

BEFORE THE NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT COMMISSION

STATE OF NORTH CAROLINA)	
)	
COUNTY OF SCOTLAND)	
)	
IN THE MATTER OF:)	
PILKINGTON, NORTH AMERICA,)	SPECIAL ORDER BY CONSENT
INC.)	
)	SOC 2026 - _____
)	
LAURINBURG, SCOTLAND COUNTY)	
NORTH CAROLINA)	
[FACILITY ID NUMBER 8300027])	

This SPECIAL ORDER BY CONSENT (hereinafter referred to as the “ORDER”) is made and entered into pursuant to North Carolina General Statute § 143-215.110 by and between PILKINGTON, NORTH AMERICA, INC. (hereinafter referred to as the “COMPANY”) and the ENVIRONMENTAL MANAGEMENT COMMISSION, an agency of the State of North Carolina (hereinafter referred to as the “COMMISSION”).

WITNESSETH:

- I. The COMMISSION and the COMPANY do hereby stipulate and agree to the following:
 - A. The COMPANY owns and operates a glass manufacturing facility (hereinafter referred to as the “FACILITY”) with the permitted EMISSION SOURCES AND CONTROL DEVICES located at 13121 SOUTH ROCKY ROAD, in LAURINBURG, SCOTLAND COUNTY, North Carolina. The FACILITY currently operates under Title V Air Quality Permit No. 03873T37 (hereinafter referred to as the “PERMIT”), issued on March 6, 2024, with an expiration date of February 28, 2029.
 - B. The FACILITY produces a product mix consisting of dark-tinted glass, light-tinted glass and regular clear glass. In addition to the current product mix, the FACILITY also produces low-iron clear glass (“LI Glass”) in furnace ID Nos. ES-01 and ES-02, requiring the FACILITY to install, calibrate, maintain, test, and operate the continuous emissions rate monitoring system (CERMS). The FACILITY has not produced LI Glass in furnace ID No. ES-02 but has the operational flexibility to make LI Glass in furnace ID No. ES-02 at any given time as per the PERMIT.

Special Order By Consent
PILKINGTON NORTH AMERICA, INC

- C. “Affected sources” at the FACILITY include the sources listed in the PERMIT and incorporated herein by reference.
- D. The FACILITY is subject to both State and Federal air quality regulations, which are incorporated into the PERMIT. The EMISSION SOURCES AND CONTROL DEVICES are subject to emissions and operational standards as well as monitoring, recordkeeping, and reporting requirements.
- E. SECTION 2.1 B.6.a. of the PERMIT provides the Avoidance Condition for 15A NCAC 02D .0530: Prevention of Significant Deterioration and limits the emissions from the natural gas-fired float glass melting furnace (ID No. ES-02) to 2,039 tons of NO_x and 121 tons of CO in any consecutive 12-month period in which LI Glass is produced.
- F. SECTION 2.1 B. 6.c. of the PERMIT requires the FACILITY to install, calibrate, maintain, test and operate the continuous emissions rate monitoring system (CERMS) for NO_x and CO in accordance with 15A NCAC 02D .0613: Quality Assurance Program.
- G. SECTION 2.1 B.7.d of the PERMIT requires the FACILITY to meet monitoring and recordkeeping requirements for the NO_x CERMS for compliance with 15A NCAC 02D .0501(c): Compliance with National Ambient Air Quality Standards.
- H. The FACILITY installed and initially certified the NO_x and CO CERMS on September 14, 2021.
- I. The FACILITY has experienced persistent challenges with the operation and maintenance of the NO_x and CO CERMS after the initial certification resulting in the following Notices of Violation/Notice of Recommendation for Enforcement (NOV/NRE) for exceeding the allowable quarterly monitor downtime and an associated civil penalty assessment of \$38,090.
 - 1. A NOV/NRE was issued on April 29, 2022, for the third and fourth quarters of 2021.
 - 2. A NOV/NRE was issued on March 10, 2023, for the first, second, third and fourth quarters of 2022.
 - 3. A NOV/NRE was issued on September 21, 2023, for the first and second quarters of 2023.

Special Order By Consent
PILKINGTON NORTH AMERICA, INC

4. A NOV/NRE was issued on April 22, 2024, for the third and fourth quarters of 2023.
- J. The FACILITY is in violation with the operation and maintenance of NOx and CO CERMS for exceeding the allowable monitor downtime in each quarter of 2024 and 2025.
- K. On November 6, 2025, the FACILITY submitted a permit application (Permit Application No. 8300027.25A) requesting modification of its permit to require the installation and operation of CERMS only if the facility decides to begin producing LI Glass in furnace ID No. ES-02. The requested permit modification would require that CERMS be in operation at least 12 months prior to the month in which LI Glass production in furnace ID No. ES-02 begins and shall remain in operation for the 12 months following the month in which LI Glass production in furnace ID No. ES-02 stops.
- L. The Division of Air Quality (DAQ) has determined that, due to the COMPANY's stated commitment to complying with all State and Federal air quality regulations, this ORDER is a necessary and appropriate mechanism to allow the FACILITY to operate and demonstrate compliance with the applicable emissions standard set forth in 15A NCAC 02Q .0317: Avoidance Conditions and 15A NCAC 02D .0501(c): Compliance with National Ambient Air Quality Standards, using alternative monitoring in lieu of using NOx and CO CERMS until DAQ takes final action on the FACILITY's permit application (Permit Application No. 8300027.25A).

