



City of Cleveland

Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Suite 200
Cleveland, Ohio 44114-1839
216/664-2297 • Fax: 216/420-8047
www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7002 2030 0001 1807 9730
RETURN RECEIPT REQUESTED**

July 28, 2009

John T Mitchell
American Sugar Refining, Inc.
2075 East 65th Street
Cleveland, Ohio 44103

NON-HPV

FACILITY ID: 1318005975

**NOTICE OF VIOLATION: OPERATING TWO EMISSIONS UNITS WITHOUT
APPLYING FOR PERMITS TO INSTALL AND OPERATE; FAILING TO PAY 2006, 2007,
2008, 2009 CITY PERMIT FEES**

Dear Mr. Mitchell:

On June 12, 2009, the Cleveland Division of Air Quality (CDAQ) inspected American Sugar Refining, Inc. located at 2075 East 65th Street in Cleveland. This letter serves as notification that you are operating sources in violation of applicable air statutes, air regulations, or air permit conditions.

American Sugar Refining, Inc. is in violation of Ohio Administrative Code (OAC) Rule 3745-31-02(A) and Ohio Revised Code (ORC) 3704.05(G) for failing to apply for Permits to Install and Operate (PTIO) for a Kidder 660 Cetraflex printing press and a Comco Commander Series printing press.

American Sugar Refining, Inc. is in violation of the City of Cleveland Codified Ordinance Chapter 263.01(a) for failing to pay 2006, 2007, 2008, and 2009 city permit fees.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that American Sugar Refining, Inc. submit PTIO applications for the Kidder 660 Centraflex and Comco Commander Series printing presses including emissions calculations for both. CDAQ also requests that American Sugar Refining, Inc. submit city permit fees within two weeks to the following CDAQ representative:

City Permit Fees
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

Your written response to this letter must be received by CDAQ within fourteen (14) days of



your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars or imprisonment for not more than one year, or both, for each violation.

CDAQ issues this letter with Ohio EPA's concurrence. The failure to mention any specific violation does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. Should you have any questions, please call Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA facility identification number for Allen Sugar Company: 1318005975.

Sincerely,

George Baker
Chief of Enforcement

GB/ms

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318005975\2009-06-12 NOV.doc

encl: 2006 Permit Final Notice
2007 Permit Final Notice
2008 Permit Final Notice
2009 Permit Final Notice