



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 28 2015

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Christopher Miller  
Ottawa Plant Manager  
Pilkington North America, Inc.  
300 20th Street  
Ottawa, Illinois 61350

Re: Pilkington North America, Inc.  
Administrative Consent Order EPA-5-16-113(a)-IL-04

Dear Mr. Miller:

Enclosed is an executed original of the Administrative Consent Order regarding the above-captioned case. If you have any questions about the Order, please contact me at 312-886-3850.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan A. Frank".

Nathan A. Frank, P.E.

Chief

Air Enforcement and Compliance Assurance Section (IL/TN)

Enclosure: Administrative Consent Order EPA-5-16-113(a)-IL-04

cc: Eric Jones, Bureau of Air  
Illinois Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>EPA-5-16-113(a)-IL-04</b>
	)	
<b>Pilkington North America, Inc.</b>	)	<b>Proceeding Under Section 113(a)(1)</b>
<b>Ottawa, Illinois</b>	)	<b>of the Clean Air Act,</b>
	)	<b>42 U.S.C. §§ 7413(a)(1)</b>
	)	
_____	)	

**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Pilkington North America, Inc. under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1).

**Statutory and Regulatory Background**

**Title V Requirements**

2. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, established an operating permit program for major sources of air pollution. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), provides that each state must submit to EPA a permit program meeting the requirements of Title V.

3. In accordance with Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), EPA promulgated regulations establishing the implementing Title V of the CAA. See 57 Fed. Reg. 32295 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.

4. Section 503 of the CAA, 42 U.S.C. § 7661c(a), requires that each Title V permit include enforceable emission limitations and standards, a schedule of compliance, and other conditions necessary to assure compliance with applicable requirements, including those contained in a state implementation plan.

5. EPA gave interim approval of the Illinois Title V program on March 7, 1995. 60 Fed. Reg. 12478. EPA fully approved the Illinois Title V program on December 4, 2001. 66 Fed. Reg. 62946. The approved Illinois Title V program is known as the Illinois Clean Air Act Permit Program (CAAPP).

6. The Illinois Environmental Protection Agency (IEPA) issued a Title I and Title V permit ("Permit")(application number: 95090029) to the facility on September 5, 2003.

7. Condition 5.2.2(b) of the Permit limits opacity to 30 percent as averaged over a six-minute period.

8. Condition 7.1.6 of the Permit limits PM emissions at Process Emission Unit #1 (batch hall storage, batch mixer, furnace fill system, and four cullet return system areas) to:

Unit	Particulate Matter	
	(pounds per hour)	(tons per year)
Batch Hall (DC-1)	0.29	1.26
Cullet System #2 (DC-5)	0.51	2.24
Cullet System #3 (DC-6)	0.31	1.37
Cullet System #4 (DC-8)	0.24	1.06

9. The PM limitations in Condition 7.1.6 of the Permit were established pursuant to Title I of the CAA, specifically Title 35 of the Illinois Administrative Code (35 IAC) Part 203, Major Stationary Sources Construction and Modification, and 40 C.F.R. § 52.21, Prevention of Significant Deterioration. These limits ensure that the construction and/or modification addressed in construction permit number 72120139 does not constitute a new major source or major modification.

10. Condition 7.4.6(a) of the Permit limits chloride emissions at the Low-E Vapor Deposition Coating Process ("Coating Process") to 1,390 pounds per month.

11. The chloride emission limits in Condition 7.4.6 of the Permit were established pursuant to Title I of the CAA, specifically 35 IAC Part 203, Major Stationary Sources

Construction and Modification, and 40 C.F.R. § 52.21, Prevention of Significant Deterioration. These limits ensure that the construction and/or modification addressed in construction permit number 88110041 does not constitute a new major source or major modification.

12. Federal regulations at 40 C.F.R. § 70.6(b) provide that Title V permits are federally enforceable.

13. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.

14. Conditions 5.7.1, 7.1.10, and 7.4.10 of the Permit require that Pilkington promptly notify IEPA of permit deviations at the facility, pursuant to Section 39.5(7)(f)(ii) of the Illinois Environmental Protection Act.

