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OHIO'S LARGEST EGG PRODUCER AGREES TO DRAMATIC AIR POLLUTION REDUCTIONS FROM THREE GIANT FACILITIES

WASHINGTON, D.C. - Buckeye Egg Farm, L.P., the largest commercial egg producer in Ohio, today agreed to a comprehensive Clean Air Act settlement under which the company will spend more than $1.6 million to install and test innovative pollution controls to dramatically cut air emissions of particulate matter and ammonia from its three giant egg-laying facilities at Croton, Marseilles, and Mt. Victory, and pay an $880,598 civil penalty.

The settlement resolves claims filed by the Department of Justice on behalf of the U.S. Environmental Protection Agency alleging that Buckeye failed to obtain necessary air permits for these facilities and failed to comply with an order directing it to sample its air emissions. The settlement is contained in a consent decree lodged for public comment today by the Justice Department in the U.S. District Court for the Northern District of Ohio.

Buckeye's egg-laying operations have the capacity to house more than 12 million chickens in over 100 barns. In 2002, Buckeye's facilities produced 2.6 billion eggs, or 4 percent of the nation's total. Exterior exhaust fans surrounding the barns emit particulate matter and ammonia from the chickens and their wastes. Preliminary air emission tests required by EPA indicated that air emissions of particulate matter (PM) were significant - over 550 tons/year (tpy) from the Croton facility, over 700 tpy from the Marseilles facility, and over 600 tpy from the Mt. Victory facility. Many scientific studies have linked particulate matter to aggravated asthma, coughing, difficult or painful breathing, chronic bronchitis and decreased lung function, among other ailments (see <http://www.epa.gov/air/urbanair/pm/index.html>.) Buckeye also reported ammonia emissions of over 800 tpy from its Croton facility, over 375 tpy from the Marseilles facility, and nearly 275 tpy from the Mt. Victory facility. Ammonia is a lung irritant.

While Buckeye recently sold its three facilities to Ohio Fresh Eggs LLC, the settlement requires Buckeye to bind the purchaser to implement the environmental improvements required under the consent decree. Buckeye remains liable for any violations.

Thomas L. Sansonetti, Assistant Attorney General for the Environment and Natural Resources Division of the Justice Department, applauded the settlement and said, "Ohio families residing near these massive farms have suffered long enough from poor quality air. This settlement ensures they will see improvements in the air their children breathe."

Phyllis Harris, EPA Acting Administrator for Enforcement and Compliance Assurance, said, "Buckeye has finally taken responsibility for the adverse effects its practices have had on human health and the environment in the state of Ohio. We look forward to improved operations under the new owner of these facilities."

Under the consent decree, Buckeye must install a particulate impaction system in each of its barns at the Marseilles and Mt. Victory facilities to capture particulate matter before it is vented to the outside. It will also use enzyme additive products on the manure accumulated in the layer barns to reduce ammonia emissions by at least 50 percent. Additional controls are required if dust or ammonia emissions are not satisfactorily reduced. The combination of particulate and ammonia controls at these facilities is also expected to reduce substantially fly infestations, which have been a subject of repeated state and private litigation against Buckeye.

The Croton facility is required by the state of Ohio to install belt battery manure handling systems at its layer barns over the next five years. Because of this requirement, the consent decree requires alternative controls for the Croton facility. These include changes in bird variety and feed, which are expected to reduce both particulate matter and ammonia emissions. The consent decree requires extensive testing of these measures. If they are not successful, Buckeye will be required to install particulate impaction systems and other appropriate PM controls for the converted barns. The barns will also be treated with the enzyme product for ammonia control.

In July 2003, the state of Ohio revoked Buckeye's operating permits in the aftermath of having cited Buckeye nine times for contempt due to its continuing failure to comply with a state consent order requiring facility improvements. Buckeye appealed the state action but lost in mid-October. The company began closing barns on Nov. 20, and the Marseilles facility is now closed. Under the settlement, the new purchaser, Ohio Fresh Eggs, which has now received operating permits from the state of Ohio, will be able to reopen the barns but must comply with environmental controls imposed by the consent decree.

Comments on this consent decree will be received for 30 days.

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