

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

RECEIVED
2017 SEP 27 AM 9:12
REGIONAL HEADQUARTERS
EPA REGION III PHILA. PA

IN THE MATTER OF:)
)
) Docket No. CAA-03-2017-0198
)
USS Achey, Inc.)
355 East Second Mountain Road)
Schuylkill Haven, PA 17972)
) Proceeding Pursuant to Sections
) 113(a) and (d) of the Clean Air
) Act, as amended, 42 U.S.C.
) §7413(a) and (d)
)
_____)

CONSENT AGREEMENT

I. Preliminary Statement

This administrative Consent Agreement (the “Consent Agreement”) is entered into by and between the Complainant, the Director of the Air Protection Division, United States Environmental Protection Agency, Region III (“EPA” or “Complainant”), and USS Achey, Inc. (“Respondent” or “Achey”), pursuant to Sections 113(a) and (d) of the Clean Air Act (“CAA” or “the Act”), 42 U.S.C. § 7413(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22 (the “Consolidated Rules of Practice”). The Consolidated Rules of Practice at 40 C.F.R. § 22.13 provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be commenced and concluded simultaneously by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

This Consent Agreement and the accompanying Final Order (collectively referred to as the “CAFO”) address alleged violations by Respondent of the requirements found in 40 C.F.R. Part 63 Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (“Subpart ZZZZ”), which was promulgated pursuant to Section 112 in Title I of the CAA, 42 U.S.C. §7412, for the federal control program for hazardous air pollutants (“HAPs”).

In accordance with Section 113(d)(1) of the CAA, 42 U.S.C. §7413(d)(1), the Administrator and the Attorney General have jointly determined that an administrative penalty action is appropriate in this matter, as the violations began more than twelve (12) months ago.

II. General Provisions

1. Sections 113(a) and (d) of the Act, 42 U.S.C. § 7413(a) and (d), authorizes the Administrator of EPA to issue an administrative order assessing a civil administrative penalty whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement, rule, plan, order, waiver, or permit promulgated, issued, or approved under Subchapters I, IV, V and VI [also referred to as Titles I, IV, V and VI] of the Act. The authority to issue the accompanying Final Order has been duly delegated to the Regional Judicial Officer, EPA Region III.
2. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO and agrees not to contest EPA's jurisdiction with respect to the issuance, execution and enforcement of this Consent Agreement and the accompanying Final Order.
3. Except as provided in paragraph 2 above, Respondent neither admits nor denies the specific findings of fact and the conclusions of law set forth in this Consent Agreement and the accompanying Final Order.
4. Respondent consents to the issuance of this Consent Agreement and the accompanying Final Order, agrees to comply with the terms and conditions set forth therein, and consents to the payment of a civil penalty as set forth in this CAFO.
5. Respondent agrees to pay its own costs and attorney fees.
6. Respondent agrees that this Consent Agreement and the accompanying Final Order shall apply to, and be binding upon, Respondent, its officers, directors, servants, employees, agents, successors and assigns.

III. Statutory and Regulatory Background

7. Section 112 in Title I of the CAA, 42 U.S.C. § 7412, governs the federal control program for HAPs and directs EPA to define the categories of sources that are required to control emissions of HAPs. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), directs EPA to establish national emissions standards for hazardous air pollutants ("NESHAPs") for sources in each category to limit the release of specified HAPs from specific industrial sectors.
8. Pursuant to Section 112 of the CAA, 42 U.S.C. § 7412, EPA issued Subpart ZZZZ.
9. Subpart ZZZZ establishes national emission limitations and operating limitations for HAPs emitted from stationary reciprocating internal combustion engines ("RICE") located at major and area sources of HAP emissions. This subpart also establishes requirements to demonstrate initial and continuous compliance with the emission limitations and operating limitations.

