

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

November 8, 2012

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

Subject: Resolution to Notice of Violation (NOV) issued to H.J Heinz,
L.P (0372030070) on February 22, 2012.

Dear Ms. Shell:

This letter shall serve to resolve the Notice of Violation (NOV) issued to the above referenced facility on February 22, 2012. The NOV was issued for exceeding the annual alcohol throughput limitation for alcohol storage tank T004. The exceedance was a violation of PTI 03-13946, issued on September 25, 2003, the company's Title V permit, issued on January 12, 2010 and ORC 3704.05.

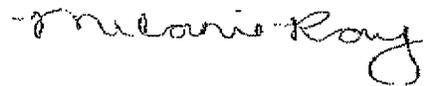
In order to resolve the above violation, the company submitted an application on June 7, 2012, to increase the throughput for its larger alcohol storage tank, emissions unit T003. With an increased allowable throughput, the company will be able to utilize the larger tank more and not exceed the annual throughput allowable for tank T004. A permit modification was issued on August 15, 2012. The company has also adjusted its procedures on the frequency of unloading into each of the tanks and has implemented procedures to improve tracking of the throughput for each tank.

At this time, the violation identified in the February 22, 2012, NOV is considered to be resolved and no further action is required. 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 as provided in Section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case.

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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,

A handwritten signature in cursive script that reads "Melanie Ray".

Melanie Ray
Division of Air Pollution Control

/cg

ec: Melanie Ray, DAPC-NWDO
Mark Budge, DAPC-NWDO
Jennifer Jolliff, DAPC-NWDO
Bruce Weinberg, DAPC-CO
Brian Dickens, US EPA, Region V