

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

3 6. On November 11, 2016, Bullseye ordered a BHL D system. However, the vendor
4 from which Bullseye ordered the BHL D 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 BHL D 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 BHL D
10 system.

11 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.

14 9. 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,
26 through this Addendum No. 3 to Mutual Agreement and Order No. AQ/V-NWR-16-088.

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 BHL
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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1 AGREED:

2 BULLSEYE GLASS CO.

3 12/29/2016

4 Date

5 *Eric E. Durrin*

6 Signature

7 ERIC E. DARRIN

8 Name (print)

9 CONTROLLER/V.P.

10 Title (print)

11 FINAL ORDER

12 AGREED. IT IS SO ORDERED:

13 DEPARTMENT OF ENVIRONMENTAL QUALITY and
14 ENVIRONMENTAL QUALITY COMMISSION

15 12/29/16

16 Date

17 *Sarah G. Wheeler*

18 Sarah G. Wheeler, Acting Manager
19 Office of Compliance and Enforcement
20 on behalf of DEQ pursuant to OAR 340-012-0170
21 on behalf of the EQC pursuant to OAR 340-011-0505