#### SIP Requirements

15. On December 29, 1992, EPA approved 35 IAC § 212.123, governing visible emissions, as part of the federally-enforceable State Implementation Plan (SIP) for Illinois. 57 Fed. Reg. 61834, 61837.

16. Pursuant to 35 IAC § 212.123(a), no person shall cause or allow the emission of smoke or other particulate matter, with an opacity greater than 30 percent, into the atmosphere from any emission unit other than those emission units subject to the requirements of 35 IAC § 212.122, except as allowed by 35 IAC § 212.123(b) and § 212.124.

17. State requirements contained in 35 IAC § 212.122 are incorporated into the Permit in Condition 5.2.2(b).

#### EPA's Findings

18. Pilkington owns and operates a flat-glass manufacturing plant located at 300 20th Street in Ottawa, Illinois.

19. Emissions from Process Emission Unit #1 are controlled by dust collectors, pursuant to Condition 7.1.2 of the Permit.
20. Emissions from the furnace are controlled by a proprietary 3R System, which primarily reduces nitrogen oxide emissions, pursuant to Condition 7.2.2 of the Permit.
21. Emissions from the Coating Process are controlled by an afterburner, heat exchanger, lime neutralization system, and a baghouse, pursuant to Condition 7.4.2 of the Permit.
22. Pursuant to its Permit and Section 39.5(7)(f)(ii) of the Illinois Environmental Protection Act, Pilkington reported that furnace opacity exceeded 30 percent, averaged over a six-minute period, on at least one occasion between May 12 and May 14, 2012.
23. Pilkington's exceedance of 30 percent opacity at its furnace constitutes a violation of Condition 5.2.2(b) of the Permit and 35 IAC § 212.123(a) of the Illinois SIP.
24. Pursuant to its Permit and Section 39.5(7)(f)(ii) of the Illinois Environmental Protection Act, Pilkington reported that Dust Collector #32, located in Batch Hall (DC-1) of Process Emission Unit #1, exceeded the 0.29 pounds per hour PM limit on several occasions between May 17 and May 25, 2011, January 11 and January 12, 2012, May 9 and May 10, 2013, and September 16 and September 19, 2013.
25. Pilkington's exceedances of its 0.29 pounds per hour PM limit at Dust Collector #32 constitute violations of Condition 7.1.6 of the Permit.
26. Pursuant to its Permit and Section 39.5(7)(f)(ii) of the Illinois Environmental Protection Act, Pilkington reported that Dust Collector #6 (DC-6), located in Cullet System #3 of Process Emission Unit #1, exceeded its 0.31 pounds per hour PM limit on several occasions between May 16 and July 19, 2013.
27. Pilkington's exceedances of its 0.31 pounds per hour PM limit at DC-6 constitute violations of Condition 7.1.6 of the Permit.

28. On March 11, 2013, EPA sent an information request to Pilkington under Section 114(a) of the CAA, 42 U.S.C. § 7414(a).

29. In response to the information request, Pilkington conducted emission testing on the facility's furnace stack on July 30, 2013, and on the facility's Coating Process stack on July 31 and August 1 of 2013.

30. These Coating Process stack emission test results for hydrogen chloride were measured at 6.66 pounds per hour.

31. Pursuant to its Permit and Section 39.5(7)(f)(ii) of the Illinois Environmental Protection Act, Pilkington reported that, based on the emission testing results from the August 1, 2013, testing event, as well as a May 15, 2014, testing event, Pilkington's Coating Process stack emissions exceeded the 1,390 pounds per month chloride limit during August 2013, February 2014, March 2014, May 2014, and June 2014.

32. Pilkington's exceedances of its 1,390 pounds per month chloride limit at its Coating Process during August 2013, February 2014, March 2014, May 2014, and June 2014 constitute violations of Condition 7.4.6 of the Permit.

33. On September 19, 2014, EPA issued to Pilkington a Notice of Violation/Finding of Violation (NOV/FOV) for the facility's alleged violations.

