

IN RE:

General Electric Company	)	<b>PLAN APPROVAL ORDER</b>
Collier Township	)	<b>AND AGREEMENT NO. 251</b>
Allegheny County	)	<b><u>UPON CONSENT</u></b>

AND NOW, this 19th day of December, 1996,

WHEREAS, the Allegheny County Health Department, (hereafter referred to as "Department"), has determined that: the General Electric Company acting through one of its divisions, General Electric Lighting, (hereafter referred to as "GE"), Mayer Street, Bridgeville, Allegheny County, PA 15017, as the operator and the owner of a glass tubing manufacturing facility in Collier Township, Allegheny County, PA 15017 (hereafter referred to as "the Facility"). Section 2105.06 of Article XXI, entitled "Major NO<sub>x</sub> & Volatile organic compounds" is applicable to the Facility; and the Facility is a major stationary source of oxides of nitrogen (hereafter referred to as "NO<sub>x</sub>") emissions (but not emissions of volatile organic compounds) 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, GE has timely submitted to the Department all of the documents required by Section 2105.06.b of Article XXI (hereafter collectively referred to as "the Proposal"); and

**WHEREAS**, the Department has determined, after review, that the Proposal is complete; and

**WHEREAS**, GE performed stack emissions tests on two major sources of NO<sub>x</sub> emissions, its 180 Furnace and its Simplex Furnace in 1995; and

**WHEREAS**, the Department has further determined, after review, that GE's Proposal, constitutes Reasonably Available Control Technology (hereafter referred to as "RACT") for control of NO<sub>x</sub> emissions from the facility; and

**WHEREAS**, the parties have agreed that entering into this Consent Order and Agreement is the most appropriate vehicle to confirm GE's NO<sub>x</sub> RACT plan and constitute the Department's approval of the Plan for the purpose of submission of the same to the U.S. Environmental Protection Agency (hereafter referred to as "US EPA") as a revision to the Commonwealth of Pennsylvania State Implementation Plan (hereafter referred to as "SIP"; and

**WHEREAS**, the Department and GE desire to memorialize the details of the Proposal by entry of this RACT Plan Approval Order and Agreement Upon Consent; and

**WHEREAS**, pursuant to Section 2109.03 of Article XXI, the Director of the Allegheny County Health Department or his designated representative may issue such orders as are necessary to aid in the enforcement of the provisions of Article XXI, notwithstanding the

absence of any violation or any provision of Article XXI and of any condition causing, contributing to, or creating danger of air pollution;

**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 the following RACT Plan Approval Order and Agreement Upon Consent.

### I. Order

1.1. NO<sub>x</sub> RACT requirement for GE shall be:

- a. NO<sub>x</sub> RACT for the Simplex Furnace is the operation of oxy-fuel combustion equipment.
- b. NO<sub>x</sub> RACT for the Gas/Electric, Frit, Germicidal, Special, and 180 Furnace is baseline controls as defined in paragraph 1.2 below.
- c. NO<sub>x</sub> RACT for Boiler #1, #2, #3, Diesel Engine Generator for Boiler, Diesel Generator for 180 Furnace, the 180 Furnace Cullet Dryer, Special Furnace Cullet Dryer, Simplex Furnace Cullet Dryer, No. 1 and No. 2 Natural Gas Generators shall consist of operating the foregoing equipment in conformance with

manufacturer's specifications and/or good engineering practices.

- d. Recordkeeping Requirements. To satisfy the recordkeeping requirements of § 2105.06.g, of Article XXI GE shall keep records of oxygen and fuel usage and production records for the Simplex furnace and production records and fuel usage for all other furnaces. The records shall be retained for two years and shall be made available to the Department on request.
  
- 1.2. Baseline Controls. GE shall maintain baseline controls for the units identified in paragraph 1.1.b. above which shall be adherence to the furnace manufacturer's specifications and/or good engineering practices, low excess oxygen for each furnace and use of cullet as a batch ingredient for Gas/Electric, Special and 180 furnaces. Additionally, GE shall utilize electric boost as part of the baseline controls for the Gas/Electric and Special Furnaces.
  
- 1.3. At no time shall GE allow emissions of NO<sub>x</sub> from the stacks from the Simplex and 180 glass melting furnaces at the facility to exceed the following NO<sub>x</sub> emission limitations:



NO<sub>x</sub> Emissions:

<u>Furnace</u>	<u>Pounds/Hour</u>	<u>Tons/Year</u>
Simplex	37.5	165
180	27.72	122

- 1.4. GE shall determine compliance of each furnace with the emission limitations referenced in paragraphs 1.2. above by NO<sub>x</sub> emissions testing. GE shall conduct such testing every three years on the subject furnace stacks. The emission testing shall be conducted according to a U.S. EPA approved test method and Section 2108.02 of Article XXI. GE shall complete the next NO<sub>x</sub> emission testing by December 31, 1998.
- 1.5. At no time shall GE allow the equipment referred to in paragraph 1.1 above to operate unless each piece of listed equipment is being maintained and operated in accordance with the RACT provisions specified herein.
- ✓ 1.6. GE shall at all times properly operate and maintain process and emission control equipment addressed herein according to good engineering practice.

**II. AGREEMENT**

The foregoing Plan Approval 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 and Agreement is a violation of Article XXI that may subject GE to the remedies provided in Article XXI for any violation of that Article, unless U.S. EPA disapproves this Consent Order and Agreement as a SIP revision, in which case this Consent Order & Agreement shall be null and void.
- 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. GE 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 the RACT Plan Approval Order and Agreement Upon Consent on behalf of GE.

~~2.5. GE acknowledges and understands that the purpose of this Agreement is to establish RACT for the control of emissions of NO<sub>x</sub> from this facility. GE further acknowledges and understands the possibility that the U.S. EPA may decide to not accept the Agreement portion of this RACT Plan Approval Order and Agreement by Consent as a revision to the Commonwealth of Pennsylvania's SIP.~~

2.6. The paragraphs of the Consent Order and Agreement shall be severable, and should any part be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

2.7. This Consent Order and Agreement shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications shall be relevant or admissible for the purpose of determining the extent of any provision herein in any litigation or any other proceeding.

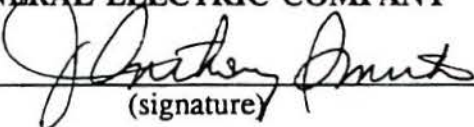
2.8. No changes, additions, modifications or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing, signed by the parties hereto.

2.9. This Consent Order and Agreement shall apply to and be binding upon GE, its assignees and successors.

- 2.10. The parties agree that nothing contained herein shall in any way affect GE's right to contest the EPA's determination on the subject SIP revision.
- 2.11. The parties agree that by entering into this Consent Order and Agreement, GE does not admit to any issue of fact or law not specifically admitted by GE herein.

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

**GENERAL ELECTRIC COMPANY**

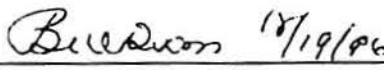
By:   
(signature)

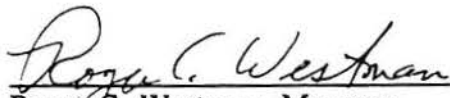
Print or type Name: J. ANTHONY SMITH

Title: PLANT MANAGER

Date: 10/21/96

**ALLEGHENY COUNTY HEALTH DEPARTMENT**

By:  10/19/96  
Bruce W. Dixon, M.D., Director  
Allegheny County Health Department

and By:   
Roger C. Westman, Manager  
Air Quality