



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • [www.idem.in.gov](http://www.idem.in.gov)

**Mike Braun**  
Governor

**Clint Woods**  
Commissioner

July 30, 2025

**VIA CERTIFIED MAIL#9589 0710 5270 0682 2481 86**

David T Swallow, President  
Bremen Corporation  
dba Creative Foam Medical Systems  
300 North Alloy Dr.  
Fenton MI, 48430

**VIA CERTIFIED MAIL#9589 0710 5270 0682 2481 93**

William H Whalen, Registered Agent  
Bremen Corporation  
dba Creative Foam Medical Systems  
405 N Industrial Dr.  
Bremen IN, 46506

Re: Notice of Violation and Proposed Agreed Order  
for Violations Identified via Inspection  
Bremen Corporation dba Creative Foam Medical  
Systems  
Plant ID No. 099-00033  
Bremen, Marshall County  
Case No. 2025-30959-A

Dear David T Swallow:

On July 10, 2025, a representative of the Indiana Department of Environmental Management ("IDEM"), Office of Air Quality, conducted an inspection of Bremen Corporation dba Creative Foam Medical Systems located at 405 North Industrial Drive in Bremen, Indiana. This inspection was conducted pursuant to IC 13-14-2-2, and a summary of the inspection, mailed on July 21, 2025, was provided pursuant to IC 13-14-5.

As a result of information obtained during this inspection, IDEM alleges that violations of environmental permit conditions occurred. Specifically, Bremen Corporation dba Creative Foam Medical Systems failed to record and maintain the three (3) hour rolling average temperatures for the catalytic oxidizer.

In accordance with IC 13-30-3-3, this letter includes a Notice of Violation that sets forth the alleged violations and an Agreed Order that provides Bremen Corporation dba Creative Foam Medical Systems the opportunity to settle this enforcement action. IDEM encourages settlement by Agreed Order when possible to quickly correct environmental violations and avoid litigation.

The alleged violations identified in the Notice of Violation are among those that IDEM has determined qualify for expedited enforcement. This means the enclosed Agreed Order is non-negotiable, and it represents IDEM's best settlement offer in this matter. The civil penalty included in the Agreed Order is the penalty amount that IDEM will accept only

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*We appreciate your input!*



Let's keep it real. 2025/07/30 09:12:00

for the settlement of the alleged violations identified therein under its expedited enforcement program.

If Bremen Corporation dba Creative Foam Medical Systems agrees to settle this enforcement action in accordance with the enclosed Agreed Order, its responsible official should sign and return the entire original Agreed Order within sixty (60) days of receipt to IDEM at the following address:

Eric Ross, Case Manager  
Compliance and Enforcement Branch – Mail Code 61-53  
Indiana Department of Environmental Management  
Indiana Government Center North  
100 North Senate Avenue, Room 13W  
Indianapolis, IN 46204-2251  
EMRoss@idem.in.gov

The civil penalty should be sent to the address listed in the Agreed Order within fifteen (15) days of your receipt of a copy of the final adopted Agreed Order. The final adopted Agreed Order will be mailed to you after it is approved and signed by the Assistant Commissioner of IDEM's Office of Air Quality.

IDEM is not required to extend the offer of entry into the Agreed Order for more than sixty (60) days. Because Indiana law allows a source to enter into an Agreed Order without admitting that the violation occurred, the attached Agreed Order includes this non-admission language. (See line 3 of the first paragraph of the Agreed Order.) If the Agreed Order is not entered into, IDEM may proceed with additional enforcement action requiring compliance with environmental permit conditions and may seek monetary penalties in accordance with IDEM's Civil Penalty Policy (ID No. Enforcement 99-0002-NPD), which likely will result in a greater penalty than the penalty amount offered in this Agreed Order.

Please contact Eric Ross, Case Manager, of my staff at 317-489-9729 or EMRoss@idem.in.gov if you have any questions.

