

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

IN RE:

Bakerstown Container Corporation)	PLAN APPROVAL ORDER
c/o P.O. Box 51)	AND AGREEMENT NO. 221
Allegheny County)	<u>UPON CONSENT</u>
Bakerstown, PA 15007)	

AND NOW, this 14th day of May, 1996,

WHEREAS, the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality (hereafter referred to as "Bureau"), has determined that the Bakerstown Container Corporation (hereafter referred to as "BCC"), P.O. Box 51, Allegheny County, Bakerstown, PA 15007, as the operator and the owner of a steel drum reconditioning facility on Middlesex Street, Richland Township, Allegheny County PA 15007, (hereafter referred to as "the facility"), is currently a major stationary source of volatile organic compounds (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 Nitrogen Oxides & VOCs" is applicable to BCC's operations at this facility; and

WHEREAS, BCC 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 it 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 VOC emissions from the facility; and

WHEREAS, the parties have agreed that the most appropriate vehicle for both memorializing the submitted proposal and approving the submitted proposal by the Bureau 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 Bureau and BCC 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 date 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 Plan Approval Order and Agreement upon Consent:

I. ORDER

1.1. At no time shall BCC allow the drum burning furnace to operate unless the furnace and afterburner are properly maintained and operated within the following parameters:

- i. minimum afterburner operating temperature of 1600 degrees Fahrenheit and;
- ii. minimum afterburner residence time of 0.5 seconds.

1.2. Except as otherwise modified by the second sentence of this paragraph, at no time shall BCC store containers of VOCs at the facility unless such containers are covered at all times. The only exceptions to this requirement are: i.) the mixing of paint immediately prior to paint application and; ii.) the transfer of material to different containers.

- 1.3. BCC shall at all times as expeditiously as possible clean-up any liquid or dry material spilled at the facility.
- 1.4. BCC shall maintain all appropriate records to demonstrate compliance with the requirements of both Section 2105.06 of Article XXI and this Order. Such records shall provide sufficient data and calculations to 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:
- i. the quantity, composition, and density of all coatings and solvents, including solvents used for clean-up and purging, used in each process.
- 1.5. BCC shall retain all records required by both Section 2105.06 of Article XXI and this Order for this facility for at least two (2) years and shall make the same available to the Bureau upon request.
- 1.6. BCC 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 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 BCC 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. BCC 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 BCC.


~~2.5. BCC acknowledges and understands that the~~

~~purpose of this Agreement is to establish RACT for~~
~~the control of emissions of VOCs from this~~
~~facility. BCC 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.~~

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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.

BAKERSTOWN CONTAINER CORPORATION

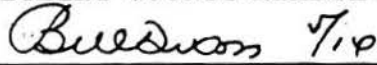
By: 
(signature)

Print or type Name: Vance M. Smith, III

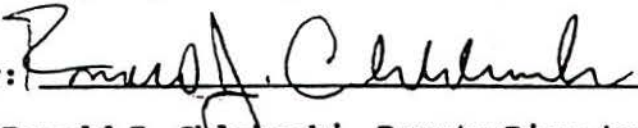
Title: President

Date: March 7, 1996

ALLEGHENY COUNTY HEALTH DEPARTMENT

By: 

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

and By: 

Ronald J. Chleboski, Deputy Director
Bureau of Environmental Quality