34. After the issuance of the NOV/FOV, pursuant to its Permit and Section 39.5(7)(f)(ii) of the Illinois Environmental Protection Act, Pilkington reported that, based on the emission testing results from the August 1, 2013, testing event as well as a May 15, 2014, testing event, Pilkington's Coating Process stack exceeded the 8.29 tons per year chloride limit in the 12-month rolling average periods ending in June and July of 2014.

35. Pilkington's exceedances of its 8.29 tons per year chloride limit at its Coating Process during the 12-month rolling average periods ending in June and July of 2014 constitute violations of Condition 7.4.6 of the Permit.

36. On January 27, 2015, EPA and Pilkington held a conference to discuss the September 19, 2014, NOV/FOV and the additional alleged violations.

#### **Compliance Program**

37. By the effective date of this Order, Pilkington shall immediately and at all times thereafter, to the extent practical, operate its facility and pollution control equipment to maintain compliance with its Permit or its applicable CAAPP/Title V operating permit.

38. Pilkington shall operate in accordance with the batch unloading standard operating procedure (SOP) so long as the current Batch Hall remains in use.

39. Beginning on the effective date of this Order, Pilkington shall direct a certified EPA Method 9 reader to perform visible emission observations for a total of at least thirty (30) consecutive minutes per month for twelve (12) consecutive months, in accordance with EPA Method 9, 40 C.F.R. Part 60, Appendix A, on its furnace stack while the furnace is operating under representative conditions. If excess opacity is identified during visible emission observations, the reader shall continue to perform periodic visible emission observations until Method 9 readings confirm that the corrective actions have resulted in the furnace stack opacity returning to compliance. The visible emission observation sheets for each month's Method 9 readings, as well as the material throughput of the furnace (tons per day) for every day of the calendar quarter, will be submitted to EPA in each Calendar Quarterly Report required under Paragraph 48 below.

40. Pilkington shall, so long as the underlying equipment remains in use, operate its associated dust collectors in accordance with the inspection procedures, maintenance activities, and shut-down plans delineated in the SOPs for Dust Collector #32 and DC-6.

41. Pilkington shall complete work orders in accordance with the SOP requirements for Dust Collector #32 and DC-6 and shall submit a quarterly report concerning the compliance with these SOP requirements to EPA in each Calendar Quarterly Report as described in Paragraph 48 below.

42. In the event of dust collector maintenance or malfunction, Pilkington shall cease or minimize operations to the extent possible so as to minimize exceedances of emission limits.

43. Beginning on the effective date of this Order, Pilkington shall at all times have onsite sufficient critical spare parts for the dust collectors, in quantities delineated in Appendix A to this Order, to allow for a quick replacement response time should a dust collector malfunction, unless the dust collector and underlying operation are decommissioned.

44. Pilkington shall operate its emission control equipment for the Coating Process in accordance with the inspection procedures, maintenance activities, and shut-down plans found in the corresponding SOP.

45. Pilkington shall notify EPA when the installation of a tunable diode laser (TDL) and a flow rate meter is complete ("Installation Date"). The devices will monitor hydrogen chloride emissions from the Coating Process in units of pounds per hour.

46. By no later than ninety (90) days of the effective date of this Order, Pilkington shall submit a permit modification request to IEPA so that its applicable CAAPP/Title V operating permit includes the proposed pollution monitoring equipment and shall contemporaneously submit a copy of the request to EPA.

47. After the Installation Date, Pilkington shall submit to EPA hydrogen chloride emissions data from the Coating Process in units of pounds per month and tons per year in each Calendar Quarterly Report required under Paragraph 48 below.

48. No later than thirty (30) days after the end of each calendar quarter throughout the duration of this Order, Pilkington shall submit to EPA a Calendar Quarterly Report that includes: visible emission observations at the furnace stack, as well as daily material throughput of the furnace; a quarterly certification of compliance and noncompliance with the applicable SOP requirements for Dust Collector #32 and DC-6; and hydrogen chloride emissions from the Coating Process, as required under Paragraphs 39, 41, and 47. Additionally, Pilkington shall send EPA a copy of all reports submitted to the Illinois EPA that provide notification of deviations with Permit requirements.

