

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
 )  
PROPOSED SITE-SPECIFIC NO<sub>x</sub> )  
RULE AMENDMENT APPLICABLE ) R11- 17  
TO SAINT-GOBAIN CONTAINERS, INC.) (Site-Specific Rule – Air)  
AT 35 ILL. ADM. CODE 217.152(b) )

**NOTICE OF FILING**

TO: Mr. John Therriault  
Assistant Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601  
**(VIA ELECTRONIC MAIL)**

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the PRE-FILED TESTIMONY OF TY SIBBITT ON BEHALF OF SAINT-GOBAIN CONTAINERS, INC., a copy of which is herewith served upon you.

Respectfully submitted,

SAINT-GOBAIN CONTAINERS, INC.,  
Petitioner,

Date: January 20, 2011

By: /s/N. LaDonna Driver  
One of Its Attorneys

N. LaDonna Driver  
Matthew C. Read  
HODGE DWYER & DRIVER  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705  
(217) 523-4900

**CERTIFICATE OF SERVICE**

I, N. LaDonna Driver, the undersigned, certify that I have served the attached  
PRE-FILED TESTIMONY OF TY SIBBITT ON BEHALF OF SAINT-GOBAIN  
CONTAINERS, INC., upon:

Mr. John Therriault  
Assistant Clerk of the Board  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

via electronic mail on January 20, 2011; and upon:

Gina Roccaforte, Esq.  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-92

Matthew Dunn, Esq.  
Division Chief of Environmental  
Enforcement  
Office of the Attorney General  
69 West Washington Street, 18th Floor  
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Virginia Yang, Esq.  
Office of Legal Services  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, Illinois 62702

Alec M. Davis, Esq.  
Illinois Environmental Regulatory  
Group  
215 East Adams Street  
Springfield, Illinois 62701

by depositing said documents in the United States Mail, postage prepaid, in Springfield,  
Illinois on January 20, 2011.

By: /s/N. LaDonna Driver  
N. LaDonna Driver

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**PRE-FILED TESTIMONY OF TY SIBBITT  
ON BEHALF OF SAINT-GOBAIN CONTAINERS, INC.**

NOW COMES Saint-Gobain Containers, Inc. (“Saint-Gobain”), by and through its attorneys, HODGE DWYER & DRIVER, pursuant to the Hearing Officer’s December 10, 2010 Order, and submits the following Pre-Filed Testimony of Ty Sibbitt for presentation at the February 3, 2011 hearing scheduled in the above-reference matter.

**Testimony of Ty Sibbitt**

Good afternoon. My name is Ty Sibbitt, and I am Senior Counsel at Saint-Gobain. I thank you, on behalf of Saint-Gobain, for your very prompt consideration of our petition in this proceeding.

My testimony today will provide some background information for the regulatory amendment that we seek in this site-specific rulemaking. I will also discuss the environmental benefits that will flow from this regulatory amendment.

Saint-Gobain owns and operates a glass manufacturing facility in Dolton, Illinois. At the Dolton facility, natural gas-fired glass melting furnaces continuously process raw materials to make molten glass. This molten glass is used to make glass containers.

In August of 2009, the Board promulgated NO<sub>x</sub> emission regulations that apply to glass melting furnaces, including those at the Dolton facility. These regulations imposed a general NO<sub>x</sub> emission limitation on glass melting furnaces of five pounds per ton of

glass produced, with a general compliance date of January 1, 2012. I participated in the NOx rulemaking on behalf of Saint-Gobain for its Dolton plant.

In November of 2008, Saint-Gobain filed a comment in the NOx rulemaking requesting an extended compliance date where there is an enforceable agreement to install controls that can achieve NOx emission rates significantly below the 5.0 lb/ton regulatory limit. At that time, I was working on behalf of Saint-Gobain to develop a global consent decree with USEPA, Illinois and several other states and local entities. As I will explain in more detail later in my testimony, the framework of the global consent decree included a requirement that control technology would be installed at the Dolton facility by the end of 2014 that would reduce NOx emissions substantially below the 5 lb/ton regulatory limit.

In December of 2008, I testified at a public hearing in the NOx rulemaking. I explained that the global consent decree discussions contemplated that selective catalytic reduction technology and continuous emission monitoring systems would be installed by the end of 2014 at the Dolton facility.

