



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 8078
RETURN RECEIPT REQUESTED

August 31, 2009

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

FACILITY ID: 1318005975
RECEIPT OF CORRECTIVE ACTION PLAN: NOTICE OF VIOLATION: OPERATING TWO EMISSIONS UNITS WITHOUT APPLYING FOR PERMITS TO INSTALL AND OPERATE AND FAILING TO PAY 2006, 2007, 2008, 2009 CITY PERMIT FEES

Dear Mr. Mitchell:

On July 28, 2009, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requesting that American Sugar Refining, Inc. pay 2006, 2007, 2008 and 2009 city permit fees and submit Permit to Install and Operate (PTIO) applications.

CDAQ is in receipt of a response letter dated August 12, 2009, asking for an extension for further examination. You are given a 3-month extension to submit complete PTIO applications by November 30, 2009, for the Kidder 660 Cetraflex printing press and a Comco Commander Series printing press. Please submit any future correspondence related to this matter to the following enforcement representative:

Mike Samec
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

CDAQ is requesting American Sugar Refining, Inc. pay the 2006, 2007, 2008 and 2009 city permit fees by December 30, 2009.

Failure to do so may result in referral to Ohio EPA or U.S. EPA for further enforcement action. Fulfillment of your commitments included in the corrective action plan and/or any modifications contained within this letter does not constitute a waiver of CDAQ's ability to refer this matter to Ohio EPA or U.S. EPA for further enforcement action. Please submit any future correspondence related to this matter to the following enforcement representative:



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

CDAQ issues this letter with Ohio EPA's concurrence and 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 American Sugar Refining, Inc.: 1318005975.

Sincerely,

George Baker
Chief of Enforcement, CDAQ

GB/ms

cc: John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318005975\2009-06-12 RCAP.doc

Division of Air Quality
75 Erieview Plaza Suite 200
Cleveland, Ohio 44114-1839
Attn: George Baker, Chief of Enforcement

APR 12 2009

Dear Mr. Baker:

On July 31, 2009 we received your letter, notifying American Sugar Refining Inc, Cleveland Operations that we were in violation of Ohio Administrative Code (OAC) 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.

You also stated that American Sugar was in violation of the City of Cleveland Codified Ordinance Chapter 263.01(a) for failing to pay 2006, 2007, 2008, 2009 city permit fees.

In response to these citations we wish to request a 3-month extension for further examination of the throughput and total production rates of all referenced machines in said violations, because it is our belief that through this process, we will establish that we are exempt from said permitting requirements.

Please let me know. If you have any questions, please feel free to contact me.



Matt Schaffer
EHS Manager, American Sugar Inc., Non-Refining Operations
Cleveland, Ohio 44103
Phone (216) 426-6916
Cell (216) 372-3516