

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

IN RE:

Valspar Corporation) ENFORCEMENT ORDER
2000 Westhall Street) NO. 209
Pittsburgh, PA 15201) UPON CONSENT

NOW, this 9th 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 Valspar Corporation (hereafter referred to as "VALSPAR"), 2000 Westhall Street, Pittsburgh, Allegheny County, PA 15201, as the operator and the owner of its paint manufacturing facilities at 2000 Westhall Street, Pittsburgh, PA 15201 (hereafter referred to as "the facility"), is a major stationary source of volatile organic emissions (hereafter referred to as "VOCs") 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_x & VOCs" is applicable to VALSPAR's operations; and

WHEREAS, VALSPAR 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, after a review of the submitted proposal, has determined 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 VOCs emissions from VALSPAR; and

WHEREAS, the Bureau and VALSPAR 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 to 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 VALSPAR allow process operations involving VOC's at the facility to operate unless all stationary mixers are equipped with covers which completely enclose the mixer openings, except for an opening no larger than necessary to allow for safe clearance for a mixer shaft. Such covers shall either extend at least one-half inch (1/2") beyond the outer rim of the vessel or be attached to the rim.
- 1.2. At no time shall VALSPAR allow any VOC stationary mixer operations at the facility unless all covers are closed at all times except when production, sampling, maintenance or inspection procedures otherwise requires access.
- 1.3. At no time shall VALSPAR allow any stationary mixers at the facility to process products containing VOC's unless the covers are maintained in good condition,

such that when in place, they maintain contact with their respective rims for at least ninety percent (90 %) of the circumference of the rim.

- 1.4. VALSPAR shall maintain all appropriate records to demonstrate compliance with the requirements of Section 2105.06 Article XXI and this Order. Such records shall provide sufficient data and calculations to that all requirements of both Section 2105.06 of Article XXI and this Order are being met. Data and information required to determine compliance shall be recorded and maintained by VALSPAR in a time frame consistent with the averaging period of the requirements of both Section 2105.06 of Article XXI and this Order.
- 1.5. VALSPAR shall retain all records required by both Section 2105.06 of Article XXI and this Order for the facility for at least two (2) years and shall make the same available to the Bureau upon request.
- 1.6. VALSPAR 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 VALSPAR 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. VALSPAR 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 VALSPAR.

~~2.5. VALSPAR acknowledges and understands that the purpose of this Agreement is to establish RACT for the control of emissions of VOCs from this facility. VALSPAR 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.

VALSPAR CORPORATION

By: John R. Knox
(signature)

Print or type Name: John R. Knox

Title: PLANT MGR

Date: 2/14/96

ALLEGHENY COUNTY HEALTH DEPARTMENT

By: Bruce W. Dixon 2/8/96

Bruce W. Dixon, M.D., Director

Allegheny County Health Department

and By: Ronald J. Chleboski

Ronald J. Chleboski, Deputy Director

Bureau of Environmental Quality