10. An “area source” of HAP is defined in 40 C.F.R. § 63.11170(b) as “a source of HAP that is not a major source of HAP, is not located at a major source, and is not part of a major source of HAP emissions.”
11. A “major source” is defined in 40 C.F.R. § 63.11170(b) as “any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit any single HAP at a rate of 9.07 megagrams (Mg) (10 tons) or more per year, or emit any combination of HAP at a rate of 22.68 Mg (25 tons) or more per year.”
12. A “stationary source” is defined in Section 302(z) of the Act, 42 U.S.C. § 7602(z), as “generally any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 7550 of this title.”
13. “HAP” is defined as “any air pollutant listed in or pursuant to section 112(b) of the Act.” 40 C.F.R. § 63.2.
14. Subpart ZZZZ regulations apply to any person who owns or operates a stationary RICE at a major or area source of HAP emissions, except if the stationary RICE is being tested at a stationary RICE test cell/stand. 40 C.F.R. § 63.6585(a).
15. Subpart ZZZZ regulations apply to each affected source. An affected source is any existing, new, or reconstructed stationary RICE located at a major or area source of HAP emissions, excluding stationary RICE being tested at a stationary RICE test cell/stand. 40 C.F.R. §63.6590(a).
16. Pursuant to 40 C.F.R. §63.6585(a), a stationary RICE is any internal combustion engine which uses reciprocating motion to convert heat energy into mechanical work and which is not mobile.
17. Pursuant to 40 C.F.R. §63.6590(a)(1)(iii), for a stationary RICE located at an area source of HAP emissions, a stationary RICE is existing if construction or reconstruction of the stationary RICE was commenced before June 12, 2006.

IV. Findings of Fact and Conclusions of Law

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), EPA alleges the following findings of fact and conclusions of law:

18. Respondent is a corporation organized under the laws of the Commonwealth of Pennsylvania.
19. Respondent is a “person” as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e), because it is a corporation.

20. At all times relevant to the violations alleged in this Consent Agreement, Respondent has been the owner and operator of USS Achey, Inc./North Manheim Plant, located at 355 East Second Mountain Road, Schuylkill Haven, Pennsylvania (the "Facility").
21. The Facility is a scrap metal recycling company that accepts shipments of all sizes of various metals (aluminum, steel, lead acid batteries, copper, etc.), for the purpose of buying, selling and recycling. The Respondent owns and operates six (6) existing stationary RICE compression-ignition ("CI") engines: two (2) Detroit Diesel V16149 units, two (2) electric generating Cummins Diesel KTA-1150-G units (the "Cummins GenSet Units"), one (1) Detroit V1692 diesel engine, and one (1) Komatsu engine located at the Facility. All six (6) CI engines were constructed before June 12, 2006, and rated at greater than 500 horsepower ("hp").
22. The Facility emits carbon monoxide ("CO") and HAPs, and is not a major source for HAPs. EPA has designated CO as a surrogate pollutant for HAPs. Therefore, the Facility is subject to 40 C.F.R. Part 63 Subpart ZZZZ, as a stationary area source of HAP emissions.
23. The Facility is an "area source" under Subpart ZZZZ, 40 C.F.R. §63.6585, because it is not a major source of HAP emissions.
24. The Facility is subject to the requirements found in Subpart ZZZZ for existing stationary RICE at area sources of HAPs because the facility owns and operates six (6) compression ignition engines installed prior to June 12, 2006, and is not a major source of HAPs.
25. The six (6) existing stationary RICE CI engines located at the Facility are an "affected source" under Subpart ZZZZ, 40 C.F.R. §63.6590, because they were constructed before June 12, 2006 and are rated at greater than 500 brake hp.
26. Pursuant to 40 C.F.R. §63.6603(a), each of the six (6) existing stationary RICE located at an area source of HAP emissions are subject to the emission standards found in Table 2d of Subpart ZZZZ. According to Table 2d, emissions of CO from engines rated at greater than 500 hp must be limited or reduced by 70% or more or meet an emission standard of 23 parts per million dry volume ("ppmvd") at 15% oxygen ("O₂").
27. For larger metal recyclable items, including vehicles, Respondent operates a shredder unit powered by two (2) 1200 horsepower Detroit Diesel engines. The shredder accepts whole vehicles which are pushed into the unit on a large conveyor. The conveyor is powered by the two (2) Cummins GenSet Units, only one of which operates at a time. In addition to the four engine units located at the main shredder, the Facility also owns two (2) circa 1980's CI engine units (a Detroit V1692 diesel engine and a Komatsu engine) that operate a shear cutter.
28. The Facility is permitted as a synthetic minor facility. On February 28, 2011, the Pennsylvania Department of Environmental Protection ("PADEP") issued a synthetic minor operating permit (Permit No. 54-00064) (the "Permit") for the operation of an automobile

