



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: 216/420-8047  
www.clevelandhealth.org

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

**CERTIFIED MAIL 7002 2030 0001 1808 8916  
RETURN RECEIPT REQUESTED**

August 29, 2008

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

**FACILITY ID: 13-18-00-7755  
NOTICE OF VIOLATION: AIR POLLUTION NUISANCE**

Dear Mr. Phillips:

On August 19, 2008, the Cleveland Division of Air Quality (CDAQ) responded to an odor complaint at Alcon Industries, Inc. (Alcon) located at 7990 Baker Ave in Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

CDAQ detected strong chemical odors emitting from Alcon's casting molds and observed white smoke from piles of broken up mold castings. This is a continuing air pollution nuisance which CDAQ issued a Notice of Violation for on April 3, 2008. The odors are a violation of the Ohio Administration Code (OAC) Rule 3745-15-07, the City of Cleveland's Codified Ordinance Chapter 277.08 and the Ohio Revised Code section 3704.05(G) for creating an air pollution nuisance.

On May 24, 2008, CDAQ received a corrective action plan dated May 22, 2008. In that letter, Alcon states in action #2: when winds are out of the north and threat of rain or rain is determined, Alcon will consider relocating the molds inside the building to continuing the cooling down process, as identified in action #3.

Winds were blowing out of the north and rain was present the morning of August 19, 2008, from 6:50 – 7:30 a.m. CDAQ observed no action being taken to relocate the molds inside the building to eliminate emitting odors.

On August 21, 2008, CDAQ again detected odors and white smoke emitting from Alcon industries. Wind was 0 to 5 mph from the Southeast at that time.

Your May 22, 2008, corrective action plan only considers the condition of wind from the North. As demonstrated on August 21, 2008, nuisance violations may also occur



with winds from other directions. A heavily travelled highway runs just a few hundred feet North of Alcon. Drivers on that section of Route 2/U.S. 6 have made numerous reports of odors matching those detected from Alcon. The drivers could not see a source. Now that CDAQ is aware of the proximity of Alcon to the reported odor location, future investigations are likely to confirm Alcon as a source.

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 Industries, Inc. submit another corrective action plan to eliminate odors from the molds and/or mold castings to the following enforcement representative:

Mike Samec  
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.

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 Alcon Industries, Inc.: 1318007755.

Sincerely,

George Baker  
Chief of Enforcement, CDAQ

GB/ms

cc: Andrew V. White, Chief Financial Officer, Alcon  
John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
Facility File and L:\Data\Facilities\1318007755\2008-08-21 NOV.doc

**SENDER: COMPLETE THIS SECTION**

- 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.

1. Article Addressed to: 007755

Mr. John Phillips  
Alcon Industries, Inc  
7990 Baker Ave.  
Clev. Oh 44102

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  Addressee  
x *Robert W. Phillips*  
B. Received by (Printed Name)  Date of Delivery  
*PEARSON 08/17/04*  
C. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

*PEARSON*

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

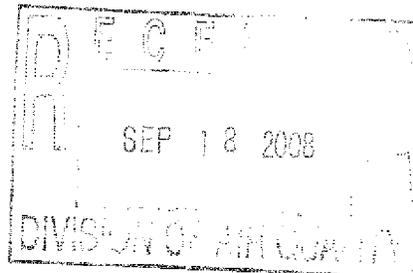
Tracking Number  
(or from service label)

7002 2030 0001 1808 8916

1811, August 2001

Domestic Return Receipt

102595-02-M-1540



**FEDEX NO: 1034-0193-3**

September 17, 2008

Mr. Mike Samec  
Environmental Enforcement Specialist  
Ohio EPA - Agency 13 (Cuyahoga)  
**Cleveland Division of Air Quality**  
1300 E. 9th Street 4th Floor  
Cleveland, Ohio 44114

ALCON INDUSTRIES, INC.  
7990 BAKER AVENUE  
CLEVELAND OH 44102

**RE: Extension Request Response to NOV Letter Dated August 29, 2008**  
**Alcon Industries, Inc.**  
**7990 Baker Avenue**  
**Cleveland, Ohio 44102**  
**Facility ID: 13-18-00-7755**

Dear Mr. Samec:

On behalf of Alcon Industries, Inc. (Alcon) I hereby submit this request in response to your Notice of Violation (NOV) letter dated August 29, 2008 and received by Alcon on September 4, 2008. Alcon is submitting this letter as a formal request for an extension of time. This request is consistent with the extension of time request submitted to you on Alcon's behalf via email by our consultant, ATC Associates Inc. (ATC) on September 10, 2008. Additionally, Alcon is identifying the extension time frame being requested in this letter.

The following information was conveyed to you in the September 10, 2008 email request from ATC:

- A meeting was held at the Alcon facility on September 9, 2008 involving Alcon representative and their consultants to discuss your letter of August 29, 2008.
- Based on that meeting, Alcon decided an extension of time was needed in order to prepare a response to your letter.
- The actions requiring additional time include evaluating the option of conducting air sampling and analysis of potential odor sources and preparing discussion points relative to possible corrective measures to address odors.

T 216.961.1100

F 216.961.5611

W www.alconind.com



ALCON

- Alcon would like to schedule a meeting with you and others in your office to present Alcon's proposed solutions. Monday, Tuesday, or Wednesday of the week of October 20 is being suggested for your consideration to have this meeting.

Alcon is requesting an extension of 45 days in addition to the existing fourteen day time frame provided in your letter. As a result, the resulting total number of days and response due date calculated from September 4, 2008 is 59 days. The resulting new due date for a response from Alcon is November 2, 2008.

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

Sincerely,  
Alcon Industries, Inc.

Gary Calhoun  
Facilities/Compliance Manager

cc: Scott McCready, ATC Associates Inc.