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ENVIRONMENTAL  
ENFORCEMENT

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

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

CASE NO. 164254  
JUDGE THOMAS J. POKORNY

Plaintiff,

vs.

THERMAL-TRON, INC., et al.,

Defendant.

JUDGMENT ENTRY

This matter came on for trial before the Court on the 8th, 9th, 10th, and 11th days of January, 1990. The Court, having reviewed the evidence adduced, and having reviewed the pleadings, memoranda of law, and arguments of counsel, finds that the Plaintiff has met its burden of proof on all counts alleged in the Complaint. Pursuant to the Court's review, the Court hereby makes the following findings:

1. Defendant Thermal-Tron, Inc. is an Ohio corporation founded in 1987 by Defendant Ikram W. Habib and which has engaged in the business of infectious waste incineration at its facility located at 8300 Bessemer Avenue, Cleveland, Ohio.
2. Defendant Ikram W. Habib is the majority shareholder in Thermal-Tron, Inc., and the primary operator of the Thermal-Tron facility.
3. Defendant Habib is a former 17-year employee of the Cleveland Division of Air Pollution Control, with which he served as Chief of Engineering Services.

4. Pursuant to Permits To Install Nos. 13-1672 and 13-1724, Defendants constructed two infectious waste incinerators at the Thermal-Tron facility.

5. Defendants have not been issued Permits To Operate for either incinerator at the Thermal-Tron facility.

6. On at least 246 occasions between September, 1987 and February, 1989, Defendants operated the incinerators at the Thermal-Tron facility for purposes other than de-bugging or shakedown.

7. Defendant further operated Incinerator 1 at the Thermal-Tron facility in violation of emissions limitations for Total Suspended Particulates (TSP) and Hydrogen Chloride (HCl) established by O.A.C. §3745-17-09 B and Permit To Install No. 13-1672.

8. The Special Terms and Conditions of Permits to Install Nos. 13-1672 and 13-1724 require that before Defendants may incinerate Type VI (solid industrial by-product) wastes in the respective incinerators, Defendants must first demonstrate compliance with applicable emissions limitations by performance tests conducted on those particular wastes.

9. Defendants incinerated Type VI (solid industrial by-product) wastes without first demonstrating compliance by performance tests conducted on those particular wastes, in violation of the terms and conditions of Permits To Install Nos. 13-1672 and 13-1724.


Based upon the conduct described above, the Court further makes the following conclusions of law :

1. Defendants caused, suffered or allowed particulates to be emitted into the ambient air from incinerator N001 in excess of 0.10 pound per one hundred pounds of liquid, semi-solid or solid refuse and salvageable material charged, thus violation O.A.C. (§3745-17-09(B) the Special Terms and Conditions of Permit to Install No. 13-1672, and R.C. §3704.05(A) and (C).
2. Defendants caused, suffered or allowed Hydrogen Chloride (HCl) emissions to be emitted into the ambient air from incinerator N001 in excess of 4.0 pounds/hour, thus violating the Special Terms and Conditions of Permit to Install No. 13-1672 and R.C. §3704.05(c).
3. Defendants operated incinerators N001 and N002 without first obtaining Permits to Operate from the Director of Environmental Protection, thus violating O.A.C. §3745-35-02(B) and R.C. §3704.05(A).
4. Defendants incinerated Type VI (solid industrial by-product) wastes without first demonstrating compliance by performance tests conducted on those particular wastes, thus violating the Special Terms and Conditions of Permit to Install Nos. 13-1672 and 13-1724 and R.C. §3704.05(C).
5. Defendant Ikram W. Habib's involvement in the violations established herein showed indifference to law.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED that Defendants Thermal-Tron, Inc. and Ikram W. Habib are enjoined from operation of any incinerator at their facility located at 8300 Bessemer Avenue, Cleveland, Ohio, until further order of this Court.

It is further ORDERED, ADJUDGED and DECREED that Defendants Thermal-Tron, Inc. and Ikram W. Habib shall pay a civil penalty in the amount of Forty One Thousand Three Hundred Dollars (41,300.00), said penalty to be paid in six bi-annual installments of Six Thousand Eight Hundred Eighty-Three Dollars and Thirty-Three cents (\$6,883.33). The aforementioned installments shall be rendered to Plaintiff's counsel within successive periods of One Hundred Eighty (180) days, said periods commencing upon issuance of this Judgment Entry. Payments of the aforementioned installments shall be rendered to Plaintiff by certified check payable to "Treasurer, State of Ohio."

IT IS SO ORDERED.

  
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JUDGE THOMAS J. POKORNY

APPROVED:

Christopher A. Walker

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FEB 27 1990

GERALD E. FUERST  
BY [Signature] CLERK  
D.P.

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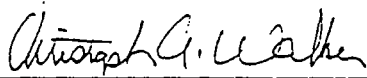
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THE STATE OF OHIO Cuyahoga County	ss	I, GERALD E. FUERST, CLERK OF THE COURT OF COMMON PLEAS WITHIN AND FOR SAID COUNTY,
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL <u>JE</u>		
NOW ON FILE IN MY OFFICE WITNESS MY HAND AND SEAL OF SAID COURT THIS <u>8</u> DAY OF <u>March</u> A.D. 199 <u>0</u> .		
GERALD E. FUERST, Clerk		
By <u>R. Gost</u>		Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing  
JUDGMENT ENTRY was sent by regular mail, postage prepaid, on  
the 2d and 13<sup>th</sup> days of February, 1990, to:

Ms. Blair Hodgman, Esq.  
ALLEN & HODGMAN  
13111 Shaker Square, #304  
Cleveland, Ohio 44120

  
\_\_\_\_\_  
CHRISTOPHER A. WALKER  
Assistant Attorney General

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