

FILED TO RITA

November 4, 2008

ATTN: Custodian of Records  
Cleveland Department of Public Health  
and the Division of Air Pollution Control  
1925 St. Clair Avenue  
Cleveland, Ohio 44114

RE: Request for Public Records and File Information  
Nestle USA -- Prepared Foods Division

Attention: Custodian of Records

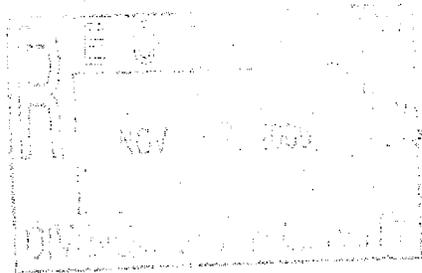
The purpose of this correspondence is to request the ability to review and obtain copies of the available public records and file information concerning the Nestle USA -- Prepared Foods Division facility located at 5750 Harper Road, Solon, and Cuyahoga County, Ohio (44139) in accordance with the public records law as set forth under Section 149.43 of the Ohio Revised Code (ORC) and/or any local ordinance that would otherwise provide for access to public records and documentation as retained by a local governmental agency.

As a duly authorized governmental agency to enforce air laws and regulations within Cuyahoga County, we are respectfully seeking to review the files pertaining to air matters as such a request has also been remitted to the Ohio Environmental Protection Agency.

Please contact me to schedule an appointment to review and copy the pertinent file information regarding this facility. You can reach me at ((330) 656-0947 (office) OR (330) 998-1552) (cell). I greatly appreciate your assistance with this matter.

Kindest regards,

Lisa Gradert



TMC Ltd.  
145 Cheshire Road Hudson, Ohio 44236  
Phone: 330-656-0947 lgradert@att.net



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**

July 18, 2007

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

**FACILITY ID: 13-18-53-7900  
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Norpell:

On June 18, 2007, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring Nestle USA to begin submitting quarterly deviation reports and to demonstrate compliance with the 98% destruction efficiency of non-methane organic compounds (NMOC) from landfill gas in accordance with PTI #13-03703. CDAQ is in receipt of a corrective action plan dated June 28, 2007, stating quarterly deviation reports will be submitted beginning July of 2007. CDAQ accepts Nestle USA's corrective action plan to begin submitting quarterly deviation reports.

Also, in a letter dated June 28, 2007, Nestle USA stated after reviewing the rules, recent clarifications and discussions with the project manager from So-Glen Gas Company, LLC, Nestle USA does not believe the rule, OAC 3745-76-07 (B) (2) (c) (ii), applies to their operation. Nestle USA attached a highlighted copy of 40 CFR Part 60 Standards of Performance for Municipal Solid Waste Landfills; Proposed Rule. CDAQ does not accept the aforementioned rule as it does not apply to PTI #13-03703; therefore, no PTI modification shall be necessary. Compliance with the 98% destruction efficiency is a Best Available Technology (BAT) requirement of the PTI, not an applicable rule.

At this time, CDAQ will not require Nestle USA to demonstrate compliance with the BAT limit of 98% destruction efficiency of NMOC from landfill gas, since actual emissions are in compliance with the allowable limits.

The corrective action plan was received in a timely manner and appropriate steps were taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.



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 Linda Kimmy at 216-664-2985. All correspondence with CDAQ must include the Ohio EPA facility identification number for Nestle USA: #13-03703.

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\2007-06-07 NEAR.doc

- ☑ 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:

AMERICAN PAINTS  
 VESTLE USA  
 1750 HANFORD BLVD  
 SECON, OH 44197

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

(Transfer from service label)

7002 2030 0001 1808 0149

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• 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

RECEIVED  
JUL 27 2007  
DIVISION OF AIR QUALITY

Nestlé USA

5750 HARPER ROAD  
SOLON, OH 44139  
TEL (440) 549-5757

Nestleusa.com



June 28, 2007

Linda Kimmy  
Cleveland Division of Air Quality  
1925 Sinclair Ave. N.E.  
Cleveland, Ohio 44114-2080

**Facility ID: 1318537900 Notice of Violation: Failure to Submit Reports**

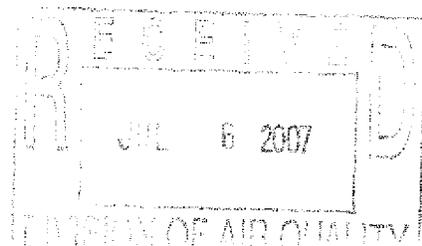
Dear Linda,

In response to your letter dated June 18, 2007 regarding failure to submit documentation to demonstrate compliance with OAC 3745-76-07 (B)(2)(c)(ii), we have the following comments:

After reviewing the rules and recent clarifications and discussions with the project manager from SO-Glen Gas Co., LLC we believe that the rule does not apply to our operation. Shaw Environmental and SO-Glen have advised us that they perform 3 treatment methods to our methane gas supply, before sending it to us for use in our boiler #1. The treatments include, compression to 20 PSI, Dehydration to 40% dew point and Filtration using a 0.3 micron filter. According to the supplier this process converts the landfill gas to a fuel gas status, therefore exempting us from the regulation you are referring to. Please note the attached supporting documents. In light of this information we believe that we will need to request a modification to our existing PTI 13-03703 referencing the use of "landfill gas" or methane gas. We will be contacting you for further advice on how to submit the required modification request.

If you require any further information please do not hesitate to call Pat Moran at 440-349-5757 ext. 3259.

Curt Norpell  
Factory Manager  
Nestle Prepared Foods



Nestlé USA

6756 HARPER ROAD  
SOLON, OH 44139  
TEL: (440) 349-6757

Nestleusa.com



June 28, 2007

Linda Kimmy  
Cleveland Division of Air Quality  
1925 Sinclair Ave. N.E.  
Cleveland, Ohio 44114-2080

**Facility ID: 1318537900 Notice of Violation: Failure to Submit Reports**

Dear Linda,

In response to your letter dated June 18, 2007 regarding failure to submit quarterly deviation reports for B018 and B019 boilers we have the following response:

Nestle will begin submitting quarterly reports to this address beginning July of 2007 in accordance with the requirements of our PTI 13-03703. For the time period of January `07 through June 26, 2007, our facility has averaged 19 MMBTU per month of Methane gas, and 7,950 MCF of Natural gas in our two English boilers that are rated for a maximum of 71,937 MMBTU/Hr. There has been no change in our operations or the boilers since they were installed August 31, 2000.

If you require any further information please do not hesitate to call Pat Moran at 440-349-5757 ext. 3259.

Curt Norpell  
Factory Manager  
Nestle Prepared Foods

