

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

In Re: :
: Docket No. CAA-03-2019-0045
Bardon, Inc. dba Super-Concrete Corporation :
6401 Golden Triangle Drive, Suite 400 : Proceeding under the Clean Air Act
Greenbelt, Maryland 20770 : Section 113(a)(1)(B) and (d)(1)(A)
Respondent. :
: U.S. EPA-REGION 3-RHC
: FILED-26SEP2019PM2:57

CONSENT AGREEMENT

I. Preliminary Statement

1. This administrative consent agreement is entered into by and between the Director, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA), Region III (Complainant), and Bardon, Inc. dba Super-Concrete Corporation (Respondent), pursuant to Section 113(a)(1)(B) and (d)(1)(A) of the Clean Air Act (CAA), 42 United States Code (U.S.C.) § 7413(a)(1)(B) and (d)(1)(A), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 Code of Federal Regulations (C.F.R.) Part 22 (Consolidated Rules of Practice). The Consolidated Rules of Practice at 40 C.F.R. § 22.1(a)(2) provide that the Consolidated Rules of Practice govern, among other things, “all administrative adjudicatory proceedings for...[t]he assessment of any administrative civil penalty under section...113(d)...of the Clean Air Act, as amended (42 U.S.C. 7413(d),...)”. In addition, the Consolidated Rules of Practice at 40 C.F.R. § 22.13(b) 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 simultaneously commenced and concluded by the issuance of a consent agreement and final order pursuant to § 22.18(b)(2) and (3).”

2. This administrative consent agreement (CA) and the accompanying final order (FO) (together, CAFO) address violations set forth herein, which occurred at Respondent’s facility located at 5001 Fort Totten Drive, NE, Washington, D.C. 20011 (D.C. facility). The District of Columbia is within the jurisdiction of EPA - Region III.

II. General Provisions

1. Section 113(a)(1)(B) and (d)(1)(A) of the CAA, 42 U.S.C. § 7413(a)(1)(B) and (d)(1)(A), authorizes the Administrator of EPA to, without regard to the period of violation (subject to 28 U.S.C. § 2462), 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 or prohibition of an applicable implementation plan..., the Administrator notifies the person and the State in which the plan applies of such finding, and 30 days has expired following the date on which

such notice of violation was issued. The authority to enter into this administrative consent agreement has been duly delegated to the Complainant and the authority to issue the accompanying final order has been duly delegated to the Regional Judicial Officer of EPA - Region III.

2. Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), limits the Administrator's authority to matters where the total penalty sought does not exceed \$200,000 and the first alleged date of violation occurred no more than 12 months prior to the initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a larger penalty amount or a longer period of violation is appropriate for administrative penalty action. Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), further provides that any such determination by the Administrator and the Attorney General shall not be subject to judicial review. Under 40 C.F.R. Part 19 (Adjustment of Civil Monetary Penalties for Inflation), § 19.4, Table 2, the figure of \$200,000 has been increased to \$378,852 effective February 6, 2019 (84 Fed. Reg. 2056, February 6, 2019, and 84 Fed. Reg. 5955, February 25, 2019).

3. The Administrator of EPA and the Attorney General of the United States, each through their respective delegates, have jointly determined that administrative penalty action is appropriate for the longer period of violation involved in this matter.

4. For the purpose of this proceeding, Respondent admits the jurisdictional allegations of this CAFO and agrees not to contest jurisdiction with respect to the execution of this CA, the issuance of the accompanying FO, and the enforcement of this CAFO.

5. For the purpose of this proceeding, except as provided in Section II, Paragraph 4 immediately above, Respondent neither admits nor denies the specific findings of fact and conclusions of law in this CA.

6. For the purpose of this proceeding, Respondent consents to this CA and to the issuance of the accompanying FO, and agrees to comply with the terms and conditions of this CAFO.