With agreement from Illinois EPA, the Board added a December 31, 2014 compliance date to the NOx regulations for glass furnaces that are required to meet NOx emissions limits that are less than 30 percent of the 5.0 lb/ton limit, if the emissions are required to be measured by CEMS and the requirements are included in a legally enforceable order on or before December 31, 2009. The Board completed the NOx rulemaking in August of 2009. At that time, the parties believed that the global consent decree would be entered by December 31, 2009.

Unfortunately, the global consent decree took much longer to finalize than anyone anticipated. Saint-Gobain was the first company in the glass manufacturing sector to undergo development of a global consent decree with USEPA. Further, ten states and two local environmental agencies were parties to the global consent decree. These discussions and the ultimate agreement covered more than thirty glass melting furnaces at 15 facilities owned and operated by Saint-Gobain.

In addition to emissions limitations for NO<sub>x</sub>, the agreement also covered emissions of sulfur dioxide, particulate matter and sulfuric acid mist and numerous control and monitoring technologies for these pollutants. It therefore took a considerable amount of time to work through the intricacies of production, emission control and emission monitoring issues that must form the basis of these types of agreements. In addition, even though the applicable emission limits for each pollutant had been agreed upon by all parties, extended negotiations occurred over several months regarding the precise wording of the global consent decree's provisions. This document spans over more than 150 pages and ten legal jurisdictions, so arriving at a final version that all parties would agree to was a significant effort.

Most of the parties, including Saint-Gobain, executed signatures on the global consent decree in November of 2009. A few states, including Illinois, executed signatures on the global consent decree in December of 2009. In the latter months of 2009, it became clear that the global consent decree would not be entered by December 31, 2009 and Saint-Gobain spoke with Illinois EPA about this issue. Illinois EPA recognized the problem and agreed to support Saint-Gobain in this proceeding. On

behalf of Saint-Gobain, I again want to express our appreciation for Illinois EPA's cooperation and support in this regard.

The final state participants executed signatures on the global consent decree in 2010. The United States completed execution of the global consent decree in January of 2010. The United States filed the case and lodged the proposed global consent decree in January of 2010. Following a public comment period, the court entered the global consent decree on May 7, 2010.

While the global consent decree was entered past the expected timeframe, Saint-Gobain's alternative compliance approach under the NOx regulations should be preserved. The global consent decree requires that after December 31, 2014, selective catalytic reduction must control NOx emissions from all three furnaces at the Dolton facility. The global consent decree further requires that such control technology must be designed for at least 90 percent NOx removal efficiency, emitting NOx at an average rate of not more than 1.3 pounds per ton of glass produced.

The global consent decree's emission rate requirement is less than 30% of that in the NOx regulations. Further, the global consent decree requires continuous NOx emission monitoring. So, aside from the effective date of the global consent decree, the requirements for the alternative compliance date of December 31, 2014, have been met. Saint-Gobain is therefore asking that the Board change the December 31, 2009 consent decree deadline to May 7, 2010.

Saint-Gobain's request in this proceeding will allow it to comply with the Board's NOx regulations by installing a control technology that is far more effective at controlling NOx emissions than would be contemplated by the 5.0 lb/ton limit in the NOx

regulations. This will avoid having to install less effective NOx emission controls by January 1, 2012 at a very significant cost to Saint-Gobain, before removing those emission controls to install selective catalytic reduction technology by December 31, 2014.

As contemplated by the alternative compliance approach in the underlying NOx rulemaking, long-term NOx emission reductions that will occur from the approach requested here will far outweigh any short-term benefit of complying with the general emission limitations in the NOx rulemaking by the general compliance date. The date change requested here will allow Saint-Gobain to receive the benefit of an alternative compliance date for the installation of pollution control and monitoring equipment, which the Board has already deemed appropriate. We therefore request your prompt approval of the minor amendment we seek in this proceeding.

Again, I thank you for your attention to this very important request and for the opportunity to present my testimony today. I will be happy to answer any questions you may have concerning this matter.

Respectfully submitted,

By: /s/N. LaDonna Driver  
One of its Attorneys

Date: January 20, 2011

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SGCO:005/Filings/Pre-Filed Testimony Sibbitt