Sincerely,



Janusz Johnson, Branch Chief  
Compliance and Enforcement  
Office of Air Quality

cc: Josh Kennedy, General Manager, [jkennedy@creativefoam.com](mailto:jkennedy@creativefoam.com)  
Sarah Clark, Compliance Consultant, [sclark@augustmack.com](mailto:sclark@augustmack.com)  
Marshall County Health Department  
Eric Ross, Compliance and Enforcement Branch, Office of Air Quality  
Sarah Ling, Compliance and Enforcement Branch, Office of Air Quality  
Randy Hoffman, Compliance and Enforcement Branch, Office of Air Quality



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Mike Braun  
GOVERNOR

Clint Woods  
Commissioner

July 30, 2025

## NOTICE OF VIOLATION

David T Swallow, President  
Bremen Corporation dba Creative Foam  
Medical Systems  
300 North Alloy Dr.  
Fenton MI, 48430

William H Whalen, Registered Agent  
Bremen Corporation dba Creative Foam  
Medical Systems  
405 N Industrial Dr.  
Bremen IN, 46506

Case No. 2025-30959-A

Based on an inspection on July 10, 2025, the Indiana Department of Environmental Management ("IDEM") has reason to believe that Bremen Corporation dba Creative Foam Medical Systems ("Respondent") has violated environmental permit conditions. The violations are based on the following:

1. Respondent owns and operates a stationary vinyl-coated foam product manufacturing source with Plant ID No. 099-00033 located at 405 North Industrial Drive in Bremen, Marshall County, Indiana (the "Site").
2. Pursuant to Part 70 Operating Permit No. 099-45139-00033 ("Permit"), Condition D.1.13(a), in order for Respondent to document compliance, a continuous monitoring system shall be calibrated, maintained, and operated on the catalytic oxidizer for measuring operating temperature. The output of this system shall be recorded as 3-hour rolling average.

Respondent failed to record the 3-hour rolling average for the catalytic oxidizer from February 15, 2023 to July 10, 2025, in violation of Permit Condition D.1.13(a).

3. Pursuant to Part 70 Operating Permit No. 099-45139-00033 ("Permit"), Condition D.1.15(e), to document the compliance status with Condition D.1.13, Respondent shall maintain continuous temperature records (on a 3-hour rolling average basis) for the catalytic oxidizer and the 3-hour rolling average temperature used to demonstrate compliance during the most recent compliant stack test. The Permittee shall include in its daily record when a 3-hour rolling average temperature record is not taken and the reason for the lack of a 3-hour rolling average temperature record.

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*We appreciate your input!*



LD-000-0001-001-2024

Respondent failed to maintain continuous temperature records on a 3-hour rolling average basis for the catalytic oxidizer from February 15, 2023 to July 10, 2025, in violation of Permit Condition D.1.15(e).

In accordance with IC 13-30-3-3, the Commissioner herein provides notice that violations may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and for the payment of a civil penalty for the violations. The Commissioner is not required to extend this offer for more than sixty (60) days. An Agreed Order for your consideration is attached. As noted on the attached Agreed Order, it is a qualified offer of settlement of this matter and, therefore, is inadmissible pursuant to Indiana's Rules of Evidence.

As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violation occurred. IDEM encourages settlement by Agreed Order to quickly correct environmental violations and to avoid litigation.

If the Agreed Order is not entered into within sixty (60) days of receipt of this Notice of Violation, the Commissioner may proceed with additional enforcement action requiring compliance with environmental permit conditions and seek additional monetary penalties in accordance with IDEM's Civil Penalty Policy (ID No. Enforcement 99-0002-NPD). Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day for each violation.

Please contact Eric Ross, Case Manager, of my staff at 317-489-9729 or [EMRoss@idem.in.gov](mailto:EMRoss@idem.in.gov) if you have any questions.

For the Commissioner:



Date: 7-30-25

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Janusz Johnson, Chief  
Compliance and Enforcement Branch  
Office of Air Quality

cc: Josh Kennedy, General Manager, [jjkennedy@creativefoam.com](mailto:jjkennedy@creativefoam.com)  
Sarah Clark, Compliance Consultant, [sclark@augustmack.com](mailto:sclark@augustmack.com)  
Marshall County Health Department  
Eric Ross, Compliance and Enforcement Branch, Office of Air Quality  
Sarah Ling, Compliance and Enforcement Branch, Office of Air Quality  
Randy Hoffman, Compliance and Enforcement Branch, Office of Air Quality

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**60-02-A/gjr EXP NOV/PAO 2025-30959-A**  
 DAVID T SWALLOW PRESIDENT  
 BREMEN CORP  
 DBA CREATIVE FOAM MEDICAL SYSTEMS  
 300 N ALLOY DR  
 FENTON MI 48430



9590 9402 8243 3030 3211 80

2. Article Number (Transfer from service label)

9589 0710 5270 0682 2481 86

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X** *Raine Adam*  Agent  Addressee

B. Received by (Printed Name)

*Raine Adam*

C. Date of Delivery

*8/4/23*

D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