7. This CAFO records all terms and conditions of this settlement.

III. Findings of Fact and Conclusions of Law

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

1. Respondent, Bardon, Inc. dba Super-Concrete Corporation, is a Maryland corporation incorporated on June 28, 2011. Respondent is the current owner and operator of its D.C. facility located at 5001 Fort Totten Drive, NE, Washington, D.C. 20011. At its D.C. facility, Respondent operates a ready mix concrete batch plant. Prior to July 1, 2012, the D.C. facility was owned and operated by Super-Concrete Corporation, a D.C. corporation incorporated on December 21, 1999. On July 1, 2012, Super-Concrete Corporation was merged into Bardon, Inc. On July 3, 2012, Bardon, Inc. registered the trade name of Super-Concrete Corporation.

2. Respondent is a "person" as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and as that term is used in Section 113(a)(3) and (d)(1) of the CAA, 42 U.S.C. § 7413(a)(3) and (d)(1).

3. Pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, the Administrator of EPA approved the applicable District of Columbia State Implementation Plan (District of Columbia SIP). The District of Columbia SIP includes, and has included, Section 200.3 of Title 20 of the District of Columbia Municipal Regulations (20 DCMR 200.3). On April 19, 2011, the District of Columbia Department of the Environment (DCDE) issued Permit No. 5585-R2-A1 Modification of Renewal to Operate an Existing Ready Mix Concrete Batch Plant (2011 Permit) to Respondent. Paragraph I.b. (page 1) of the 2011 Permit provided that “This permit expires on April 19, 2014” and that “If continued operation after this date is desired, the owner or operator shall submit an application for renewal by January 19, 2014.” Under cover of a letter dated January 17, 2014, Respondent submitted an application for renewal of the 2011 permit. 20 DCMR 200.3 provides that an issued permit will remain in force beyond its expiration date if an application for renewal of the permit is timely submitted to DC by the permittee prior to the expiration date and the renewed permit has not yet been issued by DC. On May 13, 2016, the District of Columbia Department of Energy and Environment (DCDEE) issued the renewed permit as Permit No. 5585-R3 to Operate an Existing Ready Mix Concrete Batch Plant (2016 Permit) to Respondent. Paragraph I.g. (page 2) of the 2016 Permit provided that the 2016 Permit supercedes “permit No. 5585-R2-A1, dated April 19, 2011”. As a consequence, the 2011 Permit remained in force beyond April 19, 2014 up to May 13, 2016. The 2016 Permit expires on May 12, 2021. On January 8, 2014, DCDE issued Permit No. 5585-C2 to Construct An Additional Emissions Control Unit for An Existing Ready Mix Concrete Batch Plant (2014 Permit) to Respondent. Paragraph I.b. (page 1) of the 2014 Permit provided that “This permit expires on January 7, 2017”. Paragraph I.g. (page 2) of the 2016 Permit also provided that the 2016 Permit supercedes permit “No. 5585-C2, dated January 8, 2014”. As a consequence, the 2014 Permit remained in force up to May 13, 2016. Respondent’s D.C. facility has been and is subject to applicable requirements of the District of Columbia SIP, including the requirements of the 2011 Permit, the 2014 Permit, and the 2016 Permit issued by DC.

4. On May 4, 2017, EPA conducted a CAA compliance inspection at Respondent’s D.C. facility. During this inspection, EPA obtained certain information and documents from Respondent.

5. By letter dated January 18, 2018, under Section 114 of the CAA, 42 U.S.C. § 7414, EPA required Respondent to provide certain additional information and documents to EPA. Information and documents were received by letter (and enclosures) from Respondent dated February 16, 2018.

6. By letter dated July 10, 2018, under Section 113(a)(1) and (4) of the CAA, 42 U.S.C. § 7413(a)(1) and (4), EPA issued a notice of violation (NOV) to Respondent. In response to the issued NOV, Respondent requested a conference with EPA and submitted written responses to the NOV dated August 24, 2018 and August 28, 2018. An NOV conference was held on September 7, 2018. In response to the NOV conference, Respondent submitted a letter to EPA dated September 25, 2018.

