

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, ex rel.	:	CASE NO. 164254
ANTHONY J. CELEBREZZE, JR.	:	
ATTORNEY GENERAL OF OHIO,	:	JUDGE THOMAS J. POKORNY
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
THERMAL-TRON, INC. and	:	<u>CONSENT ORDER FOR</u>
IKRAM HABIB,	:	<u>PRELIMINARY RELIEF</u>
	:	
Defendants.	:	

The Complaint in the above-captioned matter has been filed herein, and the Plaintiff State of Ohio by its Attorney General Anthony J. Celebrezze, Jr. (hereinafter "Plaintiff") and Defendants Thermal-Tron, Inc. and Ikram Habib (hereinafter collectively referred to as "Defendants") have consented to the entry of this Order which shall govern limited operation of Defendants' Incinerator N001 until resolution of this action by judgment or order.

NOW THEREFORE, upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over the parties and the subject matter of this case, and venue is proper in this Court. The parties shall not challenge the Court's jurisdiction to enter and enforce this Consent Order.

II. PERSONS TO WHOM THIS CONSENT ORDER IS APPLICABLE

2. All provisions of this Consent Order shall apply to and be binding upon the parties to this action, their agents, officers, employees, assigns, successor in interest and any person acting in concert or privity with any of them. Defendants shall provide a copy of this Consent Order to each contractor it employs to perform work itemized herein, and each general contractor shall provide a copy of this Consent Order to each of its subcontractors for such work. In the event that either Defendant sell or transfers any interest in Thermal-Tron, Inc., the Defendants shall advise the purchaser or transferee of the existence of this Consent Order.

III. LIMITED AUTHORIZATION FOR INCINERATOR TESTING

3. Defendants may operate Incinerator N001 for the limited purposes and under the limited conditions set forth below:

a. Upon prior notification to Ohio EPA and the Cleveland Division of Air Pollution Control, Defendants may operate

Incinerator N001 for a period not to exceed 24 consecutive hours for the limited purpose of curing the refractory brick liner of Incinerator N001. Such authorization is conditioned as follows:

(i) Until Incinerator N001 attains a temperature of eight hundred (800) degrees Fahrenheit, Defendants shall operate Incinerator N001 on gas fuel only, and shall not incinerate waste of any form. Once Incinerator N001 achieves a temperature of eight hundred (800) degrees Fahrenheit, Defendants may fuel Incinerator N001 using wastes composed of paper, cardboard or wood, but at no time shall hospital wastes be used as fuel.

(ii) Defendants shall operate the wet scrubber at all times during the charging or burning of wastes in order to control particulate emissions from Incinerator N001.

(iii) Defendants shall submit to Ohio EPA and the Cleveland Division of Air Pollution Control a comprehensive written report on the results of operations conducted pursuant to subparagraph (a) within three (3) days after completion thereof.

(b) Upon notification of Ohio EPA and the Cleveland Division of Air Pollution Control, Defendants may operate Incinerator N001 for a period not to exceed forty (40)

hours and not to exceed eight (8) hours in a twenty-four (24) hour period, for the limited purpose of adjusting presently installed modifications to Incinerator N001 and the wet scrubber. Such authorization is conditioned as follows:

(i) Defendants shall maintain a secondary chamber exhaust gas temperature of at least one thousand six hundred (1600) degrees Fahrenheit at all times during the charging and burning of any hospital wastes.

(ii) Defendants shall monitor and record the secondary chamber exhaust gas temperature at all times during operation of Incinerator N001. Defendants shall immediately provide these records to Ohio EPA and/or the Cleveland Division of Air Pollution Control upon request.

(iii) Defendants shall operate the wet scrubber at all times during charging or burning of wastes in Incinerator N001 in order to control particulate and hydrogen chloride (HCl) emissions, except as expressly provided as follows:

(A) For a period not to exceed one (1) hour per day over each of four (4) days, Defendants may charge and burn in Incinerator N001 non-hospital wastes composed of paper, cardboard or wood without concurrent operation of the wet scrubber.

(B) For operations pursuant to subparagraph (A), above, Defendants shall not permit stack emissions from Incinerator N001 to exceed ten percent (10%) opacity. One six (6) minute period per hour may be exempted from this opacity limitation, provided that Defendants shall not permit stack emissions from Incinerator N001 to exceed twenty percent (20%) opacity at any time during such six (6) minute period.

(C) For operations pursuant to subparagraph (A), above, Defendants shall notify the Cleveland Division of Air Pollution Control at least twenty-four (24) hours prior to such operations. Defendants shall allow representatives of the Cleveland Division of Air Pollution Control to enter the premises to observe operations pursuant to subparagraph (A), above.

(iv) Defendants shall submit to Ohio EPA and the Cleveland Division of Air Pollution Control a comprehensive written report on the results of operations conducted pursuant to subparagraph 3(b) within three (3) days after completion thereof.

(c) Within forty-five (45) days of Defendants' completion of the operations authorized in subparagraphs 3(a) and 3(b), above, Defendants shall cause particulate and HCl emission tests to be conducted for Incinerator N001 to demonstrate compliance with applicable requirements set forth in the Ohio Administrative Code and Permit to Install No. 13-1672. Such emission tests shall be conducted in accordance with the test methods and procedures specified in O.A.C. §3745-17-03 for particulates and the test methods and procedures approved by the Ohio EPA for HCl.

(i) At least ten (10) days prior to the emission tests, Defendants shall submit an "Intent to Test" notification to the Cleveland Division of Air Pollution Control. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the source operating parameters, the time and date of the tests, and the person(s) conducting the test(s). Failure to submit such notification for review and approval prior to the tests may result in Ohio EPA's and the Cleveland Division of Air Pollution Control's refusal to accept the results of the emission tests.

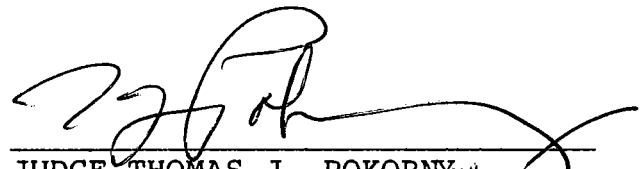
(ii) Personnel from the Cleveland Division of Air Pollution Control shall be permitted to witness the tests, examine the testing equipment, and acquire from

Defendants data and information regarding the source operating parameters.

(iii) Within thirty (30) days following the completion of the emission tests, Defendants shall submit to Ohio EPA and the Cleveland Division of Air Pollution Control a comprehensive written report setting forth the results of the emission tests conducted pursuant to subparagraph 3(c) above.

IV. INJUNCTION

4. Notwithstanding the results and conclusions of the emissions tests conducted pursuant to Paragraph X(c), above, upon completion of said emissions tests Defendants are preliminarily enjoined from further operation of Incinerator No. N001 until resolution of this action by judgment or order.

  
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JUDGE THOMAS J. POKORNY  
COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

APPROVED:

STATE OF OHIO, ex rel.  
ANTHONY J. CELEBREZZE, JR.  
ATTORNEY GENERAL OF OHIO

By: *Christopher A. Walker*

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THERMAL-TRON, INC.

By: *Ikrām Habib*  
IKRAM HABIB

*Ikrām Habib*  
IKRAM HABIB, Individually

RECEIVED FOR FILING

JUL 19 1989

BY *Grand Euerst* Dep.

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