shredder and associated scrubber systems, at the Facility. The synthetic Permit does not specifically identify the operation of CI engines located at the Facility. PADEP subsequently issued a GP-9 Permit (Permit No. GP9-54-001) to the Respondent on December 3, 2014, for the operation of three (3) engines at the Facility: two (2) Detroit Diesel V16149 units, and one (1) Cummins GenSet unit.

29. On April 9, 2015, EPA (along with a representative from PADEP) conducted a full compliance inspection and records review at the Facility to determine Respondent's compliance with Subpart ZZZZ. Notice of EPA's intended inspection was provided to Mr. Raudenbush on April 7, 2015. EPA identified several areas of concern at the Facility, in connection with Respondent's compliance with Subpart ZZZZ.
30. In addition to the three (3) previously permitted engines, EPA also determined that the following units identified at the Facility during the April 9, 2015 inspection were subject to Subpart ZZZZ: one (1) Cummins Engine; one (1) Detroit V1692 diesel engine; and one (1) Komatsu engine.
31. During the April 9, 2015 compliance inspection and records review of the Facility, EPA personnel observed the following:
 - a. The two Detroit Diesel engines rated at approximately 1100 each, associated with the shredder were being operated with no controls installed. Portable engine analyzer data collected by Cleveland Brothers during an August 2014 engine maintenance event and provided to EPA by Mr. Raudenbush indicated that the average CO emission values for Engine 1 was 293.29 ppmvd and Engine 2 was 160.57 ppmvd.
 - b. The Cummins GenSet Units which are rated at approximately 550hp each were reportedly operated (one at a time) with no controls installed. At the time of EPA's inspection, one engine was undergoing maintenance, and the other engine was in operation. PADEP issued a permit for only one of the engines. Portable analyzer tests were conducted by Respondent's contractor, Cleveland Brothers CAT, on the two (2) Detroit Diesel engines and one (1) of the GenSet engines in August of 2014. That data, which was provided by Respondent to EPA during the April 9, 2015 inspection and records review, indicated that the average CO emission for one GenSet was 113.85 ppmvd.
32. Although the Detroit V1692 diesel and Komatsu engines were not being operated by the Respondent at the time of the April 9, 2015 compliance inspection, these units were found to be fully capable of operation, and Respondent indicated that they had been used, albeit infrequently, since the compliance date of the rule. Neither of these engines had any controls installed on them, and PADEP had not issued a permit for either of these engines. EPA advised the Respondent at the time of the compliance inspection that these units would require controls if Respondent wanted to keep them in service. The portable analyzer data provided by Respondent for the Detroit Diesel and 2 Cummins GenSet engines (the Cummins Diesel engines) indicated that the engines did not meet the CO emission standards in Subpart ZZZZ. Based on the age and lack of control devices on all six engines, EPA does

not anticipate that Respondent can meet the emissions standards in the rule for any of the engines at the Facility until an emission control device (catalyst) is installed on each.