7. By letter dated October 24, 2018, under Section 114 of the CAA, 42 U.S.C. § 7414, EPA required Respondent to provide certain additional information and documents to EPA. Information and documents were received by letter (and enclosures) from Respondent dated November 26, 2018.

8. By letter dated July 1, 2019, under Section 113(a)(1) and (4) of the CAA, 42 U.S.C. § 7413(a)(1) and (4), EPA issued a notice of violation (NOV) to Respondent.

Unpermitted Discharges of Visible Emissions

9. Paragraph II.d. of the 2011 Permit, the 2014 Permit, and the 2016 Permit, prohibits discharges of visible emissions not permitted by Paragraph II.d. Respondent emitted unpermitted discharges of visible emissions on one hundred and eighty-eight (188) calendar days between May 8, 2014 and October 24, 2018, inclusive, noted on Attachment A.

10. Respondent's failures to comply with Paragraph II.d. of the 2011 Permit, the 2014 Permit, and the 2016 Permit, constitute violations of the applicable permit(s), the District of Columbia SIP, and Section 110 of the CAA, 42 U.S.C. § 7410.

Failure to Operate Dust Collector Within Prescribed Differential Pressure Range

11. Paragraph III.d. of the 2011 Permit, the 2014 Permit, and the 2016 Permit, requires Respondent to operate the dust collector being operated when concrete mixing is occurring with the differential pressure across the bags at or above 2 inches of water. Respondent operated the dust collector being operated when concrete mixing was occurring with the differential pressure across the bags below 2 inches of water (at a point in time not within 8 hours after installation of new bags) on one hundred and sixty (160) calendar days between November 10, 2014 and November 13, 2017, inclusive, noted on Attachment A.

12. Respondent's failures to comply with Paragraph III.d. of the 2011 Permit, the 2014 Permit, and the 2016 Permit, constitute violations of the applicable permit(s), the District of Columbia SIP, and Section 110 of the CAA, 42 U.S.C. § 7410.

Failure to Monitor Differential Pressure

13. Paragraph IV.b. (page 4) of the 2011 Permit required Respondent to monitor the differential pressure across the baghouse filters when concrete mixing was occurring using a working magnehelic pressure gauge. Respondent failed to monitor the differential pressure across the baghouse filters as required on the following two (2) calendar days: October 21, 2014 and October 22, 2014.

14. Respondent's failures to comply with Paragraph IV.b. (page 4) of the 2011 Permit constituted violations of the 2011 Permit, the District of Columbia SIP, and Section 110 of the CAA, 42 U.S.C. § 7410.

Failure to Record Daily Differential Pressure Reading For Operating Dust Collector

15. Paragraph V.a. of the 2011 Permit and the 2016 Permit requires Respondent to record daily differential pressure readings for each operating dust collector. Respondent failed to record the required daily reading for the operating dust collector on the following nine (9) calendar days: July 23, 2014, July 23, 2016, August 25, 2017, August 29, 2017, September 16, 2017, October 20, 2017, May 30, 2018, August 31, 2018, and October 11, 2018.

16. Respondent's failures to comply with Paragraph V.a. of the 2011 Permit and the 2016 Permit constitute violations of the applicable permit, the District of Columbia SIP, and Section 110 of the CAA, 42 U.S.C. § 7410.

Failure to Record Which Dust Collector Was In Operation

17. Paragraph V.b. of the 2014 Permit and the 2016 Permit requires Respondent to record which dust collector is in operation each day. Respondent failed to record which dust collector was in operation on the eight hundred (800) calendar days of operation from October 29, 2014 through August 10, 2017, inclusive, noted on Attachment B.

18. Respondent's failures to comply with Paragraph V.b. of the 2014 Permit and the 2016 Permit constitute violations of the applicable permit, the District of Columbia SIP, and Section 110 of the CAA, 42 U.S.C. § 7410.

