

IN THE COURT OF COMMON PLEAS
AUGLAIZE COUNTY, OHIO

STATE OF OHIO, :
 : Case No. 81-212
Plaintiff, :
 :
-vs- :
 :
BREMCO MILLS, INC., et al., :
 :
Defendants. :

CONSENT JUDGMENT

The Complaint having been filed in this matter on July 7, 1981, and the parties having consented without trial to the entry of this Consent Judgment, it is,

ORDERED, ADJUDGED, and DECREED as follows:

I.

This Court has jurisdiction of the subject matter herein and of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against Defendants under Chapter 3704, Revised Code.

II.

The provisions of this Consent Judgment shall apply to and be binding upon the parties to this action, their officers, directors, agents, servants, employees and successors; in addition, the provisions of this Consent Judgment shall apply to all persons, firms, corporations, agencies, and other entities having notice of this Consent Judgment and who are, or will be, acting in concert and privity with Defendants or their officers, directors, agents, servants, employees, and successors.

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III.

Defendants Bremco Mills, Inc., and John A. Poppe shall perform the following within the time specified at the alfalfa processing facility on Lock Two Road:

(A) Replace the current primary cyclone collector immediately following the McGee dryer with a larger cyclone of a size and design which, prior to installation, has been approved by Ohio EPA. The McGee dryer shall not be operated until the new cyclone has been installed.

(B) By January 15, 1982 remove from the pellet regrind hammermill the pneumatic conveyance system, and replace it with an elevator conveyance system, so as to eliminate the emission of air contaminants;

(C) By January 15, 1982, eliminate the emission of air contaminants from the meal collector cyclone in the McGee dryer system by recycling the emissions to the primary cyclone;

(D) By May 1, 1982, replace the current air lock at the base of the meal collector cyclone in the Heil dryer system with a new non-corrosive metal air lock which, prior to installation, has been approved by the Ohio EPA;

(E) By May 1, 1982, in addition to the existing cyclone, install a high efficiency (at least 90%) emissions abatement device to abate the emissions from the California pellet cooler which, prior to installation, has been approved by Ohio EPA.

IV.

Defendants shall not operate any air contaminant sources at the alfalfa processing facility on or after May 1, 1982, unless Defendants have applied for and obtained by that date a permit to operate the source from the Ohio EPA.

V.

Defendants shall process only alfalfa, soy beans, citric pulp, and fructose filter material in the driers. Additional materials may be processed only if authorized by a permit to install obtained from the Ohio EPA. Additional materials may be tested in the driers without having obtained a permit to install if prior permission for the test run is obtained from the Northwest District Office of Ohio EPA and notice of the test run is provided to the Northwest District Office of Ohio EPA in sufficient time prior to the test run to provide reasonable opportunity for an employee of Ohio EPA to observe the run.

VI.

Within thirty days of entry of this decree, or upon the first processing of citric pulp should the first processing occur subsequent to thirty days after entry of this decree, Defendants shall perform a test to determine the acid content of the emissions from the primary cyclone resulting from the processing of citric pulp. The test shall consist of drawing gas through an impinger for acidity analysis. Results of the test shall promptly be reported to the Northwest District Office of Ohio EPA.

VIII.

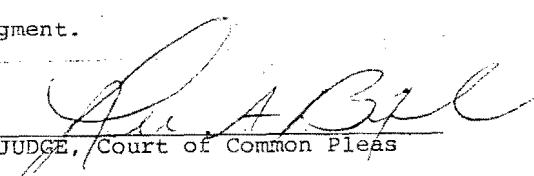
Pursuant to Section 3704.06, Revised Code, Defendant Bremco Mills, Inc., shall pay into the General Revenue Fund the sum of one thousand dollars (\$1,000.00) for each day in which Defendants are late in performing the acts specified in Paragraph III above, and for each day an air contaminant source is operated in violation of Paragraph IV above.

VIII.

Defendants shall at all times maintain and operate the air contaminant sources and emissions control devices so as to minimize the emission of air contaminants.

IX.

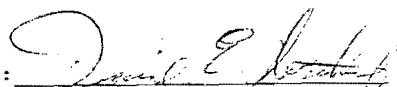
The Court retains jurisdiction of this case for the purpose of making any order or decree which may be necessary to carry out the provisions of this Judgment.


JUDGE, Court of Common Pleas

APPROVED:

WILLIAM J. BROWN
ATTORNEY GENERAL OF OHIO

BY:



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BREMCO MILLS, INC.

and

JOHN A. POPPE

BY:


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