



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114-2080
216/664-2297 • Fax: 216/420-8017
www.clevelandhealth.org

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

**CERTIFIED MAIL 70031010000429233577
RETURN RECEIPT REQUESTED**

April 3, 2008

Mr. John Phillips, General Manager
Alcon Industries, Inc.
7990 Baker Avenue
Cleveland, OH 44102

**FACILITY ID: 1318007755
NOTICE OF VIOLATION: AIR POLLUTION NUISANCE**

Dear Mr. Phillips:

On March 28, 2008, the Cleveland Division of Air Quality (CDAQ) responded to an odor complaint at Alcon Industries, Inc. (Alcon) located at 7990 Baker Avenue in Cleveland. This letter serves as notification that you have been operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

CDAQ detected strong chemical odors emanating from Alcon's steel casting molds and observed the molds smoldering outside of Alcon's building. The odors are a violation of the Ohio Administrative Code (OAC) Rule 3745-15-07 and the City of Cleveland's Codified Ordinance 277.08 for creating an air pollution nuisance.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Alcon submit a corrective action plan ensuring that outdoor odors from the molds will be eliminated. Your corrective action plan must be submitted to the following enforcement representative:

Linda Kimmy
Cleveland Division of Air Quality
1925 St. Clair Avenue NE
Cleveland, Ohio 44114-2080

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.

Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.state.oh.us/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by the OCAPP.

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 Linda Kimmy at 216-664-2985. All correspondence with CDAQ must include the Ohio EPA facility identification number for Alcon Industries, Inc.: 1318007755.

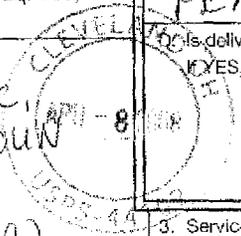
Sincerely,

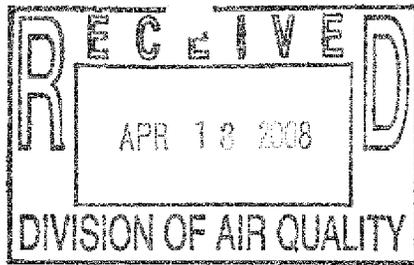
George Baker
Chief of Enforcement, CDAQ

GB/LK

cc: Mr. Gary Calhoun, Alcon Compliance Manager
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318007755\2008-04-03NOV

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2 and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Pearson M. Hood</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p><i>Alcon Industries, Inc. ATTN: Mr. Gary Calhoun 7990 Baker Ave. Cleveland, OH 44102</i></p>	<p>B. Received by (Printed Name) C. Date of Delivery <i>PEARSON M. HOOD</i></p> <p>Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p><i>7003 1010 0004 2423 3577</i></p>





ALCON

FEDEX NO: 8634 1768 1849

April 16, 2008

Ms. Linda Kimmy
Cleveland Division of Air Quality
1925 St. Clair Avenue NE
Cleveland, Ohio 44114-2080

ALCON INDUSTRIES, INC.
7990 BAKER AVENUE
CLEVELAND OH 44102

RE: Response to NOV Letter Dated April 3, 2008
Alcon Industries, Inc.
7990 Baker Avenue
Cleveland, Ohio 44102
Facility ID: 13-18-00-7755

Dear Ms. Kimmy:

On behalf of Alcon Industries, Inc. (Alcon) I hereby submit this letter in response to your Notice of Violation (NOV) letter dated April 3, 2008 and received by Alcon on April 8, 2008. Specific responses are provided for each area of alleged violations as follows.

First & Second Paragraphs, NOV Letter:

Alcon has worked in cooperation with the Cleveland Division of Air Quality (CDAQ) and has submitted comprehensive Facility-Wide Potential to Emit (PTE) calculations with Permit to Install (PTI) applications for the air contaminant sources at its facility. Since 2005, Alcon has completed two rounds of comprehensive PTI application which included comprehensive PTE calculations on October 28, 2005 and March 15, 2007 respectively. The March 15, 2007 submission satisfied the requirements identified in the Notice of Violation (NOV) letter from your office dated December 14, 2006.

Alcon subsequently received a letter from the CDAQ on May 15, 2007 stating that Alcon's response to the CDAQ NOV letter was satisfactory. Since the comprehensive submission of March 15, 2007 Alcon has been diligent in its execution of the action items outlined therein.

T 216.961.1100

F 216.961.5611

W www.alconind.com



Alcon has cooperatively worked with individuals from your office in efforts to comprehensively characterize facility-wide emissions and obtain permits for emission sources where applicable. During CDAQ review of the PTI application, Alcon has made revisions to the PTE calculations in response to comments from permit review staff. Over the last twenty nine months, and since its permit submission of October 28, 2005, Alcon and their consultant (ATC Associates Inc.) have worked cooperatively with the following individuals from your office.