THEREFORE, the COMMISSION and the COMPANY, desiring to resolve and settle the compliance issues between them, have agreed to enter into this ORDER with the following terms and conditions:

- II. The COMPANY, desiring to operate in a safe and environmentally sound manner during the period of this ORDER and thereafter in accordance with the rules and regulations of the COMMISSION, does hereby agree to adhere to the following conditions:
 - A. The COMPANY shall comply with the applicable emissions standards set forth in Section 2.1 B.6 and 2.1 B.7 for 15A NCAC 02Q .0317: Avoidance Conditions, and

Special Order By Consent
PILKINGTON NORTH AMERICA, INC

15A NCAC 02D .0501(c): Compliance with National Ambient Air Quality Standards, respectively, using the following alternative monitoring standards in lieu of using NOx and CO CERMS.

1. The COMPANY shall not produce LI Glass in furnace ID No. ES-02 beginning on and following the effective date of this ORDER.
 2. Given the margin of compliance of the modeling demonstration for 15A NCAC 02D .0501(c) and the emission rates modeled, no monitoring, recordkeeping, or reporting is required when the COMPANY complies with Paragraph II.A.1 of this ORDER—i.e., when it does not produce LI Glass in furnace ID No. ES-02.
- B. The COMPANY shall comply with the testing, recordkeeping, and reporting requirements specified in Section 2.1 B.5 of the PERMIT for 15A NCAC 02Q .0530(u): Use of Projected Actual Emissions to Avoid Applicability of Prevention of Deterioration Requirements except as specified below:
1. In lieu of using a CERMS to determine NOx emissions, the COMPANY shall calculate NOx emissions from furnace ID No. ES-02 using a NOx emission factor of 15.53 pounds of NOx per ton of glass produced.
 2. In lieu of using a CERMS to determine CO emissions, the COMPANY shall calculate CO emissions from furnace ID No. ES-02 using a CO emission factor of 0.90 pounds of CO per ton of glass produced.
- C. The COMPANY shall not produce LI glass in furnace ID No. ES-02 until new NOx and CO CERMS are installed and certified in accordance with 15A NCAC 02D .0613.
- D. The new CERMS shall be in operation at least 12 months prior to the month in which LI Glass production in furnace ID No. ES-02 begins and shall remain in operation for the 12 months following the month in which LI Glass production in furnace ID No. ES-02 stops.
- E. The new CERMS shall comply with the testing, monitoring, recordkeeping and reporting requirement of Section 2.1 B.6 of the PERMIT.
- F. The COMPANY shall comply with all other terms, conditions, and requirements of the PERMIT. The terms, conditions, and requirements of the PERMIT are incorporated into this ORDER by reference.

Special Order By Consent
PILKINGTON NORTH AMERICA, INC

III. The COMPANY shall pay the following penalties:

- A. The COMPANY agrees to pay DAQ a civil penalty in the amount of \$16,000.00. This amount shall be paid within 30 days of the effective date of this ORDER.
- B. In the event that the COMPANY fails to comply with Paragraph II of this ORDER, the COMPANY shall be subject to appropriate enforcement action pursuant to N.C.G.S. § 143-215.114A.

The COMPANY shall notify DAQ in writing of any violation of Paragraph II of this ORDER within ten (10) days of discovering such violation.

- IV. In addition to any enforcement actions initiated by DAQ pursuant to Paragraph III, in the event the COMPANY violates this ORDER, the COMPANY may be subject to an injunction action pursuant to N.C.G.S. § 143-215.114C for relief necessary to prevent or abate any violations. Except as indicated in Paragraph I.G and as authorized pursuant to this Paragraph and Paragraph III, the COMPANY shall not be issued any further Notices of Violation or be subject to enforcement action for the violations specified in Paragraph I. Any other violations for which the COMPANY is responsible shall subject the COMPANY to appropriate enforcement action pursuant to N.C.G.S. §§ 143-215.114A, 143-215.114B and 143-215.114C.
- V. The COMPANY agrees to waive any rights it may have to seek judicial review to challenge this ORDER.
- VI. All notices and reports required by this ORDER shall be delivered to:

Regional Air Quality Supervisor
N.C. Dept. of Environmental Quality
225 Green Street, Suite 714
Fayetteville, North Carolina 28301

All payments required from the COMPANY by this ORDER shall be delivered to:

Enforcement Group – Payments
NCDEQ – DAQ
1641 Mail Service Center
Raleigh, North Carolina 27699-1641

Special Order By Consent
PILKINGTON NORTH AMERICA, INC

- VII. Final approval and entry into this ORDER are subject to the requirements that the COMMISSION give notice of proposed special orders to the public, and that the public have at least thirty (30) days in which to comment on the ORDER.
- VIII. Should any provision of this ORDER be declared by a court of competent jurisdiction to be inconsistent with Federal or State law and therefore unenforceable, its remaining provisions shall remain in full force and effect.
- IX. The Parties may jointly stipulate and agree to modify this ORDER at any time subject to the requirements of 15A NCAC 02D .2203. Any modifications of this ORDER must be agreed to in writing and signed by both parties.
- X. Except as otherwise set forth herein, this ORDER is not and shall not be interpreted to be a permit or modification of an existing permit under Federal, State or local law, and shall not be construed to waive or relieve the COMPANY of its obligations to comply in the future with any permit.
- XI. This ORDER is effective on execution by the COMMISSION and shall expire when DAQ takes final action on the FACILITY's permit application.

Special Order By Consent
PILKINGTON NORTH AMERICA, INC

ATTESTED:

PILKINGTON NORTH AMERICA, INC

BY:



Christopher Markotich
Plant Manager

DATE:

12/3/2025

APPROVED AND ACCEPTED:

BY:

For the Environmental Management Commission

DATE: