



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
1925 St. Clair Avenue  
Cleveland, Ohio 44114-2080  
216/664-3297 • Fax: 216/470-8047  
www.clevelandhealth.org

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

**CERTIFIED MAIL 70022030000118080088  
RETURN RECEIPT REQUESTED**

June 18, 2007

Mr. Kurt Norpell, Plant Manager  
Nestle USA  
5750 Harper Road  
Solon, Ohio 44139

**FACILITY ID: 1318537900  
Notice of Violation: Failure To Submit Reports**

Dear Mr. Norpell:

On June 6, 2007, the Cleveland Division of Air Quality (CDAQ) inspected Nestle USA located at 5750 Harper Road in Solon, Ohio. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Nestle's operation of emissions units B018 and B019 are in violation of the general terms and conditions of permit-to-install (PTI) # 13-03703, and the Ohio Revised Code (ORC) 3704.05 section (C). Nestle has not submitted quarterly deviation reports for B018 and B019 since issuance of the PTI on August 31, 2000.

Nestle's operation of emissions unit B018 is also in violation of PTI # 13-03703, the Ohio Administrative Code (OAC) Rule 3745-76-07 (B) (2) (c) (ii), and the ORC 3704.05 sections (C), (D), and (G) for Non Methane Organic Compound (NMOC) emissions. Nestle has not submitted documentation to demonstrate compliance with the 98% destruction efficiency of NMOC from landfill gas since the issuance of PTI # 13-03703 on August 31, 2000.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests Nestle USA to begin submitting quarterly deviation reports as outlined in PTI# 13-03703 and also to submit a corrective action plan for the testing requirements of NMOC to the following:

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.

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 Nestle USA: 1318537900.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Baker".

George Baker  
Chief of Enforcement, CDAQ

GB/LK

cc: Pat Moran, Nestle USA  
James Prada, Nestle USA  
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\1318537900\1318537900NOV.doc

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, 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:

Mr. Kurt Norpell, Plant Manager  
 Nestle USA  
 5750 Harper Road  
 Solon, OH 44139

2. Article Number

(Transfer from service label)

7002 2030 0001 1808 0088

**COMPLETE THIS SECTION ON DELIVERY**

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X *[Signature]* Agent Addressee

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JYARTZ

C. Date of Delivery

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• Sender: Please print your name, address, and ZIP+4 in this box •

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

JUN 21 2007

