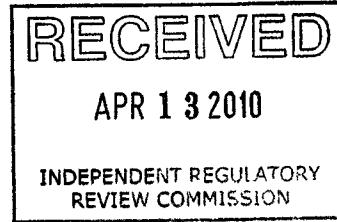


ADVANCED NOTICE OF FINAL RULMAKING
#2683
EQB #7-420
CONTROL OF NO_x EMISSIONS FROM GLASS
MELTING FURNACES

2683

October 2, 2009

John Hanger, Chairman
Pennsylvania Environmental Quality Board
Rachel Carson State Office Building, 16th Floor
Harrisburg, PA 17105-2063



RECEIVED
OCT 13 2009 11:06 AM
OFFICE OF THE ATTORNEY GENERAL

Dear Chairman Hanger:

For the past two years, PPG Industries has generally supported Pennsylvania's efforts to comply with the federal Clean Air Act requirements to address ozone non-attainment in the Northeast Ozone Transport Region by providing constructive input to the state Department of Environmental Protection (DEP) on regulations to control emissions of nitrogen oxides ("NOx") from glass manufacturing plants in Pennsylvania. PPG operates a flat glass plant in Carlisle, with over 400 jobs, and is a minority owner of the Pittsburgh Glass Works (PGW) automotive glass facility in Meadville, with about 275 jobs. Many of the products produced at these facilities are used in the high performance building, energy efficiency and solar energy markets. However, the current NOx regulations could seriously jeopardize the "green" jobs at these plants, unless several common-sense changes addressing the uniqueness of glass production are made.

During the regulatory development process, PPG advocated for adjustments to the state's regulatory obligations to protect the viability of the affected Pennsylvania operations. Specifically, Pennsylvania should follow the implementation as done in other states regarding these issues. They allow existing furnaces to operate through their full campaign life to ensure full benefits of existing capital investments are realized.

In addition, the U.S. glass industry is highly competitive; any unnecessary financial burdens could result in job loss and other economic hardship. The proposed regulations allow DEP to establish an alternative compliance date consistent with a furnace rebuild schedule, at the Department's sole discretion. It is impossible to predict when a furnace will need to be rebuilt and allowing DEP to arbitrarily pick a compliance date could take years off of the useful life of a furnace, cost of millions of dollars and prematurely hurt the income of Pennsylvania families. Glass producers need to know at the outset that they will not be required to meet the 7.0 lbs/ton of glass pulled emission limit until a furnace is re-built.

Page 2

October 2, 2009

John Hanger, Chairman
Pennsylvania Environmental Quality Board

The regulations as currently proposed also will require facilities, such as the facilities owned by PPG and PGW, to spend millions of dollars to further reduce emissions even though these facilities are not contributing to the harm that the regulations are intended to address. The regulations afford DEP the discretion to establish an alternative emission limit, if it so chooses, but the glass industry needs a clearly defined variance procedure. It is my understanding that PPG has demonstrated a commitment to working constructively with your agency. For example, during discussions between your agency and PPG in 2008, the company committed to interim control measures where possible. To date, PPG has voluntarily installed a Selective Catalytic Reduction (SCR) pollution control device on one Carlisle plant furnace and installed low-NOx burners on the other, at capital costs in excess of \$9 Million. Since PPG and PGW each recently rebuilt furnaces, forcing another rebuilding to comply with the regulations as written could cost millions of dollars with little environmental benefit.

We should be supporting such "green manufactures" in the Commonwealth, especially those willing to work cooperatively to comply with environmental policies. The current draft of the NOx regulations, however, would only make it harder for PPG and other manufacturers to compete and succeed. This is particularly disconcerting under the circumstances where conservative modeling using DEP's own data has demonstrated that imposing such requirements on PPG and PGW will not contribute in any meaningful way to bringing non-attainment areas into compliance with National Ambient Air Quality Standards for ozone and particulate matter. Moreover, there would be no additional appreciable environmental benefit for the significant capital costs required to shut down and rebuild furnaces in the middle of their life cycles.

The unanticipated consequence will be the loss of high paying Pennsylvania jobs. To prevent such unnecessary economic damage, I strongly encourage you to address this matter in the final regulations. Specifically, I request that you include provisions to allow existing furnaces to operate through their full life cycle before requiring additional changes at rebuild to ensure compliance with the 7.0 pound/ton NOx limit. Additionally, I request that the regulations allow a clearly defined variance procedure from the proposed rule allowing furnaces to operate above the 7.0 cap if the facility can demonstrate that its operations do not impact air quality standards for ozone in the Northeast Ozone Transport Region.

Page 3

October 2, 2009

John Hanger, Chairman
Pennsylvania Environmental Quality Board

I would also request that you work with PPG, PGW and other glass manufacturers in a transparent manner so that the true benefits and costs of these regulations will be known. In the preamble to the proposed NOx regulations, DEP indicates that the reducing NOx emissions will also result in reduced emissions of fine particulate matter. Although DEP makes this assertion several times in the preamble to the proposed regulations, DEP has not provided the regulated community with data or information that would support this assertion. Among other things, all regulations should be promulgated with a standard of transparency. The regulated community and the people of this Commonwealth are entitled to know the basis for DEP's actions particularly when many very important jobs are placed in jeopardy by a regulation such as this.

Thank you for your attention to this important "green jobs" issue. Please do not hesitate to contact me if you need additional information.

Sincerely,



Barbara A. McNees
President