Failure to Record Deviations from Differential Pressure Requirements

19. Paragraph V.c. of the 2011 Permit, the 2014 Permit, and the 2016 Permit, requires Respondent to record all deviations from the differential pressure requirements of Paragraph III.d. of the applicable permit. Respondent failed to record one hundred and five (105) deviations from the differential pressure requirements of Paragraph III.d. of the applicable permit on one hundred and five (105) calendar days between November 11, 2014 and October 14, 2017, inclusive, noted on Attachment A.

20. Respondent's failures to comply with Paragraph V.c. of the 2011 Permit, the 2014 Permit, and the 2016 Permit, constitute violations of the applicable permit(s), the District of Columbia SIP, and Section 110 of the CAA, 42 U.S.C. § 7410.

Failure to Record Actions Taken to Correct Deviations from Differential Pressure Requirements

21. Paragraph V.c. of the 2011 Permit, the 2014 Permit, and the 2016 Permit, requires Respondent to record the actions taken to correct identified deviations from the differential pressure requirements of Paragraph III.d. of the applicable permit. Respondent failed to record the actions taken to correct one hundred and fifty-nine (159) identified deviations from the differential pressure requirements of Paragraph III.d. of the applicable permit(s) between November 10, 2014 and November 13, 2017, inclusive, noted on Attachment A.

22. Respondent's failures to comply with Paragraph V.c. of the 2011 Permit, the 2014 Permit, and the 2016 Permit, constitute violations of the applicable permit(s), the District of Columbia SIP, and Section 110 of the CAA, 42 U.S.C. § 7410.

Failure to Keep Records of Weekly Visual Observations of Emissions

23. Paragraph V.g. of the 2011 Permit, the 2014 Permit, and the 2016 Permit, requires Respondent to keep records of the weekly visual observation of emissions required by Paragraph IV.c. of the applicable permit. Respondent failed to keep records of the weekly visual observation of emissions for nineteen (19) calendar weeks between June 1-7, 2014 and June 17-23, 2018, inclusive, noted on Attachment A.

24. Respondent's failures to comply with Paragraph V.g. of the 2011 Permit, the 2014 Permit, and the 2016 Permit, constitute violations of the applicable permit(s), the District of Columbia SIP, and Section 110 of the CAA, 42 U.S.C. § 7410.

IV. Civil Penalty

1. In settlement of Complainant's claims for civil administrative penalties for the alleged violations set forth in Section III above, and for the purpose of this proceeding, Respondent consents to the assessment of, and agrees to pay, a civil penalty in the amount of two hundred fifty-nine thousand two hundred seventy-two dollars (\$259,272) in the manner specified herein.

2. The settlement amount of two hundred fifty-nine thousand two hundred seventy-two dollars (\$259,272) is based upon Complainant's consideration of, and application of, the statutory penalty factors set forth in Section 113(e)(1) of the CAA, 42 U.S.C. § 7413(e)(1) [which include the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violations as established by any credible evidence, payment by the violator of penalties previously assessed for the same violations, the economic benefit of noncompliance, the seriousness of the violations, and such other matters as justice may require], and EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as modified [including modifications to adjust for inflation in keeping with 40 C.F.R. Part 19 (Adjustment of Civil Monetary Penalties for Inflation)] to the particular facts and circumstances of this case.

3. In accordance with 40 C.F.R. § 13.9(a), the assessed civil penalty of two hundred fifty-nine thousand two hundred seventy-two dollars (\$259,272) is due on the date that a true and correct copy of the fully executed and filed CAFO is received by Respondent. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed CAFO, with a date stamp indicating the date on which the CAFO was filed by the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a). Respondent must pay the entire civil penalty within thirty (30) calendar days after this date in order to avoid the assessment of interest, administrative handling charges, and late payment penalties in connection with such civil penalty as described in this CAFO.

