

ALLEGHENY COUNTY HEALTH DEPARTMENT  
BUREAU OF ENVIRONMENTAL QUALITY  
Division of Air Quality

IN RE:

Witco Corporation	)	ORDER AND AGREEMENT
1031 Middlesex Street	)	NO. 210
Gibsonia, PA 15044	)	<u>UPON CONSENT</u>

NOW, this 14<sup>th</sup> day of May, 1996,

WHEREAS, the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality (hereafter referred to as "Bureau"), has determined that the Witco Corporation (hereafter referred to as "Witco"), 1031 Middlesex Street, Gibsonia, Allegheny County, PA 15044, as the owner and operator of its lubricant manufacturing facilities at 1031 Middlesex Street, Gibsonia, Allegheny County, PA 15044 (hereafter referred to as "the facility"), is subject to Section 2105.06 of Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control (hereafter referred to a "Article XXI"); and

WHEREAS, Witco does not agree with the Bureau's determination that it is subject to Section 2105.06 of Article XXI; and

WHEREAS, Installation Permit Approval was granted on October 26, 1990 for the facility's installation of thermal oxidizers on grease kettles and thermal oxidizers were subsequently installed by Witco at the faecility; and

WHEREAS, on December 14, 1992 Witco was issued permit no.s 6032409-000-82800, 82801, 82802, 90400 and 90401 for the operation of grease kettles equipped with a thermal oxidizer (hereafter referred as the "Operating Permit") and the Operating Permit was renewed annually thereafter; and

WHEREAS, the Bureau believes that the Operating Permit was not enforceable by the Administrator of the United States Environmental Protection Agency (hereafter referred to as "EPA") or citizens; and

WHEREAS, Witco believes that the Operating Permit was enforceable by the Administrator of the EPA or citizens; and

WHEREAS, pursuant to Section 2101.20 of Article XXI Witco believed it was and is a minor source, not subject to requirements imposed upon major sources; and

WHEREAS, on or about May 1, 1995, the Bureau notified Witco that the facility was subject to requirements related to major sources of volatile organic compounds (hereafter referred to as "VOCs"); and

WHEREAS, Witco promptly submitted to the Bureau all documents required by Section 2105.06.b of Article XXI (hereafter referred to as "the Proposal"); and

**WHEREAS**, the Bureau has determined, after review of the submitted Proposal, that the Proposal is complete; and

**WHEREAS**, the Bureau has further determined, after review of the submitted proposal, that it constitutes Reasonably Available Control Technology (hereafter referred to as "RACT") for control of VOCs emissions from the facility; and

**WHEREAS**, the Bureau desires to memorialize the details of the submitted proposal by entry of an Order and Agreement Upon Consent to submit to the EPA as a proposed revision to Allegheny County's portion of the Commonwealth of Pennsylvania's State Implementation Plan (hereafter referred to as "SIP"); and

**WHEREAS**, pursuant to Section 2109.03 of Article XXI, the Director of the Allegheny County Health Department or his designated representatives may issue orders; and

**WHEREAS**, the purpose of this agreement is to memorialize the restrictions on the potential to emit from the facility and to render the restrictions enforceable by the Administrator of the EPA and citizens under the Clean Air Act; and

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

I. ORDER

- 1.1. Witco shall not conduct any process operations which generate emissions of VOCs at any time, unless all VOC emissions are processed by the facility's thermal oxidizer.
- 1.2. The thermal oxidizer shall be properly maintained and operated with a minimum VOC destruction efficiency of 98.9%, a minimum retention of 0.5 seconds and a minimum operating temperature of 1,500° F at all times during process operations.
- 1.3. The thermal oxidizer destruction efficiency shall be determined annually according to EPA approved test methods and as required by Section 2108.02.c of Article XXI. Such testing shall commence in calendar year 1996.
- 1.4. Records shall be kept by the facility to demonstrate compliance with the requirements of Section 2105.06

of Article XXI and this Order. Such records shall provide sufficient data and calculations to clearly demonstrate that all requirements of this Section are met. All data and information required to determine compliance shall be recorded and maintained by the facility as required by Section 2105.06.g of Article XXI.

1.5. All records shall be retained by the facility for at least two years and shall be made available to the Bureau upon request as required by Section 2105.06.g.3 of Article XXI

1.6. All process and control equipment shall be properly operated and maintained according to good engineering practice as required by Section 2105.03 of Article XXI.

## 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 EPA as a revision to Allegheny County's portion of

the Commonwealth of Pennsylvania's State SIP.

- 2.2. Failure to comply with any portion of this Order or Agreement is a violation of Article XXI that may subject Witco to criminal and civil proceedings, including injunctive relief, by the Bureau.
  
- 2.3. This Order does not, in any way, preclude, limit or otherwise affect any other remedies available to the Bureau 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. Witco 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 Witco.

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.

**WITCO CORPORATION**

By: \_\_\_\_\_

*Eric Meyers*

(signature)

Print or type Name: Eric Meyers

Title: Vice President

Date: April 1, 1996

**ALLEGHENY COUNTY HEALTH DEPARTMENT**

By: \_\_\_\_\_

*Bruce W. Dixon*

Bruce W. Dixon, M.D., Director

Allegheny County Health Department

and By: \_\_\_\_\_

*Ronald J. Chlebowski*

Ronald J. Chlebowski, Deputy Director

Bureau of Environmental Quality

