



State of Ohio Environmental Protection Agency

**Northwest District Office**

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March 19, 2008

**CERTIFIED MAIL**  
**7006 0100 0003 7708 5695**

Ms. Cathy Shell  
Manager, Loss Prevention, Safety and Health  
Heinz North America  
1200 N. Fifth St.  
Fremont, OH 43420

RE: Notice of Violation (NOV) to Heinz North America (0372030070) based on February 12, 2008 inspection with responses due April 2 and April 16, 2008.

Dear Ms. Shell:

This letter shall serve as a follow-up to the inspection conducted on February 12, 2008, of the above referenced facility by Melanie Ray and this writer. The purpose of this inspection was to determine the compliance status of all air contaminant sources located at the facility.

Based on our discussions, our observations during the inspection and a review of the company's files, our findings are as follows:

1. Emissions units P012-P017 are vinegar acetators which produce the facility's vinegar for the ketchup-making process. There was question as to whether Heinz North America (Heinz) was subject to 40 CFR Part 60, Subpart VV- Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry. Based on our discussions and a review of the rule, Ohio EPA has determined that Heinz is subject to the requirements of subpart VV, with the exception of Section 60.482-10, Standards: Closed vent systems and control devices. Heinz needs to ensure that they are identifying each system component subject to the rule and complying with all applicable requirements.

Additionally, 40 CFR Part 60.487 requires semi-annual reports to be submitted, based on recordkeeping. The initial semiannual report was to be submitted six months after the initial startup date. Since the initial startup date for the acetators were in 1985 and 2003, Ohio EPA requests that, by April 2, 2008, Heinz provide the initial report based on when the company started maintaining these records. From that point on, Ohio EPA will expect semi-annual reports be submitted by July 31 and January 31 for the previous six-month period. Please review the rule to ensure the correct information is included in the initial semiannual report and the subsequent reports.

A modification to permit-to-install (PTI) 03-13946, issued December 30, 2004, to include a third condenser has been on hold while the applicability issue was being resolved. Ohio EPA plans to proceed with the modification by including the New Source Performance Standards (NSPS) Subpart VV requirements and changing the condenser requirements to chiller requirements since the condensers are now used as a backup.

2. PTI 03-13946 also addressed two fixed roof alcohol storage tanks at the facility, T003 and T004. Each tank has a maximum annual throughput operational restriction, which includes monthly recordkeeping that the company is currently performing. However, Part III.A.IV.1 of the permit for each emissions unit requires Heinz to submit an annual material throughput deviation report by January 31 for the previous year. A review of the facility's records indicate that there were no deviations from the operational restrictions for 2006 and 2007, but a report for 2006 was never submitted and 2007's was received February 15, 2008. Failing to report annual material throughput reports is a violation of PTI 03-13946, issued December 30, 2004 and ORC 3704.05. Heinz will need to report this deviation in its 2007 annual Title V compliance certification submittal and submit a retroactive report for 2006 by April 2, 2008.
3. During the inspection, I requested that we review the facility's insignificant emissions units that are listed in the most recent Title V application. The facility identifies Z600 as a 150,000 gallon vinegar storage tank that was installed in March 1992. During our conversations, it was stated that the facility has three vinegar storage tanks, but only two have been identified. At this time, we have the following information:
  - (1) 305,000 gallon vinegar tank- T005, permitted in PTI 03-16333;
  - (1) 185,000 gallon vinegar tank- installed around 2000, no permit on file; and
  - (1) 150,000 gallon vinegar tank- installed before 1998, listed in Title V permit application as Z600.

In order to determine whether emissions from the two unpermitted tanks need to be permitted, Heinz will need to calculate daily emissions based on the maximum daily throughput for each tank. If the emissions are less than 10 lbs/day, then the tanks will be considered de minimus under OAC rule 3745-15-06 and no PTI will be required. However, if emissions are greater than 10 lbs/day then Heinz will need to submit permit applications.

4. On March 3, 2008, Ohio EPA received permit-by-rule applications for four generators at the facility- three vinegar backup generators and one emergency fire pump generator. The requests have been processed and the units have been given the following identifications:
  - P019- 750 Kw vinegar cooling tower emergency diesel generator (fka Z311);
  - P020- 350 Kw vinegar emergency diesel generator (west, fka Z311);
  - P021- 350 Kw vinegar emergency diesel generator (east, fka Z311); and
  - P022- 110 Hp emergency diesel fire pump (fka Z310).

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Heinz will need to maintain records of each units hours of operation, fuel used and sulfur content to meet the requirements of OAC rule 3745-31-03(A)(4)(a) and (b).

Heinz should be aware that the generators are also subject to the NSPS for Stationary Compression Ignition Internal Combustion Engines, Subpart IIII. The company will need to review the standards to determine compliance and submit any notifications that may be applicable.

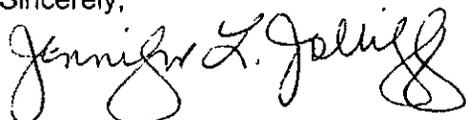
5. ✓ B004 is identified as a 90 mmBtu/hr natural gas and no. 6 fuel oil-fired boiler in the facility's Title V permit. During discussions with the boiler's operators, they stated that B004 last operated two years ago and has been decommissioned. If Heinz would like to have this emission unit removed from the Title V renewal permit, then a revised application updating the emission unit's shutdown date will be required.
6. ✓ Heinz will need to resubmit their TV renewal application to incorporate the changes outlined in items #3, 4, and possibly 5 above by no later than April 16, 2008. Ohio EPA also requests that any name changes at the facility be addressed at this time also. *change*

All other emissions units appear to be in compliance with Ohio EPA rules and regulations.

At this time, NWDO requests that Heinz submit the past due reports no later than **April 2, 2008** and a correct TV renewal application by **April 16, 2008**. Please note that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06.

I would like to thank you and Jeff Mosser for escorting us around the facility. Should you have any questions or comments concerning this letter, please feel free to contact me at (419) 373-4112 or electronically at [jennifer.jolliff@epa.state.oh.us](mailto:jennifer.jolliff@epa.state.oh.us).

Sincerely,



Jennifer L. Jolliff  
Division of Air Pollution Control

JLJ/csl

pc: Samir Araj, NWDO, DAPC  
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