

ALLEGHENY COUNTY HEALTH DEPARTMENT

IN RE:

Heinz USA) PLAN APPROVAL ORDER
1062 Progress Street) AND AGREEMENT NO.247
Pittsburgh, PA 15212) UPON CONSENT
Allegheny County

NOW, this 24th day of October, 1996,

WHEREAS, the Allegheny County Health Department, (hereafter referred to as "Department"), has determined that the HEINZ USA (hereafter referred to as "HEINZ"), P. O. Box 57, Pittsburgh, Allegheny County, PA 15230-0057, as the operator and the owner of a food processing facility at 1062 Progress Street, Pittsburgh, Allegheny County, PA 15212 (hereafter referred to as "the facility"), is a major stationary source of volatile organic compound emissions (hereafter referred to as "VOCs") as defined of 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 NO_x & VOCs" is applicable to HEINZ'S operations; and

WHEREAS, HEINZ has promptly submitted to the Department all documents required by of Section 2105.06.b of Article XXI (hereafter referred to as "the proposal"); and

WHEREAS, the Department has determined, after a review of the submitted proposal, the proposal to be complete; and

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

WHEREAS, the parties have agreed that the most appropriate vehicle for both memorializing the submitted proposal and approving the submitted 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, the Department and HEINZ desire to memorialize the details of the submitted proposal by entry of an Plan Approval Order and Agreement Upon Consent; and

WHEREAS, pursuant of 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 written above, the Department, pursuant of 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. By no later than September 30, 1996, HEINZ shall complete installation of a VOC absorption System, for the purpose of reducing VOC emissions, on the vinegar production generators at the facility.
- 1.2. By no later than October 31, 1996, HEINZ shall commence operation of a VOC absorption System, for the purpose of reducing VOC emissions, on the subject vinegar production generators at the facility.
- 1.3. Upon the commencement of operation of the VOC absorption system, HEINZ shall not allow the vinegar production generators at this facility to operate unless the VOC absorption system is at all times, properly maintained and operated within the following specifications:
 - A. minimum VOC stack removal efficiency by the absorption system of eighty percent (80%).

B. minimum overall VOC removal efficiency of sixty-four percent (64%)

1.4. Upon the commencement of operation of the VOC absorption system, HEINZ shall conduct a system performance test in order to demonstrate compliance with the performance specifications referenced in paragraph 1.3 of this Order. HEINZ shall commence such testing within ninety (90) days of initial operation of the subject emission control equipment at the facility. HEINZ shall determine the stack adsorption system removal efficiency according to U.S. EPA approved test methods and Section 2108.02 of Article XXI, and shall estimate overall VOC control efficiency through material balance calculations.

1.5 HEINZ shall not, at any time, conduct ketchup production in the ketchup process mixing kettles unless the addition of vinegar to the kettles is through a hard-piped system from the vinegar storage tanks and the kettles are immediately covered after the addition of all ingredients.

- 1.6 HEINZ shall not, at any time, use glue in the labeling and packaging process at the facility that exceeds a VOC content of one percent (1%), by weight.
- 1.7. HEINZ shall not, at any time, allow the annual average use of solventborne inks to exceed seventy percent (70%) and the maximum VOC content of solventborne inks to exceed ninety-five percent (95%).
- 1.8. HEINZ 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 both Section 2105.06 of Article XXI and this Order are being met. HEINZ shall record such data and information required to determine compliance for the facility in a time frame consistent with the averaging period of the requirements of 2105.06 of Article XXI and this Order.
- 1.9. HEINZ shall retain all records required by both Section 2105.06 of Article XXI and this Order for this facility for at least (2) years and shall

make the same available to the Department upon request.

1.10. HEINZ shall at all times properly operate and maintain all VOC process and emission control equipment according to good engineering practice.

~~1.11. The Department reserves the right to issue amended VOC capture efficiency and removal efficiency performance specifications upon the analysis of actual performance test data from the facility. The amended performance specifications shall be submitted as a source specific revision to the Commonwealth of Pennsylvania SIP.~~

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. The contents of this Order shall be submitted to the U.S. Environmental Protection Agency as a revision to the Commonwealth of Pennsylvania's SIP.
- 2.2. If HEINZ fails to comply with any portion of the requirements of the foregoing Order, in a timely manner, the Director of the Allegheny County Health Department or his designated representative may take action in order to aid enforcement of the provisions of this Plan Approval Order and Agreement.
- 2.3. Failure to comply with any portion of this Order or Agreement is a violation of Article XXI that may subject HEINZ to and civil proceedings, including injunctive relief, by the Department.
- 2.4. If any event occurs which is beyond the control of HEINZ and which causes or may cause delays in the achievement of the actions required under this

Order, then:

- a. HEINZ shall notify the Department in writing within ten (10) days of the delay or anticipated delay, describing in detail the nature of the delay, the anticipated length of the delay, the precise cause or causes of the delay, the measures taken and to be taken by HEINZ to prevent or minimize the delay, and the timetable by which those measures will be implemented. HEINZ shall adopt all reasonable measures to avoid or minimize any such delay. Failure by HEINZ to comply with the notice requirement of this subparagraph, (2.4.a.) specifically may in sole discretion of the Department render the remaining provisions of this paragraph (2.4.b. - 2.4.c.) void and of no effect as to the particular incident involved.

- b. If the Department agrees that the delay or anticipated delay in complying with this Order has been or will be caused by circumstances beyond the control of HEINZ, the time for performance hereunder may be extended for a period no longer than the delay resulting from

such circumstances.

- c. The burden of proving that any delay is caused by circumstances beyond the control of HEINZ shall rest with HEINZ. Increased costs or expenses associated with the implementation of actions called for by this Order shall not, in any event, be a basis for changes in this Order or extensions of time under this paragraph.

2.5. 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.

2.6. HEINZ hereby consents to the foregoing Order and hereby knowingly waives all rights to appeal said Order, and the undersigned represents that he is authorized to consent to the Order and to enter into this Agreement on behalf of HEINZ. Notwithstanding the previous sentence, HEINZ hereby reserves its appeal rights to Article XXI, Rules and Regulations of the ACHD, Hearings and Appeals, for any revisions

made or failure to make revisions, by the ACHD to the VOC absorption specifications referenced in paragraph 1.3 of this Order.

~~2.7. HEINZ acknowledges and understands that the purpose of this Agreement is to establish RACT for the control of emissions of NO_x and VOCs from this facility. HEINZ further acknowledges and understands the possibility that the U. S. EPA may decide to not accept the Agreement portion of the Enforcement Order and Agreement by Consent as a revision to 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.

HEINZ USA

By:

Jim Vuksic

(signature)

Print or type Name: Jim Vuksic

Title: Factory Manager

Date: October 24, 1996

ALLEGHENY COUNTY HEALTH DEPARTMENT

By:

Bruce W. Dixon 10/19/96

Bruce W. Dixon, M.D., Director

Allegheny County Health Department

and By:

George A. Manown

George A. Manown, Assistant Manager
Air Quality

