

ALLEGHENY COUNTY HEALTH DEPARTMENT

IN RE:

Nabisco Biscuit Company) PLAN APPROVAL ORDER
6425 Penn Avenue) AND AGREEMENT NO. 246
Allegheny County) UPON CONSENT
Pittsburgh, PA 15206)

AND NOW, this 19th day of December, 1996,

WHEREAS, the Allegheny County Health Department, (hereafter referred to as "Department"), has determined that the Nabisco Biscuit Company (hereafter referred to as "NBC"), 6425 Penn Avenue, Allegheny County, Pittsburgh, PA 15206, is the owner and operator of bakery facilities at 6425 Penn Avenue, Allegheny County, Pittsburgh, PA 15206 (hereafter referred to as "the facility"), is a major stationary source of oxides of nitrogen (hereafter referred to as "NO_x") emissions and volatile organic compound (hereafter referred to as "VOCs") emissions 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 Department has determined that Section 2105.06.a. of Article XXI, entitled "Major Sources of NO_x & Volatile Organic Compounds" is applicable to NBC's operations at this facility; and

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

WHEREAS, the Department, after a review of the submitted proposal, has determined it 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 NO_x and VOC emissions from NBC; 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 NBC desire to memorialize the details of the submitted proposal by entry of an Plan Approval Order and Agreement Upon Consent; and

WHEREAS, pursuant to 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 to 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. At no time shall NBC allow the following equipment at the facility to operate unless each piece of listed equipment is being maintained and operated in accordance with good engineering practice and within the manufacturer's specifications, if applicable:
- i.) Boiler number one (1);
 - ii.) Boiler number (2);
 - iii.) Propane vaporizer; and
 - iv.) Number two (2), three (3), four (4), five (5) and six (6) Bake ovens.
- 1.2. NBC shall at all times maintain records of fuel type and fuel usage and certifications from fuel suppliers for all types of liquid fuel. For each shipment of distillate oils number 1 or 2, a certification that the fuel complies with ASTM D396-

78 "Standard Specifications for Fuel Oils" is required. For residual oils, minimum record keeping includes a certification from the fuel supplier of the nitrogen content of the fuel, and identification of the sampling method and sampling protocol.

1.3 Nabisco shall not, at any time, allow the use of yeast-leavened dough in bake ovens three (3), four (4) and six (6).

1.4. Nabisco shall not at any time allow the annual operation of bake ovens two (2) or five (5) to exceed eighty-four percent 84% of their maximum operating capacity or 7,360 hours per year, each for yeast-leavened dough. There shall be no limitation on the use of non-yeast leavened dough in bake ovens two (2) or five (5).

1.5. Nabisco shall at all times maintain all appropriate records to demonstrate compliance with the requirements of both Section 2105.06 Article XXI and this Order. Such records shall provide sufficient data and calculations to clearly demonstrate that all requirements of both Section 2105.06 of Article XXI and this Order are being met. Such records shall include.,but not be limited

to, the following:

- a. Hours of operation, dough type (yeast or non-yeast)per bake oven.
- 1.6. NBC shall retain all records required by both Section 2105.06 of Article XXI and this Order for the facility for at least 2 years and shall make the same available to the Department upon request.

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 US EPA as a revision to the Commonwealth of Pennsylvania's SIP.
- 2.2. Failure to comply with any portion of this Order or Agreement is a violation of Article XXI that may subject NBC to criminal and civil proceedings, including injunctive relief, by the Department.
- 2.3. 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.

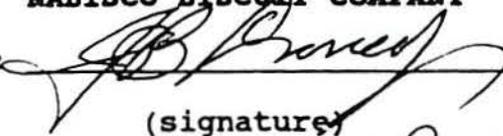
2.4. NBC hereby consents to the foregoing Order and hereby knowingly waives all rights to appeal said Order, and the undersigned represents that he is authorized to consent to the Order and to enter into this Agreement on behalf of NBC.

~~2.5. NBC acknowledges and understands that the purpose of this Agreement is to establish RACT for the control of emissions of NO_x from this facility. NBC further acknowledges and understands the possibility that the US 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.~~

2.6 The County shall, upon request by NBC, accept and evaluate a request for an amendment to Allegheny County's portion of the SIP in order to revise this RACT Order and Agreement based on a subsequent RACT analysis and if appropriate, submit the amendment to the U.S. EPA for incorporation into the 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.

NABISCO BISCUIT COMPANY

By: 

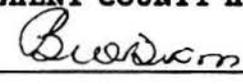
(signature)

Print or type Name: J. B. Crossen

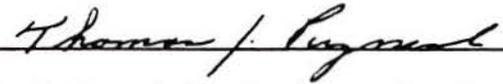
Title: Plant Mgr.

Date: 12/6/96

ALLEGHENY COUNTY HEALTH DEPARTMENT

By:  12/19/96

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

and By: 

Thomas J. Puzniak, Engineering Manager
Air Quality Program

