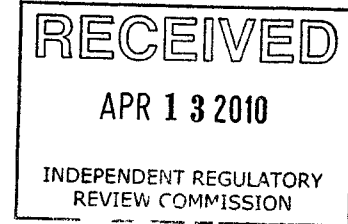


ADVANCED NOTICE OF FINAL RULMAKING
#2683
EQB #7-420
CONTROL OF NO_x EMISSIONS FROM GLASS
MELTING FURNACES

52683

October 7, 2009



Ms. Jane Mahinske
Division of Air Resource Management
Bureau of Air Quality
Rachel Carson State Office Building, 12th Floor
P.O. Box 8468
Harrisburg, PA 17101-8468

Re: Proposed Rulemaking for NOx Emissions from Glass Melting Furnaces

Dear Ms. Mahinske:

OSRAM SYLVANIA Products Inc. (OSPI) submits the following comments to the proposed rulemaking for control of NOx emissions from glass melting furnaces, published at 39 Pa. Bull. 5318 (Saturday, September 12, 2009).

- 1. The revisions to the definition of "furnace rebuild" and the addition of a definition of "rebricking" are confusing and should be clarified.*

In § 121.1. Definitions, the definition for the term *Furnace Rebuild*—A COLD REPAIR THAT is commenced after the end of a furnace campaign period or expected life cycle of a furnace, is too broad. As written, it could be construed to include any routine repairs (such as rebricking) that are implemented during a shutdown. The previous definition of furnace rebuild included the word "reconstruction" which is generally understood by the regulated community (see e.g., definition of "new source" at 25 Pa. Code §121.1). The proposed revision seems to broaden the scope of the term "furnace rebuild" beyond reconstruction so as to now include "repairs."

The provisions of § 129.305(b) relating to start-up requirements, are especially confusing with the revised definitions. Subsection (b) states that

the owner or operator of a glass melting furnace may submit a request for a start-up exemption in conjunction with the plan approval application for the construction of a new furnace or furnace rebuild. The actual length of the start-up exemption, if any, will be determined by the Department at the time of

the issuance of the plan approval for the furnace rebuild.

25 Pa. Code 129.305(b)(proposed).

This implies that a plan approval is required for any "furnace rebuild" which is proposed to be defined to include "a cold repair." This suggests that a plan approval will now be required for any furnace repairs completed during a shutdown, including rebricking. Plan approval for a furnace rebricking has not been required in the past, unless the rebricking amounted to a "reconstruction" or increased emissions so as to be a "modification."

We request that the definition of the term "furnace rebuild" include the previous language that it refers to a "complete reconstruction" of the furnace and that the definition for the term "complete reconstruction" be reinstated as defined in the previous version of this rule. At the very least the definition of "furnace rebuild" should not include "repairs" as this creates confusion and implies that a plan approval will be required for repairs that have traditionally been exempt from plan approval requirements as routine maintenance. If not this, then we request that a more clear definition be provided for "furnace rebuild" to more clearly differentiate it from a "rebricking".

2. *The provisions regarding data substitution for invalid CEMS data should be deleted now that the rule is not based on total mass emitted during the ozone season, or, if retained for whatever reason, these provisions should allow for sources to agree with the DEP on another method for data substitution as is authorized in the Continuous Source Monitoring Manual ("CSMM") as well as other DEP rules (e.g., cement NOx rule).*

Section 129.308(b) establishes requirements for substituting data for periods of invalid data. A data substitution provision is necessary in order to determine compliance with a mass-based limitation (e.g., total mass of NOx emitted during the ozone season). However, the rule has been changed from a mass limit to a 30-day rolling average limit. Thus the need for data substitution has been obviated.

The latest revision of the CSMM states:

Monitoring systems used to report data for compliance with emission standards based on total mass, tons per year etc. are required to report "substitute" data for hours when the data hour is considered invalid.

CSMM (December 2, 2006) at p. 49 (emphasis added). The proposed 30-day rolling average limit is not a total mass or ton per year limit such that data substitution is not necessary.

Appropriate safeguards to ensure adequate data is obtained even without data substitution are included in section 129.308(d) which requires that the NO_x CEMS meet the minimum data availability criteria in Chapter 139 subchapter C (e.g., 90% valid data per month or 95% valid data per quarter). Including unrealistic and punitive data substitution requirements to assure compliance with a non-mass limit is contrary to established DEP policy and unnecessary.

In the event that the data substitution provision is retained for whatever reason, the rule should at the very least allow for an alternative means of substituting more realistic data for periods of invalid data. The CSMM allows for periods of missing data to be substituted with.

An alternative method of data substitution as approved concurrently by the Air Quality Program Manager of the appropriate DEP Regional Office and the Chief of the Division of Source Testing and Monitoring.

CSMM (December 2, 2006) at p. 50. *See also* 25 Pa. Code 145.143(c)(allowing for data substitution for cement kilns based on an alternative amount of emissions that is more representative of actual emissions if approved in writing by the DEP).

We strongly suggest that such a provision be included if the DEP retains the data substitution requirements. This will allow for the negotiation of data substitution that is more representative of the actual emissions and is not a punitive unreasonable estimate of the emissions. It is our understanding that the DEP has agreed to data substitution for cement kilns based on the highest 30-day rolling average emissions which seems more reasonable than the current highest single hour during the quarter.

- 3. The rule should allow for some type of credit or allowance trading as an alternative means of compliance to provide additional flexibility even if the use of CAIR allowances as a compliance option is deleted.*

The recent proposed rules eliminate the ability of owners or operators of glass melting furnaces to purchase surplus NO_x allowances for the purpose of demonstrating compliance. We suggest considering development of a pool of surplus NO_x "credits" from just glass melting furnaces and allow trading and use of these credits by the owners or operators of said furnaces to demonstrate compliance with this rule.

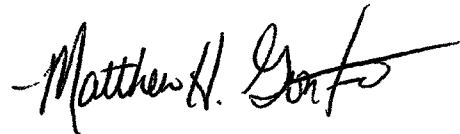
- 4. The reporting quarterly reporting requirements in section 129.309 should be deleted or at least changed to semi-annual reporting to coincide with existing Title V semi-annual reporting.*

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Section 129.309 requires a quarterly report of CEMS data and daily glass production data. The CEMS data is already required to be reported pursuant to section 129.308(c). The additional requirements of section 129.309 are duplicative and add additional reporting of glass production data. We suggest that the Title V semi-annual deviation reporting and annual certifications are sufficient to provide the relevant compliance information to the DEP. If the DEP retains this quarterly reporting, we request that the DEP provide some type of streamlining to avoid duplicate and timely reporting of the same information under the Title V permit.

OSPI trusts that you will give serious consideration to these comments and that you understand the significant economic disadvantage this regulatory effort will have on our business and the Pennsylvania economy. We urge that you incorporate these and any other reasonable revisions to this rule that may limit the economic impact of this rule on the affected generators and will not jeopardize achievement of NOx emissions reduction goals.

Sincerely,

A handwritten signature in black ink that reads "Matthew H. Gontarz". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Matthew H. Gontarz
Plant Manager