49. Pilkington must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

#### **General Provisions**

50. This Order does not affect Pilkington's responsibility to comply with other federal, state and local laws.

51. This Order does not restrict EPA's authority to enforce Title V, the Illinois SIP or any other section of the CAA.

52. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Pilkington's violation of its Permit and the Illinois SIP.

53. Failure to comply with this Order may subject Pilkington to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

54. The terms of this Order are binding on Pilkington, its assignees and successors. Pilkington must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

55. Pilkington may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B.

56. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.

57. Pilkington neither admits nor denies the factual allegations and findings in this Order but, in the interests of settlement, Pilkington agrees to the settlement terms of this Order.

58. Pilkington waives any remedies, claims for relief, and otherwise available rights to judicial or administrative review that it may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b).

59. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate upon the submittal of the fourth and final Calendar Quarterly Report pursuant to Paragraph 48, provided that Pilkington has complied with all terms of the Order throughout its duration, or thereafter upon Pilkington's submittal of the second

consecutive Calendar Quarterly Report indicating that the facility has complied with all applicable terms of this Order.

**Administrative Consent Order  
In the Matter of Pilkington North America, Inc.  
EPA-5-16-113(a)-IL-04**

12/18/15  
Date

Christopher Miller  
Christopher Miller  
Ottawa Plant Manager  
Pilkington North America, Inc.

12/28/15  
Date

George T. Czerniak  
George T. Czerniak  
Director  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5

**APPENDIX A**

Critical Spare Parts Inventory for Dust Collector #32 and DC-6

Appendix A: Dust Collector Critical Spare Part Inventory

Cold End Critical  
Parts Lists

DC-6

Part #	Description	On Hand
30004690	V-belt set	Yes
30000085	5-1/4" x 140" filter bag	Yes
30000443	Belt	Yes
30002053	Diaphragm repair kit	Yes
40000012	Filter bag, felt	Yes
40000763	1-1/8" Sprocket	Yes
20002829	1-1/2 HP Baldor motor	Yes
30002093	Pressure gauge	Yes
30002147	30:1 gear box	Yes
40000839	12" x 12" rotary valve	Yes

Hot End  
Critical Parts List

Dust Collector #32 (Herding)

Part #	Description	On Hand
30020315	Motor, Siemens, 17.3 kW, 3540 RPM, 26.5 Amp	Yes
Shelf	Solenoid Valve R2" / 120V	Yes
30041377	Filter Element HSL 1500/18 (3K) with Gasket D-40140	Yes
30041386	Jet Pulse Timer Board - TB1010	Yes
30041373	Inlet Regulator with Pressure Gage	Yes
30002147	Rotary Airlock with Motor and Gearbox	Yes
30000093	40" x 40" x 48" Supersack Bag	Yes
30041378	Filter Fastening Bolt M8 x 60 with Washer & 42mm Spacer	Yes
30041381	Diaphragm with gasket and spring	Yes
30041382	Magnet, 120V, 60 Hz / 24 VA for Fast Opening Valve	Yes
30041384	Plunger Spring for Fast Opening Valve	Yes
30041385	Rubber Inspection Cover, 150mm Dia.	Yes

**CERTIFICATE OF MAILING**

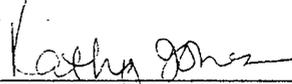
I, Kathy Jones, certify that I sent the Administrative Consent Order, EPA-5-16-113(a)-IL-04, by certified mail, return receipt requested, to:

Christopher Miller  
Ottawa Plant Manager  
Pilkington North America, Inc.  
300 20th Street  
Ottawa, Illinois 61350

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-16-113(a)-IL-04, by first-class mail to:

Eric Jones, Manager  
Compliance Unit  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794

On the 29<sup>th</sup> day of December 2015.

  
\_\_\_\_\_  
Kathy Jones  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT  
NUMBER:

7014 2870 0001 9581 4908