

ALLEGHENY COUNTY HEALTH DEPARTMENT

IN RE:

Koppers Industries, Inc.)	PLAN APPROVAL ORDER
Clairton Plant)	AND AGREEMENT NO. 223
300 North State Street)	<u>UPON CONSENT</u>
Allegheny County)	
Clairton, PA 15025)	

AND NOW, this 27th day of August, 1996,

WHEREAS, the Allegheny County Health Department, (hereafter referred to as the "Department"), has determined that Koppers Industries, Inc. (hereafter referred to as "KOPPERS"), 436 Seventh Avenue, Pittsburgh, Allegheny County, PA 15219-1800, is the owner and operator of crude tar feed and heavy, middle, and light distillates facilities at 300 North State Street, Clairton, Allegheny County, PA 15025 (hereafter referred to as the "Facility"), is a major stationary source of volatile organic emissions (hereafter referred to as "VOCs") as defined in Section 2101.20 of Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control (hereafter referred to as "Article XXI"), and

WHEREAS, the Department has determined that Section 2105.06.a. of Article XXI, entitled "Major Sources of Nitrogen Oxides & VOCs" is applicable to KOPPERS's operations; and

WHEREAS, Aristech Chemical Corporation, the prior owner of

the Facility, promptly submitted to the Department all documents required by Section 2105.06.b of Article XXI (hereafter referred to as the "Proposal"); and KOPPERS has reviewed and adopted the Proposal; and

WHEREAS, after a review of the Proposal, the Department has determined it to be complete; and

WHEREAS, the Department has further determined, after review of the Proposal, that it constitutes Reasonably Available Control Technology (hereafter referred to as "RACT") for control of VOC emissions from the Facility; and

WHEREAS, the parties have agreed that the most appropriate vehicle for both memorializing the Proposal and approving the Proposal by the Department for the purpose of submission of the same to the U.S. Environmental Protection Agency (hereafter referred to as "US EPA") as a revision to the Commonwealth of Pennsylvania State Implementation Plan (hereafter referred to as "SIP") is a Plan Approval Order and Agreement Upon Consent; and

WHEREAS, pursuant to Section 2109.03 of Article XXI, the Director of the Allegheny County Health Department or his designated representative may take action in order to aid in the enforcement of the provisions of this Article; and

NOW, THEREFORE, this day first above written, the Department, pursuant to Section 2109.03 of Article XXI, and upon agreement of the parties as hereinafter set forth, hereby issues this Plan Approval Order and Agreement upon Consent:

I. ORDER

- 1.1. KOPPERS shall not operate the tar distillation and refining unit unless the VOC emissions from this unit are processed by the existing natural gas blanketing system.
- 1.2. The natural gas blanketing system shall be properly maintained and operated with a minimum VOC destruction efficiency of 95% at all times when the tar distillation and refining unit is , operating.
- 1.3. The natural gas blanketing system destruction efficiency shall be determined annually according to US EPA approved test methods and as required by Section 2108.02.c of Article XXI. Such testing shall commence in calendar year 1996.
- 1.4. KOPPERS shall maintain all appropriate records to demonstrate compliance with the requirements of both Section 2105.06 of Article XXI and this

Order. Such records shall provide sufficient data and calculations to demonstrate that all requirements of Section 2105.06 of Article XXI and this Order are being met. Data and information required to determine compliance shall be recorded and maintained by the Facility, and include, but not be limited to,

- a.) Throughput and operating hours of the tar refining process.

- 1.5. KOPPERS shall retain all records required by both Section 2105.06 of Article XXI and this Order for at least two (2) years and shall make the same available to the Department upon request.

II. AGREEMENT

The foregoing Order shall be enforced in accordance with and is subject to the following agreement of the parties, to wit:

- 2.1. KOPPERS understands and agrees that the contents of this Order shall be submitted to the US EPA as a revision to the Commonwealth of Pennsylvania's SIP.

2.2. Failure to comply with any portion of this Order and Agreement is a violation of Article XXI that may subject KOPPERS to criminal and civil proceedings, including injunctive relief, by the Department.

2.3. This Order does not, in any way, preclude, limit or otherwise affect any other remedies available to the Department for violations of this Order or of Article XXI, including, but not limited to, actions to require the installation of additional pollution control equipment and the implementation of additional corrective operating practices.

2.4. KOPPERS hereby consents to the foregoing Order and Agreement and hereby knowingly waives all rights to appeal said Order and Agreement, and the undersigned represents that he is authorized to enter into the Order and Agreement on behalf of KOPPERS.

~~2.5. KOPPERS acknowledges and understands that the purpose of this Order and Agreement is to establish RACT for emissions of VOCs from the Facility. KOPPERS further acknowledges and understands that the possibility exists that the~~

~~US EPA may decide to not accept the Agreement
portion of this Order and Agreement by Consent as
a revision to the Allegheny County's portion of
the Commonwealth of, Pennsylvania's SIP.~~

IN WITNESS WHEREOF, and intending to be legally bound, the parties hereby consent to all of the terms and conditions of the foregoing Order and Agreement as of the date of the above written.

KOPPERS INDUSTRIES, INC.

By: _____

Randall D. Collins

Vice President and Secretary

Date: 5-11-96

ALLEGHENY COUNTY HEALTH DEPARTMENT

By: _____

Bruce W. Dixon, M.D., Director
Allegheny County Health Department

and By: _____

Roger C. Westman, Manager
Air Quality