33. Pursuant to 40 C.F.R. §63.6595(a)(1), existing stationary CI RICE located at an area source of HAP emissions must comply with the applicable emission limitations, operating limitations, and other requirements no later than May 3, 2013.
34. Pursuant to 40 C.F.R. §63.6603(a), existing stationary RICE located at an area source of HAP emissions must comply with the requirements in Table 2d. According to Table 2d, engines rated at greater than 500 hp, must limit emissions of CO to 23 ppmvd at 15 percent O₂ at the RICE exhaust, or, CO emissions must be reduced or limited by 70% or more. These reductions are typically achieved by installing an after-market control device on each engine unit, or by purchasing and operating an engine unit certified by the manufacturer to meet the emission limit in the rule.
35. Pursuant to §63.6612(a), facilities must conduct an initial performance test or other initial compliance demonstration according to Tables 4 and 5 of Subpart ZZZZ, within 180 days after the compliance date that is specified in §63.6595 and according to the provisions in §63.7(a)(2).
36. The compliance date for each of Respondent's six engine was May 3, 2013. Respondent was required to complete performance testing by November 3, 2013, but failed to do so for any of its six engines.
37. Pursuant to §63.6645(h)(2) for each initial compliance demonstration required in Table 5 to Subpart ZZZZ that includes a performance test, affected sources must submit the Notification of Compliance Status ("NOCS"), including the performance test results, before the close of business on the 60th day following the completion of the performance test according to §63.10(d)(2).
38. The performance tests for all six engines were due to be completed by November 3, 2013, and the NOCS was due within 60 days of completion of the test, no later than January 3, 2014. Respondent failed to submit a NOCS by January 23, 2014, in violation of 40 C.F.R. §63.6645(h)(2).
39. Pursuant to §63.6650(b)(1), facilities must submit semiannual compliance reports. The first Compliance report must cover the period beginning on the compliance date that is specified for the affected source in §63.6595 and ending on June 30 or December 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for the source in §63.6595. Semi-annual compliance reports must include the information specified in Table 7 of Subpart ZZZZ.
40. Respondent failed to submit semi-annual compliance reports in violation of 40 C.F.R. §63.6650(b)(1), on the following dates: June 30, 2013; December 31, 2013; June 30 and December 31, 2014; June 30, 2015, December 31, 2015 and June 30, 2016.

VIOLATIONS

41. FAILURE TO MEET EMISSION STANDARDS ON TWO DETROIT DIESEL ENGINES, TWO GENSET ENGINES, AND TWO SHEAR ENGINES

Based upon information and portable analyzer data provided to EPA by the Respondent during EPA's April 9, 2015 compliance inspection and records review, EPA determined that the Respondent's operation of the six existing CI engines referred to in paragraph 21 above exceeded the Subpart ZZZZ 70% CO reduction value and/or the 23 ppmvd emission limit, in violation of Table 2d of 40 C.F.R. §63.6603(a), for the time period beginning May 3, 2013 to present.

42. FAILURE TO COMPLETE PERFORMANCE TESTING

Pursuant to §63.6612(a), facilities must conduct an initial performance test or other initial compliance demonstration according to Tables 4 and 5 of Subpart ZZZZ, within 180 days after the compliance date that is specified in §63.6595 and according to the provisions in §63.7(a)(2). The compliance date for each engine was May 3, 2013. Respondent was required to complete performance testing by November 3, 2013 for 40 C.F.R. §63.6612(a), but failed to do so. Thus, since October 30, 2013, Respondent has been in violation of the performance test requirements found at 40 C.F.R. §63.6612(a).

43. FAILURE TO COMPLETE AND SUBMIT NOTIFICATIONS AND REPORTS:

- a. Pursuant to §63.6645(h)(2), affected sources must submit the Notification of Compliance Status ("NOCS"), including performance test results, before the close of business on the 60th day following the completion of the performance test. The performance tests for all six engines subject to Subpart ZZZ were due to be completed by November 3, 2013, and the NOCS was due within 60 days of completion of the test, no later than January 3, 2014. Respondent failed to submit a NOCS by January 23, 2014, in violation of 40 C.F.R. §63.6645(h)(2).
- b. Pursuant to §63.6650(b)(1), facilities must submit semiannual compliance reports. Respondent failed to submit semi-annual compliance reports in violation of 40 C.F.R. §63.6650(b)(1), on the following dates: June 30, 2013; December 31, 2013; June 30 and December 31, 2014; June 30, 2015, December 31, 2015 and June 30, 2016.

