

ADVANCED NOTICE OF FINAL RULMAKING
#2683
EQB #7-420
CONTROL OF NO_x EMISSIONS FROM GLASS
MELTING FURNACES

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March 29, 2010

2683

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Final Rule – Control of NOx Emissions from Glass Melting Furnaces
IRRC # 2683 / EQB# 7-420

Dear Commissioners:

I recently met with represents of Pittsburgh Glass Works, LLC (“PGW”) to discuss concerns and uncertainty regarding the final rule entitled Control of NOx emissions from Glass Melting Furnaces (IRRC #2683 and EQB #7-420). While PGW is interested in reducing NOx emissions and has voluntarily initiated projects to do so, they are concerned with the statutory authority and legislative intent, lack of clarity, and potential economic impact of the final rule.

PGW owns and operates two flat glass melting furnaces in Meadville, PA for the production of glass for the automotive industry. The facility was formerly owned and operated by PPG Industries, Inc. (“PPG”). PGW acquired the Meadville facility in September 2008. Each furnace operates continuously, 24-hours per day, 365 days per year for approximately 10 to 15 years before a shutdown is required for re-bricking due to normal deterioration and wear of the refractory brick. Furnace 8-1 last underwent re-bricking in 2002 and was voluntarily converted to oxy-fuel. The conversion to oxy-fuel significantly reduced NOx emissions from the furnace. Furnace 8-2 is a standard air fired furnace and underwent re-bricking in 2009. PGW voluntarily installed low NOx burners on furnace 8-2 resulting in additional NOx emission reductions.

PGW has submitted comments to both the Department of Environmental Protection (“Department”) and the Independent Regulatory Review Commission (“IRRC”) on the proposed final rule. PGW expressed their appreciation of the fact that the Department has made changes to the rule enabling operators of flat glass furnaces to petition the Department for alternate emission limits, and alternate compliance schedules based on the next scheduled cold shutdown for re-bricking. However, PGW expressed the concerns outlined below still remain regarding

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the statutory authority and legislative intent, lack of clarity, and potential economic impact of the final rule.

1. The record developed for the final rule demonstrates that the proposed NOx limits for glass melting furnaces, by the Department's own admission, are more stringent than any corresponding Federal requirements. In addition, the proposed limit of 7.0 pounds NOx per ton glass pulled for flat glass furnaces is more stringent than the limit established by the neighboring State of New Jersey, which has established a limit for flat glass furnaces of 9.2 pounds NOx per to glass removed (New Jersey Administrative Code 7:27-19.10).

In its presentation to the Environmental Quality Board on March 16, 2010, the Department estimated the proposed NOx emission limits for glass melting furnaces would reduce NOx emissions by approximately 2,500 tons annually. The Department further stated the costs of controls to reduce NOx emissions from glass melting furnaces would range from \$924 to \$2,232 per ton of NOx removed, indicating costs will vary depending on the size of the furnace and the efficiency of the emission s control system. Using the Department's emission reduction and cost per ton removed estimates, total DEP estimated costs for controls range between \$2.3 and \$5.6 million. It is apparent from discussions with PGW the Department seriously underestimated the cost of the proposed rule to industry.

PGW estimates it would cost in excess of \$8 million to install additional emission controls at it's Meadville facility alone in order to achieve the very minimal emission reductions needed to meet the 7.0 pound NOx per ton of glass pulled limit, and then hundreds of thousands of dollars in additional annual operating costs to meet Pennsylvania's more stringent emission limits while competitors in other States, and in other countries such as China, are not required to do so. The additional financial burden will make PGW, and other glass manufacturers subject to the rule, non-competitive with the result that some facilities may be shutdown, costing Pennsylvania and its political subdivisions jobs and tax revenues.

2. Sections 304.304(b) and (c) of the rule provides that an owner or operator of a glass melting furnace not in compliance with the applicable emission limit by January 1, 2012 may petition for an alternative emission limit or compliance schedule provided any such petition is submitted to the Department by January 1, 2012. PGW recognizes and appreciates the fact the Department modified the rule to contain the petition process. However, the rule does not, with any specificity, address the following:
 - a. The criteria the Department will use to determine whether to grant or deny a petition. The absence of objective criteria, standards or benchmarks subjects the petition review process to possible arbitrary actions, inconsistencies and delays.
 - b. Whether the owner/operator of a glass melting furnace who submits a timely petition is entitled to continue operating the furnace in accordance with its then current operating limits until the Department makes a determination on the petition.

c. What due process an owner/operator has in the event a petition for alternative emission limit or compliance schedule is denied or is granted with conditions the petitioner finds objectionable. In addition, there is no indication if a furnace can continue to operate, or what actions, if any, may be brought against an operator in the event a petition is denied.

An owner/operator of a glass melting furnace can submit a petition in good faith without any reasoned judgment as to whether the petition will be approved or denied, and the owner/operator status after January 1, 2012 is undefined and unknown. Such uncertainty makes business planning extremely difficult if not impossible.

I am requesting the economic impact of the rule be reconsidered, and the uncertainty of the petition process be clarified before the final rule becomes law.

Thank you for your attention to this request. I look forward to your reply.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Robbins". The signature is written in black ink and is positioned above the typed name and district information.

Robert D. Robbins
50th Senatorial District