BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY

OF THE STATE OF OREGON

IN THE MATTER OF Owens-Brockway Glass Container Inc. Permittee.	))))	STIPULATED AGREEMENT AND FINAL ORDER ORDER NO. 26-1876

Permittee, Owens-Brockway Glass Container Inc., and the Department of Environmental Quality (DEQ) hereby agree that:

WHEREAS:

1. Permittee operates a glass manufacturing facility located at 9710 NE Glass Plant Road in Portland, Oregon (the Facility).

2. On November 1, 1997, DEQ issued Title V Operating Permit No. 26-1876-TV-01 (the Permit) to Permittee.

3. On December 10, 2019, DEQ renewed the Permit.

4. The Permit authorizes Permittee to discharge air contaminants associated with its operation of the Facility in conformance with the requirements, limitations, and conditions set forth in the Permit.

5. As of December 31, 2017, the Permit had the following plant site emissions limit (PSEL) for sulfur dioxide (SO2), particulate matter of ten microns or less (PM10), and nitrogen oxides (NOx), which constitute round II regional haze pollutants, *see* OAR 340-223-0020(2) at the Facility: 313 tons per year SO2, 132 tons per year PM10 and 711 tons per year NOx.

6. The Facility is located 55.1 kilometers from Mount Hood Wilderness Area, which is the nearest Class I Area, *see* OAR 340-200-0020(25), measured in a straight line from the Facility to the Class I Area.

7. Based on the definitions and the formula in OAR 340-223-0100(2) the Facility's Q value is 1156; d value is 55.1, and ratio of Q divided by d is 21.0.

8. Because the Facility has a Title V operating permit and because the Facility has a Q/d value of greater than 5.00, the Facility is subject to the requirements of round II of regional haze. *See* OAR 340-223-0100(1).

9. Rather than complying with OAR 340-223-0110(1), the Facility would like to enter into a Stipulated Agreement with DEQ for alternative compliance with round II of regional haze and would like to accept federally enforceable reductions of combined plant site emission limits of round II regional haze pollutants to bring the Facility's Q/d below 5.00 which DEQ shall incorporate into a Final Order. *See* OAR 340-223-0110(2)(b)(A).

I. AGREEMENT

1. DEQ issues this Stipulated Agreement and Final Order (SAFO) pursuant to OAR 340-223-0110(2)(b)(A), and it shall be effective upon the date fully executed.

2. The Facility is subject to round II of regional haze, according to OAR 340-223-0100(1).

3. The Permittee agrees to and will ensure compliance with the PSEL reductions schedule in Section II of this SAFO.

4. The Permittee has previously ceased operations of Furnace B and Furnace C and agrees that it will not operate Furnace B or Furnace C in the future.

5. The PSEL reductions required by this SAFO shall not be banked, credited, or otherwise accessed by Permittee for use in future permitting actions.

6. PSELs for this Facility shall not be increased above those established in this SAFO except as approved in accordance with applicable state and federal permitting regulations.

7. The Permittee shall calculate compliance with the PSELs in Section II of this SAFO according to the requirements of the Permit.

8. DEQ shall incorporate this SAFO and the conditions in Section II below into the Permit pursuant to OAR 340-218-200(1)(a)(A), or upon permit renewal.

9. DEQ may submit this SAFO to the Environmental Protection Agency as part of the State Implementation Plan under the federal Clean Air Act.

10. Permittee waives any and all rights and objections Permittee may have to the form, content, manner of service, and timeliness of this SAFO and to a contested case hearing and judicial review of the SAFO.

11. In the event EPA does not accept DEQ's Round II Regional Haze State Implementation Plan (SIP) in any manner that impacts the final order, implementation of the Final Order shall be stayed until DEQ and the Permittee modify the Final Order in such a manner as to ensure compliance with the Round II Regional Haze SIP.

12. This SAFO shall be binding on Permittee and its respective successors, agents, and assigns. The undersigned representative of Permittee certifies that he, she, or they are fully authorized to execute and bind Permittee to this SAFO. No change in ownership, corporate, or partnership status of Permittee, or change in the ownership of the properties or businesses affected by this SAFO shall in any way alter Permittee's obligation under this SAFO, unless otherwise approved in writing by DEQ through an amendment to this SAFO.

13. If any unforeseen event occurs that is beyond Permittee's reasonable control and that causes or may cause a delay or deviation in performance of the requirements of this SAFO, Permittee must immediately notify DEQ verbally of the cause of delay or deviation and its anticipated duration, the measures that Permittee has or will take to prevent or minimize the delay or deviation, and the timetable by which Permittee proposes to carry out such measures. Permittee shall confirm in writing this information within five (5) business days of the onset of the event. It is Permittee's responsibility in the written notification to demonstrate to DEQ's satisfaction that the delay or deviation has been or will be caused by circumstances beyond the control and despite due diligence of Permittee. If Permittee so demonstrates, DEQ may extend times of performance of related activities under this SAFO as appropriate. Circumstances or events beyond Permittee's control include, but are not limited to, extreme and unforeseen acts of nature, unforeseen strikes, work stoppages, fires, explosion, riot, sabotage, or war. Increased cost of performance or a consultant's failure to provide timely reports are not considered circumstances beyond Permittee's control.

14. Facsimile or scanned signatures on this SAFO shall be treated the same as original signatures.

II. FINAL ORDER

The DEQ hereby enters a final order requiring Permittee to comply with the following schedule and conditions:

1. On and after the execution of this Final Order:
   a. Permittee shall not operate Furnace A.
2. On and after January 1, 2022, the Permittee shall comply with the following PSELs, which apply to each 12 consecutive calendar month period after that date:
   i. 55 tons per year for PM10; 137 tons per year for NOx; and 108 tons per year for SO2.
   b. Unassigned emissions shall be set to 0.
   c. The netting basis for Furnace A, Furnace B, and Furnace C shall be removed from the total netting basis of the Facility.
3. On July 31, 2025, the Permittee's PSELs for the following pollutants are:
   i. 274.95 tons per year for PM10 + NOx + SO2 (Q/d = 4.99).

Owens Brockway Glass Container (PERMITTEE)

8-8-21
Date

Signature

William D Mann
Name (print)

VP Operations, N.A.
Title (print)

DEPARTMENT OF ENVIRONMENTAL QUALITY and ENVIRONMENTAL QUALITY COMMISSION

8/9/2021
Date

Ali Mirzakhalili, Administrator
Air Quality Division
on behalf of DEQ pursuant to OAR 340-223-0110(2)