



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

Mike Braun
Governor

Clint Woods
Commissioner

August 26, 2025

VIA CERTIFIED MAIL#9589 0710 5270 0682 2484 21

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

Re: Adoption of Agreed Order
Commissioner, Indiana Department of
Environmental Management
v.
Bremen Corporation dba Creative Foam
Medical Systems
Plant ID No. 099-00033
Bremen, Marshall County
Case No. 2025-30959-A

Dear David T Swallow:

This is to inform you that the Agreed Order in the above-referenced case has been approved and adopted by the Indiana Department of Environmental Management. A copy of the Agreed Order is enclosed.

Please note the terms of compliance contained in the Agreed Order. The time frames for compliance are effective upon your receipt of this correspondence. Please note that the civil penalty is due within fifteen (15) days after the effective date of the Agreed Order. Payment should be made payable to the Environmental Management Special Fund and sent to:

Indiana Department of Environmental Management
Accounts Receivable
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, IN 46204

Please include the Case Number on the front of the check. If you have any questions, please contact Eric Ross at 317-489-9729 or EMRoss@idem.in.gov.

Visit on.in.gov/survey or scan the QR code to provide feedback.

We appreciate your input!



L 00000001 001 12024

Sincerely,



For David P. McIver, Chief
Enforcement Section
Office of Air Quality

Enclosure

cc: Josh Kennedy, General Manager, jjkennedy@creativefoam.com
Sarah Clark, Compliance Consultant, 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
<http://www.IN.gov/ide>



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-8027 • (317) 232-8803 • Fax (317) 233-8847 • www.idem.IN.gov

Mike Braun
Governor

Clint Woods
Commissioner

Respondent Name: Bremen Corporation dba Creative Foam Medical Systems
Case Number: 2025-30959-A

AGREED ORDER

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to IC 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent's entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner ("Complainant") of the Indiana Department of Environmental Management ("IDEM"), a department of the State of Indiana created by Indiana Code ("IC") 13-13-1-1.
2. Respondent is Bremen Corporation dba Creative Foam Medical Systems ("Respondent"), which 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").
3. IDEM has jurisdiction over the parties and the subject matter of this action.
4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation ("NOV") via certified mail to:

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
--	---
5. At the time of an inspection conducted on July 10, 2025, the following violations were in existence or observed at the Site by a representative of IDEM's Office of Air Quality ("OAQ").

Visit on.IN.gov/survey or scan the QR code to provide feedback.

We appreciate your input!



Let's keep it real! 01/2024

- a. 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).

- b. 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.

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).

6. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective ("Effective Date") when it is adopted via signature by Complainant or Complainant's delegate, and the adopted Agreed Order has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date. This offer to settle the allegations contained in this Agreed Order does not bind or obligate the parties of this enforcement action if the Agreed Order is not adopted.
2. Respondent is assessed a civil penalty of Five Hundred Dollars (\$500.00). Respondent shall pay said penalty amount no later than fifteen (15) days after the Effective Date ("Due Date"). In the event that the civil penalty is not paid by the Due Date, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101.
3. In the event the terms and conditions of this Agreed Order are violated, Complainant may seek additional relief.
4. Civil penalties are payable by check to the "Environmental Management Special Fund." Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
Indiana Government Center North
100 North Senate Avenue, Room 13E
Indianapolis, IN 46204

5. This Agreed Order shall apply to and be binding upon Respondent and its successors and assigns. Respondent's signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent. No change in ownership, corporate, or partnership status of Respondent shall in any way alter its status or responsibilities under this Agreed Order.
6. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.
7. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of its obligation to comply with the requirements of its applicable permit or any applicable Federal or State law or regulation.
8. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation.
9. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to, seek additional civil penalties for the same violations specified in the NOV.
10. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the United States Environmental Protection Agency ("EPA") or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the EPA or any other agency or entity.
11. The parties were free to consult with their respective counsel regarding entry into this Agreed Order to the extent each deemed necessary.

TECHNICAL RECOMMENDATION:
Department of Environmental
Management



By: _____
Jennifer Bailey,
Technical Environmental Specialist
Enforcement Section
Office of Air Quality

Date: July 25, 2025

RESPONDENT: *
Bremen Corporation dba Creative Foam
Medical Systems

By: Joshua Kennedy

Printed: Joshua Kennedy


Title: General Manager

Date: August 22, 2025

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT THIS

26th DAY OF August, 2025

For the Commissioner:

By: 
Matthew Stuckey, Assistant
Commissioner
Office of Air Quality
Indiana Department of Environmental
Management

* In the event that Respondent does not accept the settlement offer contained in this Agreed Order, IDEM notes that this document is a qualified offer of settlement, and therefore Rule 408 of Indiana Rules of Evidence applies to this document, rendering it inadmissible.

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 AAO 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 3204 80

2. Article Number (Transfer from service label)

9589 0710 5270 0682 2484 21

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Rainie Adam Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 Rainie Adam 8.28.25

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

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt