

ALLEGHENY COUNTY HEALTH DEPARTMENT  
BUREAU OF ENVIRONMENTAL QUALITY  
Division of Air Quality

IN RE:

Heinz USA	)	ENFORCEMENT ORDER
Boiler Plant	)	NO. <u>211</u>
1062 Progress Street	)	<u>UPON CONSENT</u>
Pittsburgh, PA 15212		
Allegheny County		

NOW, this 8th day of March, 1996,

WHEREAS, the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality (hereafter referred to as "Bureau"), 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 "oxides of nitrogen" emissions (hereafter referred to as "NO<sub>x</sub>") 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 Bureau has determined that Section 2105.06.a. of Article XXI, entitled "Major Sources of NO<sub>x</sub> & VOCs" is applicable to HEINZ'S operations; and

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

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

**WHEREAS**, the Bureau has further determined, after review of the submitted proposal, that it constitutes Reasonably Available Control Technology (hereafter referred to as "RACT") for control of NO<sub>x</sub> emissions from HEINZ; and

**WHEREAS**, the Bureau and HEINZ desire to memorialize the details of the submitted proposal by entry of an Enforcement Order Upon Consent; and

**WHEREAS**, pursuant to Section 2109.03 of Article XXI, whenever the Director of the Allegheny County Health Department or his designated representative finds, on the basis of any information available to him, that any source is being operated in violation of any provision of Article XXI, he may order the person or persons responsible for the source to comply with Article XXI or he may order the immediate shutdown of the source or any part thereof; and

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

I. ORDER

1.1 At no time shall HEINZ allow emissions of NO<sub>x</sub> from boilers one (1) through eight (8) at this facility to exceed the following NO<sub>x</sub> emission limitations:

NO<sub>x</sub> Emissions:

<u>Boiler Number</u>	<u>Lbs/MMBTU</u>	<u>Tons/Year</u>
1	0.24	111
2	0.24	111
3	0.28	74
4	0.28	74
5	0.28	74
7	0.28	74
8	0.10	78

1.2 At no time shall HEINZ allow the combined annual NO<sub>x</sub> emissions from the facility to exceed 596 Tons/Year.

1.3 HEINZ shall determine compliance of each boiler with the emission limitations referenced in paragraphs 1.1 and 1.2 above by NO<sub>x</sub> emissions testing. HEINZ shall conduct such testing every two years for boilers one (1) through eight (8). The emission testing shall be conducted according to all applicable EPA approved test methods and Section 2108.02 of Article XXI. HEINZ shall complete initial emission testing by December 31, 1996.

1.4 HEINZ shall conduct emissions monitoring of NO<sub>x</sub> from boiler no. eight (8) according the methods referenced in the Code of Federal Regulations, (hereafter referred to as "CFR"), Section forty (40), Part sixty (60), Subpart Db.

~~1.5. The Bureau reserves the right to issue amended NO<sub>x</sub> Lbs per MMBTU and Tons per Year emission limitations upon analysis of actual stack test data from the facility. The amended NO<sub>x</sub> emission limitations shall be submitted as a source specific revision to the~~

~~Commonwealth of Pennsylvania State Implementation  
Plan.~~

1.6. 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 Section 2105.06 of Article XXI and this order are being met. HEINZ shall record and maintain such data and information required to determine compliance for the facility in a time frame consistent with the averaging period of the requirements of both Section 2105.06 of Article XXI and this Order. Such records shall include, but not be limited to, the following:

- A. Fuel use and steam load per unit.
- B. All recording and reporting required by 40 CFR, Part 60, Subpart Db, for boiler no. eight (8).

1.7. HEINZ 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 Bureau upon request.

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

## 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 State Implementation Plan (hereafter referred to as "SIP").
- 2.2. Failure to comply with any portion of this Order or Agreement is a violation of Article XXI that may subject HEINZ to criminal and civil proceedings, including injunctive relief, by the Bureau.

2.3. This Order does not, in any way, preclude, limit or otherwise affect any other remedies available to the Bureau 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. 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 by the ACHD to NO<sub>x</sub> emission limitations referenced in paragraph 1.1 and/or 1.2 of this Order or any failure of the Allegheny County Health Department to make such revisions upon analysis of actual stack test data, pursuant to paragraph 1.5 of this Order.~~

~~2.5. HEINZ acknowledges and understands that the purpose of this Agreement is to establish RACT for the control of emissions of NO<sub>x</sub> 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: 02/26/96

ALLEGHENY COUNTY HEALTH DEPARTMENT  
By: Bruce W. Dixon 3/8/96

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

and By: Ronald J. Chleboski  
Ronald J. Chleboski, Deputy Director  
Bureau of Environmental Quality