

PROCESSED BY C.S.O.
SEP. 11 1980

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IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

STATE OF OHIO, ex rel.	:	
WILLIAM J. BROWN	:	Case No. 011645
ATTORNEY GENERAL OF OHIO,	:	
	:	Judge Coleman
Plaintiff,	:	
	:	
v.	:	<u>CONSENT JUDGMENT</u>
	:	
<u>VALUE FOODS, INC.</u>	:	
dba Catalano's Stop-n-Shop	:	
	:	
and	:	
	:	
SAM COSTANZO,	:	
	:	
Defendants.	:	

The Amended Complaint having been filed on May 23, 1980, under Sections 3704.05 and 3704.06 of the Ohio Revised Code; and the Plaintiff and Defendants by their respective attorneys having consented, without trial or adjudication of any issue of fact or law herein, to the entry of this Consent Judgment;

THEREFORE, before the taking of any testimony, upon the pleadings and upon the consent of the parties hereto, it is hereby ordered, adjudged and decreed as follows:

1. This Court has jurisdiction over the parties and the subject matter of this case. The Amended Complaint states a claim upon which relief can be granted against Defendants under Sections 3704.05 and 3704.06 of the Ohio Revised Code.

2. 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 either party to this action or its officers, directors, agents, servants, employees, successors and assigns.

3. On May 27, 1980, Defendant Costanzo submitted to the Cleveland Division of Air Pollution Control an application for a permit to operate the incinerator.

4. Within 60 days of entry of this Consent Agreement, Defendants shall install on the incinerator an electric charging door which will prevent the escape of emissions from the combustion chamber of the incinerator. Defendants shall give written notice to Plaintiff through the Cleveland Division of Air Pollution Control within three days of the installation of this door.

5. Defendants shall allow the charging door to remain open only for the minimal amount of time necessary to feed waste material into the incinerator, and shall keep the door closed and locked at all other times.

6. Defendants shall designate three employees who will operate the incinerator and shall prevent the use of the incinerator by all other persons.

7. After the door described in paragraph 4 has been installed, the Cleveland Division of Air Pollution Control shall conduct a visible emissions limitations test on the incinerator using the test methods described in O.A.C. 3745-17-03(B)(1). This test shall be conducted while the incinerator is burning at maximum capacity. During the test Defendants shall burn Type 0 waste, as defined by Table 3.1 in United States Environmental Protection Agency publication APTD-1449, entitled "Field Surveillance and Enforcement Guide: Combustion and Incinerator Sources". This table is attached as Exhibit A and incorporated herein by reference.

8. Plaintiff shall issue Defendants a permit to operate the incinerator after completion of the requirements in paragraph 4, and if the incinerator produces visible emissions of less than five (5) per cent opacity, as evidenced by the test described in paragraph 7.

9. If, during the test described in paragraph 7, the incinerator produces visible emissions of more than five (5) per cent opacity, Defendants shall cease to operate the incinerator until a subsequent test conducted by Plaintiff in accordance with the procedures of paragraph 7 shows no visible emissions in excess of five (5) per cent opacity. Prior to any subsequent tests, Defendants shall make any adjustments in the design or operation of the incinerator and its afterburners necessary to meet the visible emissions requirement of paragraph 8.

10. Defendants are enjoined to comply with all terms and conditions of the permit to operate the incinerator.

11. Defendants shall burn in the incinerator only Type 0 waste, as defined by the table in Exhibit A to this Consent Judgment.

12. Defendants shall turn on both afterburners of the incinerator at least five minutes prior to feeding waste material into the incinerator. These afterburners shall continue to be operated as long as any waste material is being burned in the incinerator. After the issuance of the permit to operate, Defendants shall not burn waste material in the incinerator if the incinerator produces visible emissions of more than five (5) per cent opacity, as determined pursuant to O.A.C. 3745-17-03(B)(1).

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

14. Defendants shall pay Court costs.

Frederick Coleman
HON. FREDERICK COLEMAN
Judge, Court of Common Pleas

APPROVED:

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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
NOW ON FILE IN MY OFFICE.
WITNESS MY HAND AND SEAL OF SAID COURT THIS
DAY OF _____ A.D. 198
GERALD E. FUERST, Clerk
By _____ Deputy

Exhibit A
Table 3.1. CLASSIFICATION OF WASTES TO BE INCINERATED^a

Type of waste		Principal components	Approximate composition, % by weight	Moisture content, %	Incombustible solids, %	BTU value/lb of refuse as fired	BTU of aux. fuel per lb of waste to be included in combustion calculations	Recommended minimum BTU/hr burner input per lb waste
Type	Description							
0		Combustible trash, paper, cardboard, wood, rags, etc.		10	5	8,500	0	0
1	Rubbish	Combustible waste, paper, cartons, rags, wood scraps, floor sweepings, food scraps, domestic, commercial, industrial sources	Rubbish 100% (Garbage up to 20%)	25	10	6,500	0	0
2	Refuse	Rubbish and garbage; residential sources	Rubbish 50% Garbage 50%	50	7	4,300	0	1,500
3	Garbage	Animal & vegetable wastes, restaurants, hotels, markets; institutional, commercial, and club sources	Garbage 100% (Rubbish up to 35%)	70	5	2,500	1,500	3,000
4	Animal solids and organic wastes	Carcasses, organs, solid organic wastes, hospital, laboratory, abattoirs, animal pound, and similar sources	100% animal and human tissue	85	5	1,000	3,000	8,000 (5000 primary) (3000 secondary)
5	Gaseous, liquid or semi-liquid wastes	Industrial process wastes	Variable	Dependent on predominant components	Variable according to wastes survey	Variable according to wastes survey	Variable according to wastes survey	Variable according to wastes survey
6	Semi-solid and solid wastes	Combustibles requiring hearth, rotary, or grate burning equipment	"	"	"	"	"	"

^a As defined by the Incineration Institute of America.

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