1	BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
	OF THE STATE OF OREGON
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3 4) NUTUAL AGREEMENT IN THE MATTER OF:) AND FINAL ORDER
5	BULLSEYE GLASS CO.,) ADDENDUM NO. 3
6	an Oregon corporation.) No. AQ/V-NWR-16-088
7	WHEREAS:
8	1. On June 6, 2016, Bullseye Glass Co. (Bullseye) and the Department of
9	Environmental Quality (DEQ) entered into Mutual Agreement and Order No. AQ/V-NWR-16-
10	088 (MAO) to address metal hazardous air pollutant (HAP) emissions from Bullseye's
11	glassmaking furnaces. Among other requirements, Paragraph 26.B.2 of the MAO requires that
12	Bullseye conduct a performance test for new and existing sources as required by 40 CFR §
13	63.11452, by February 28, 2017. Paragraph 26.B.3 of the MAO requires that Bullseye submit an
14	application for an Oregon Title V Operating Permit (Title V Permit) to DEQ by April 12, 2017.
15	2. On September 29, 2016, the Environmental Quality Commission adopted
16	permanent Colored Art Glass Manufacturing facility rules at OAR 340-244-9000 through 9090,
17	that were filed and became effective on October 3, 2016.
18	3. Under the new rules, Bullseye is a Tier 2 Colored Art Glass Manufacturer
19	(CAGM). Bullseye currently uses a system of three baghouses known as "Baghouse West"
20	(BHW) to control particulate air contaminant emissions, including the metal HAP emissions,
21	from its glassmaking furnaces that use glassmaking HAPs.
22	4. As a Tier 2 CAGM, OAR 340-244-9070(1)(b)(B) requires that Bullseye install
23	either a baghouse leak detection (BHLD) system or an afterfilter on BHW.
24	5. Bullseye chose the BHLD system option to comply with OAR 340-244-
25	9070(1)(b)(B). In accordance with OAR 340-244-9070(4)(a), the BHLD system must be
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27	Page 1 - MUTUAL AGREEMENT AND FINAL ORDER ADDENDUM No. 3 CASE NO. AQ/V-NWR-16-088

installed and operational within 90 days of the effective date of the CAGM rules (January 1, 1 2 2017).

6. 3 On November 11, 2016, Bullseye ordered a BHLD system. However, the vendor 4 from which Bullseye ordered the BHLD system notified Bullseye that the equipment may take up 5 to four weeks to ship to Bullseye.

6 7. Based on the delivery information from its vendor, Bullseye may not be able to 7 have the BHLD system fully installed and tested to ensure its proper functionality by the January 8 1, 2017 deadline, in violation of OAR 340-244-9070(4)(a). By letter dated November 28, 2016, 9 Bullseye requested that DEQ extend the deadline for installation and operation of the BHLD 10 system.

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8. OAR 340-244-9070(3)(a) requires a CAGM to test at least one emission control 12 device within 60 days of commencing operation. DEQ requires sources to conduct performance 13 testing under a source's normal maximum operating conditions.

9. 14 In the November 28, 2016 letter, Bullseye also requested that DEQ extend the 15 compliance deadlines in the MAO for completing the performance test and submitting the Title 16 V Permit application. The performance test extension request was based on the fact that Bullseye 17 is continuing to evaluate optimal operations of its newly-installed baghouses and use of various 18 new pre-coat materials to determine the facility's normal operations using the new equipment 19 and materials. The request to extend the Title V permit application deadline is based on the 20 performance test extension request because the resulting data from the performance test must be 21 used to prepare the Title V Permit application.

22 10. DEQ and Bullseye recognize that the Environmental Quality Commission has the 23 authority to impose a civil penalty and to issue an abatement order for violations of Oregon 24 environmental law. Therefore, pursuant to ORS 183.417(3)(a) and (b), DEQ and Bullseye agree 25 to settle any potential future violation as described in Paragraphs 7 and 8 above, in advance, through this Addendum No. 3 to Mutual Agreement and Order No. AQ/V-NWR-16-088. 26

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Page 2 - MUTUAL AGREEMENT AND FINAL ORDER ADDENDUM No. 3 CASE NO. AQ/V-NWR-16-088

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1	11. In addition, according to paragraph 30 of the MAO, DEQ and Bullseye may amend
2	the terms of the MAO by mutual written agreement.
3	NOW THEREFORE, it is stipulated and agreed that:
4	12. The Environmental Quality Commission shall enter a final order as follows:
5	A. Requiring that by January 31, 2017, Bullseye must have the BHLD
6	completely installed and operational on BHW;
7	B. Requiring that Bullseye conduct the performance test on BHW as required
8	by OAR 340-244-9070(3)(a) by March 30, 2017;
9	C. Amending Paragraph 26.B.2 of the MAO by requiring that Bullseye
10	conduct the performance test for new and existing sources as required in 40 CFR § 63.11452 by
11	March 30, 2017; and
12	D. Amending Paragraph 26.B.3 of the MAO by requiring that Bullseye submit
13	a complete application for a Title V Permit by May 30, 2017.
14	13. Regarding the potential violations set forth in Paragraphs 7, 8 and 10 above,
15	which are expressly settled herein, Bullseye hereby waives any and all of its rights to any and all
16	notices, a contested case hearing, judicial review, and to service of a copy of the final order
17	herein. DEQ reserves the right to enforce this order through appropriate administrative and
18	judicial proceedings.
19	14. The requirements of this Addendum No. 3 are incorporated into the MAO by
20	reference. Addendum No. 3 does not change any other obligations established in the MAO that are
21	not specifically addressed herein, except as otherwise provided in the MAO and all MAO
22	Addendums. Bullseye agrees to comply with OAR 340-244-9000 through 340-244-9090.
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27	Page 3 - MUTUAL AGREEMENT AND FINAL ORDER ADDENDUM No. 3 CASE NO. AQ/V-NWR-16-088

