



**Environmental
Protection Agency**

John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nally, **Director**

February 22, 2012

CERTIFIED MAIL

Ms. Cathy Shell, Manager
Loss Prevention, Safety and Health
H.J. Heinz, L.P
1200 North Fifth Street
Fremont, Ohio 43420

Subject: Notice of Violation (NOV) letter for exceeding the annual throughput limitation for emissions unit T004 at H.J Heinz, L.P (0372030070).

Dear Ms. Shell:

This NOV is for H.J Heinz, L.P's (Heinz) exceedance of the annual alcohol throughput limitation for alcohol storage tank T004. Permit to install #03-13946, issued on September 25, 2003, established an annual operating throughput limitation of 420,000 gallons for tank T004. As stated in the company's 2011 annual deviation report submitted on February 1, 2012, the alcohol throughput for tank T004 was 460,449 gallons. This is 40,449 gallons over the permit limit. The throughput exceedance is a violation of the PTI, the company's Title V permit, issued on January 12, 2010, and ORC 3704.05.

According to the company's February 3, 2012, letter, the annual alcohol throughput was exceeded due to a 12.6% increase in vinegar production in 2011. Heinz plans to continue with an increase in vinegar production, and therefore, has enlisted the assistance of SSOE Engineering to determine if a permit modification should be requested to increase annual throughput or if a physical change is needed for the alcohol system. The company hopes to have a decision made by March 15, 2012. Heinz has also recognized the need to track the throughput on a weekly basis versus monthly once 75% of the throughput limit has been reached.

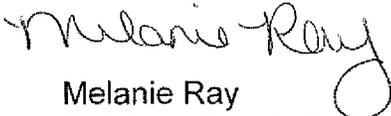
The company must submit a written response to this NOV by March 19, 2012, explaining its plan to avoid future throughput exceedances from this emissions unit.

Please note that the submission of the requested information to respond to this letter does not constitute a waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

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Please feel free to contact me with any comments and/or questions at 419.373.4111 or email melanie.ray@epa.state.oh.us.

Sincerely,



Melanie Ray
Division of Air Pollution Control

/lir

pc: Tom Kalman, DAPC-CO
William MacDowell, USEPA-Region V
DAPC-NWDO Sandusky County correspondence file
NWDO-Follow-up File
Certified Mail Receipt Number 7009 1410 0001 1843 7897

ec: Jennifer Jolliff, NWDO-DAPC