IV. Settlement Recitation, Settlement Conditions, and Civil Penalty

44. Complainant and Respondent enter into this Consent Agreement and the accompanying Final Order in order to settle the violations specifically set forth in Section III of this Consent Agreement.
45. In settlement of the alleged violations enumerated above in Section III of this Consent Agreement, Respondent consents to the assessment and agrees to pay a civil penalty in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) within the time and manner specified herein.
46. The settlement amount of FIVE THOUSAND DOLLARS (\$5,000.00) in this case is based upon Complainant's assessment of information and data submitted by Respondent related to Respondent's financial ability to pay, Complainant's reliance upon the accuracy, completeness and truthfulness of that financial information concerning the financial condition of Respondent's company, as well as a consideration of and application of the statutory penalty factors set forth in Section 113(e) of the Act, 42 U.S.C. §7413(e), which include the size of the business, economic impact of the penalty, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for same violation, the seriousness of violation and such other matters as justice may require, and EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation). Complainant has determined that Respondent's payment of this civil penalty shall resolve the violations set forth in Section III of this Consent Agreement.
47. Respondent shall pay the civil penalty of FIVE THOUSAND DOLLARS (\$5,000.00), no later than thirty (30) days after the effective date of this Consent Agreement and accompanying Final Order in order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this Consent Agreement and accompanying Final Order.
48. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this Consent Agreement and Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
49. Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of this executed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any

amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

50. The cost of EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. §13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
51. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent for more than ninety (90) calendar days. 40 C.F.R. §13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
52. Thus, in accordance with the above provisions, to avoid the assessment of interest, late payment penalties, and handling charges on the penalty set forth herein, Respondent must pay the full amount of the civil penalty, in the manner directed, within thirty (30) days of the effective date of this Consent Agreement and accompanying Final Order.
53. Payment of the penalty in Paragraph 46 shall be made by cashier's check, certified check, or electronic wire transfer, Automated Clearing House ("ACH"), or an on line, internet payment as specified below. All payments are payable to "Treasurer, United States of America" and shall reference the above case caption and docket number (CAA-03-2017-0198).
54. Instructions for submitting payment of the penalty using the methods, or combination of methods, described above are provided at the following EPA website addresses:
<http://www2.epa.gov/financial/additional-instructions-making-payments-epa>
<http://www2.epa.gov/financial/makepayment>
55. Any payment made by any method must reference the above case caption and docket number, CAA-03-2017-0198. Within 24 hours of payment of any penalty amount, Respondent shall send copies of any corresponding check, or written notification confirming any electronic transfer through wire transfer, ACH, or internet payment, to the Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, to Dennis M. Abraham, Senior Assistant Regional Counsel (3RC10), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and to Erin Willard (3AP20), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029.
56. Respondent agrees not to deduct for federal tax purposes the civil penalty specified in, and any civil penalty amount paid pursuant to, this Consent Agreement and accompanying Final Order.

57. In accordance with 40 C.F.R. Part 22 of the Consolidated Rules of Practice, the filing of this Consent Agreement and accompanying Final Order shall constitute satisfaction of all civil claims for penalties for the specific violations alleged in Section III of this Consent Agreement. Compliance with this Consent Agreement and accompanying Final Order shall not be a defense to any action commenced at any time for any other violation of any federal laws and regulations administered by EPA.
58. Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in referral of this matter to the United States Attorney for enforcement of this Consent Agreement and the accompanying Final Order in the appropriate United States District Court, in accordance with Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5).

