

ALLEGHENY COUNTY HEALTH DEPARTMENT

IN RE: Pittsburgh Allegheny  
County Thermal, Ltd.  
Law and Finance Building  
Suite 806, 429 Fourth Avenue  
Pittsburgh, PA 15219

) PLAN APPROVAL ORDER  
) AND AGREEMENT NO. 265  
) UPON CONSENT

AND NOW, this 9<sup>th</sup> day of November 1998,

**WHEREAS**, the Allegheny County Health Department, (hereafter referred to as "Department"), has determined that the Pittsburgh Allegheny County Thermal, Ltd., (hereafter referred to as "PACT"), Law and Finance Building, Suite 806, 429 Fourth Avenue, Pittsburgh, Allegheny County, PA 15219, as the operator and the owner of its steam generation facility, Stanwix Street Plant, Pittsburgh, Allegheny County, PA 15219, (hereafter referred to as "the facility"), is a major stationary source of "oxides of nitrogen" emissions (hereafter referred to as "NO<sub>x</sub>") as defined of 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 Source of NO<sub>x</sub>" is applicable to PACT'S operations; and

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

**WHEREAS**, after a review of the submitted proposal, the Department has determined it to be complete; and

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

**WHEREAS**, the parties have agreed that the most appropriate vehicle for both memorializing the submitted proposal and approving the submitted proposal by the Department 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") is a Plan Approval Order and Agreement Upon Consent; and

**WHEREAS**, the Department and PACT desire to memorialize the details of the submitted proposal by entry of an 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 take action in order to aid in the enforcement of the provisions this Article; and

NOW, THEREFORE, this first day above written, the Department, pursuant of 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 PACT allow emissions from the facility to exceed the following limitations:

Boiler No.	NO <sub>x</sub> lbs/mmBTU	TPY
1	0.22	126.5
2	0.22	126.5
3	0.22	126.5
4	0.22	126.5

A year shall be defined as any twelve consecutive months.

1.2. At no time shall PACT operate boilers no.1, no. 2, no. 3 and no. 4 unless all process equipment and O<sub>2</sub> trim equipment are properly operated and maintained according to good engineering practice.

1.3. At no time shall PACT operate boilers no. 1, no. 2, no. 3 and no. 4 using any fuel other than natural gas or No. 2 fuel oil.

- 1.4. The facility shall perform NO<sub>x</sub> emission testing on boilers no. 1 through no. 4, every 2 years in order to demonstrate compliance with the emission limitations referenced in paragraph 1.1 above. Such testing shall be conducted in accordance with all applicable US EPA approved test methods and Section 2108.02 of Article XXI. Initial NO<sub>x</sub> emission testing shall be conducted prior to March 1, 1999.
  
- 1.5. PACT shall maintain all appropriate records to demonstrate compliance with both the requirements of Section 2105.06 of Article XXI and this Order. Such records shall provide sufficient data and calculations to demonstrate that all requirements of Section 2105.06 of Article XXI and this Order are being met. Such records shall include, but not be limited to, the following:
  - A. production data on a daily basis for each boiler:
    1. total fuel consumption and type consumed;
    2. amount of fuel usage, (mmBTU/day and/or gallon(s)/day);
    3. steam load, (mlbs/day); and
    4. total operating hours, (hours/day) and hours/year).
  
- 1.6. PACT shall retain all 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 US EPA as a revision to the Commonwealth of Pennsylvania's SIP.
- 2.2. Failure to comply with any portion of this Order or Agreement is a violation of Article XXI that may subject PACT to criminal and 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. PACT 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 PACT.

~~2.5. PACT 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. PACT further acknowledges and understands the possibility that the US EPA may decide to not accept the Agreement portion of this Order and Agreement by Consent as a revision to 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 Order and Agreement as of the date of the above written.

**PITTSBURGH ALLEGHENY COUNTY THERMAL, LTD.**

By: Robert S. Wilson

(signature)

Print or type Name: ROBERT S. WILSON

Title: PRESIDENT

Date: 10/29/98

**ALLEGHENY COUNTY HEALTH DEPARTMENT**

By: Bruce W. Dixon 4/9/98

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

and By: Sandra L. Etzel

Sandra L. Etzel, Chief Engineer Air Quality  
Allegheny County Health Department