Ms. Jeanette Adams – Administrator
Mr. James Braun – Permit Review Manager
Mr. Roland Lacy – Environmental Compliance Specialist
Ms. Valerie Shaffer – Environmental Specialist
Mr. Mike Samec – Environmental Enforcement Specialist
Mr. Nelson Andrekovic – Field Enforcement Manager
Mr. Loreto Agdinaoay – Environmental Compliance Specialist

Alcon's facility-wide emissions, which include emissions from molds, have been comprehensively characterized under its PTE, and its PTE has been extensively reviewed and adjusted by the CDAQ through the permitting process. It is Alcon's understanding that the CDAQ permit review permit issuance process is designed to assure that Alcon's facility emissions are in compliance with applicable laws, regulations and ordinances, and do not "*endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property*".

Therefore, based on the above information, it continues to be Alcon's understanding that its emissions are not in violation of Ohio Administrative Code (OAC) 3745-15-07(A) or the City of Cleveland's Codified Ordinance 277.08.

Third Paragraph, NOV Letter:

Alcon does recognize that it is located in a residential area, and given certain wind conditions, its permitted facility emissions may be noticed by residents. Given these circumstances Alcon will evaluate possible remedies that would help minimize the potential for odors to be observed by the public relative to the mold cooling process.

Alcon would appreciate an opportunity to meet with you to discuss this further and discuss possible remedies that would minimize the potential for observed odors from its facility. We will contact you to determine a mutually agreeable date and

April 16, 2008
Response to Notice of Violation Letter Dated April 3, 2008
Alcon Industries, Inc.
Facility ID: 13-18-00-7755
Page 3



time for the meeting.

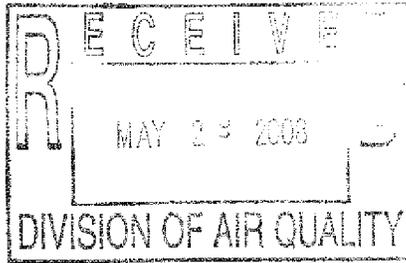
Please do not hesitate to contact me with any questions you may have about this response.

Sincerely,
Alcon Industries, Inc.

Handwritten signature of Andrew V. White.

Andrew V. White
Chief Financial Officer

cc: Scott McCready, ATC Associates Inc.



ALCON

FEDEX NO: 1034-0193-3
May 22, 2008

Ms. Linda Kimmy
Cleveland Division of Air Quality
1925 St. Clair Avenue NE
Cleveland, Ohio 44114-2080

ALCON INDUSTRIES, INC.
7990 BAKER AVENUE
CLEVELAND OH 44102

RE: Follow-Up Response to Our NOV Abatement Meeting of May 14, 2008
Alcon Industries, Inc.
7990 Baker Avenue
Cleveland, Ohio 44102
Facility ID: 13-18-00-7755

Dear Ms. Kimmy:

On behalf of Alcon Industries, Inc. (Alcon), and based on your request in our meeting with you and your associates on May 14, 2008, I hereby submit this letter in order to resolve the Notice of Violation (NOV) described in your letter dated April 3, 2008. As discussed in our meeting, Alcon will take steps to minimize the potential to create conditions which could lead to noticeable odors at and/or adjacent to our facility from permitted emissions. The following is a summary of actions Alcon has identified to be taken in the regard.

1. Green sand mold production continues to decrease and other mold options such as no-bake continue to take its place. Furthermore, the specific type of production observed by you on March 28, 2008 is even less frequent and is of the type where more cores are contained in the green sand molds. As we mentioned in our meeting, moving forward we expect that reductions in green sand mold production in general will help minimize potential odors.
2. When weather conditions like those observed by you on March 28, 2008 develop (i.e., winds out of the north and threat of rain or rain), Alcon will determine if the type of production being run is the type described in item number one above. If it is determined that this type of production is being run, Alcon will evaluate whether it is feasible and prudent to keep those molds inside the building longer. The decision to hold the molds inside longer or not will be made based on an assessment of production and

T 2 1 6 . 9 6 1 . 1 1 0 0

F 2 1 6 . 9 6 1 . 5 6 1 1

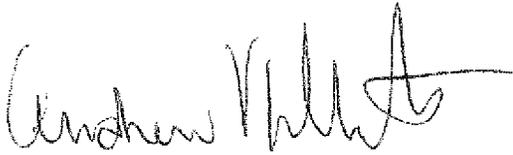
W www.alconind.com

environmental conditions inside the building at the time.

3. If weather conditions described in number three above develop during the day and the type of molds described in item number one above are outside cooling, Alcon will consider relocating the molds inside the building to continue cooling. The decision to move the molds or not will be made based on an assessment of production and environmental conditions inside the building at the time.

Please do not hesitate to contact me with any questions you may have about this response.

Sincerely,
Alcon Industries, Inc.

A handwritten signature in black ink, appearing to read "Andrew V. White". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew V. White
Chief Financial Officer

cc: Scott McCready, ATC Associates Inc.