to, actions to require the installation of additional pollution control equipment and the implementation of additional corrective operating practices.
- 2.4. Bacharach hereby consents to the foregoing Order and hereby knowingly waives all rights to appeal said Order, and the undersigned represents that he is authorized to consent to the Order and to enter into this Agreement on behalf of Bacharach.

~~2.5. Bacharach acknowledges and understands that the purpose of this Agreement is to implement RACT for the control of emissions of VOCs from this facility. Bacharach further acknowledges and understands the possibility that the U.S.~~

~~EPA may decide to not accept the Agreement portion of the Plan Approval
Order and Agreement by Consent as a revision to the Allegheny County's
portion of the Commonwealth of Pennsylvania's SIP.~~

IN WITNESS WHEREOF, and intending to be legally bound, the parties hereby consent to all of the terms and conditions of the foregoing Plan Approval Order and Agreement as of the date of the above written.

BACHARACH, INC.

By: *E. J. Startari*

(signature)

Print or type Name: Edward Startari

Title: V.P. of Operations

Date: 6-10-97

ALLEGHENY COUNTY HEALTH DEPARTMENT

By: *Bruce W. Dixon* 10/3/97

Bruce W. Dixon, M.D., Director
Allegheny County Health Department

and By: *Thomas J. Puzniak*

Thomas J. Puzniak, Engineering Manager
Air Quality Program