V. Reservation of Rights

59. This Consent Agreement and the accompanying Final Order resolve only the civil penalty claims for the specific violations alleged in Section III of this Consent Agreement. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. Nor shall anything in this Consent Agreement and Final Order be construed to limit the United States' authority to pursue criminal sanctions. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this Consent Agreement and accompanying Final Order following its filing with the Regional Hearing Clerk.

VI. Effective Date

60. The effective date of this Consent Agreement and the accompanying Final Order is the date on which the Consent Agreement and Final Order, following signature by the Regional Judicial Officer or Regional Administrator of Region III, is filed with the Regional Hearing Clerk of EPA Region III.

VII. Waiver of Hearing

61. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing pursuant to Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), with respect to any issue of law or fact set forth in this CAFO. Respondent also waives its right to appeal the accompanying Final Order.

VIII. Entire Agreement

62. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Agreement and the accompanying Final Order. Nothing in this Consent Agreement or the accompanying Final Order shall be construed to affect or limit in any way the obligation of Respondent to comply with all federal, state and local laws and regulations governing any activity required by this Consent Agreement and the accompanying Final Order.

IX. Execution

63. The person signing this Consent Agreement on behalf of Respondent acknowledges and certifies by his/her signature that he/she is fully authorized to enter into this Consent Agreement and to legally bind Respondent, to the terms and conditions of this Consent Agreement and the accompanying Final Order.

For the Respondent:

9/8/17
Date

Arthur Raudenbush
Arthur Raudenbush
President-Treasurer
USS Achey, Inc.

For the Complainant:

9-13-17
Date

Dennis M. Abraham
Dennis M. Abraham
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III

Accordingly, the Air Protection Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator of EPA Region III or his designee, the Regional Judicial Officer, ratify this Consent Agreement and issue the accompanying Final Order (CAA-03-2017-0198). The amount of the recommended civil penalty assessment is FIVE THOUSAND DOLLARS (\$5,000.00).

9-19-17
Date

Cristina Fernandez
Cristina Fernandez, Director
Air Protection Division
U.S. Environmental Protection Agency, Region III

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

IN THE MATTER OF:)	
)	
)	Docket No. CAA-03-2017-0198
)	
USS Achey, Inc.)	
355 East Second Mountain Road)	
Schuylkill Haven, PA 17972)	Proceeding Pursuant to Sections
)	113(a) and (d) of the Clean Air
)	Act, as amended, 42 U.S.C.
)	§7413(a) and (d)

FINAL ORDER

Complainant, the Director of the Air Protection Division, U.S. EPA Region III, and Respondent, USS Achey, Inc., have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation), and the statutory factors set forth in Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e).

NOW, THEREFORE, PURSUANT TO Section 113 of the Clean Air Act, 42 U.S.C. § 7413, and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of FIVE THOUSAND DOLLARS (\$5,000.00), in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: Sept. 26, 2017



Joseph J. Lisa
Regional Judicial Officer
U.S. EPA, Region III

CERTIFICATE OF SERVICE

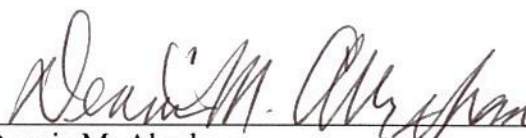
I hereby certify that on the date set forth below, I hand-delivered the original and two (2) copies of the Consent Agreement and Final Order, Docket No. CAA-03-2017-0198 to the:

Regional Hearing Clerk
U.S. EPA, Region III (3RCOO)
1650 Arch Street
Philadelphia, P A 19103-2029

I further certify that on the same date, I sent via CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a true and correct copy of the aforesaid Consent Agreement and Final Order to:

Arthur Raudenbush
President-Treasurer
USS Achey, Inc.
355 East Second Mountain Road
Schuylkill, Haven, Pennsylvania 17972

9-27-17
DATE


Dennis M. Abraham
Senior Assistant Regional Counsel
U.S. EPA, Region III
Office of Regional Counsel (3C10)
1650 Arch Street
Philadelphia, PA 19103
(215) 815-5214