4. Payment of the civil penalty set forth in Section IV, Paragraph 1 above shall be made by cashier's check, certified check, electronic wire transfer, the Automated Clearing House, or online internet payment, as specified below. Payment, regardless of how it is made, is to be made payable to "United States Treasury", include Respondent's name and address, and reference the above case caption and docket number (CAA-03-2019-0045).

5. Payment of the civil penalty set forth in Section IV, Paragraph 1 above by cashier's check or certified check transmitted by regular mail shall be addressed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

6. Instructions for making payment of the civil penalty set forth in Section IV, Paragraph 1 above using any other method described in Section IV, Paragraph 4 above are provided at the following EPA website address:

<https://www.epa.gov/financial/makepayment>

7. At the same time that payment is made, regardless of how it is made, copies of any check or written documentation confirming any electronic wire transfer, ACH/REX payment, or online internet payment shall be mailed to Regional Hearing Clerk (3RC00), EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, to James M. Baker, Senior Assistant Regional Counsel (3RC30; baker.james@epa.gov), EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and to James Adamiec, Life Scientist (3ED21; Adamiec.James@epa.gov), EPA - Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.

8. 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 of the assessed civil penalty shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts. Respondent's failure to make timely payment of the assessed civil penalty shall make the entire unpaid balance immediately due and payable and may subject Respondent to a civil action for collection pursuant to Section 113 of the CAA, 42 U.S.C. § 7413. In any such collection action, the validity, amount and appropriateness of the assessed civil penalty shall not be subject to review.

9. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of the fully executed and filed CAFO is received by Respondent. However, EPA will not seek to assess interest on any amount of the civil penalty that is paid within thirty (30) calendar days after this date. 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).

10. 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.

11. A late payment penalty 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 late payment penalty on the debt be required, it shall accrue from the first day payment is delinquent, 31 C.F.R. § 901.9(d).

12. Thus, in accordance with the above provisions, to avoid the assessment of interest, administrative handling charges, and late payment penalties on the civil penalty set forth herein, Respondent must pay the full amount of the civil penalty, in the manner directed, no later than thirty (30) calendar days after Respondent's receipt of the filed CAFO, as provided in Section IV, Paragraphs 3 and 9 above.

13. Complainant and Respondent enter into this consent agreement in order to settle the alleged violations set forth in Section III of this consent agreement.

14. This settlement pursuant to 40 C.F.R. § 22.18(b) of the Consolidated Rules of Practice:
 - a. shall only resolve Respondent's liability for Federal civil penalties under the CAA for the violations alleged herein; and
 - b. shall not in any case affect the right of EPA or the United States to pursue Federal civil penalties for other violations of law; and
 - c. shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

V. Settlement

1. For the purpose of this proceeding, Respondent waives any right to contest the allegations in this consent agreement, waives its right to appeal the final order accompanying this consent agreement, waives its opportunity for a hearing on the record in accordance with 5 U.S.C. §§ 554 and 556 under Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), and waives its right to judicial review under Section 113(d)(4) of the CAA, 42 U.S.C. § 7413(d)(4).
2. Pursuant to 40 C.F.R. § 22.31(b), the effective date of this CAFO is the date on which the CAFO, which includes the FO signed by either the Regional Administrator or his designee, the Regional Judicial Officer, is filed by the Regional Hearing Clerk of EPA - Region III. EPA will endeavor to ensure that Respondent receives a copy of the filed CAFO on that date.
3. Respondent agrees to pay its own costs and attorney fees.
4. Respondent agrees that this CAFO shall apply to, and be binding upon, Respondent, its directors, officers, employees, servants, agents, successors and assigns.
5. By signing this consent agreement, the undersigned representative of Respondent certifies that he is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind Respondent to the terms and conditions of this CAFO.
6. By signing this consent agreement, Respondent certifies that the information it has submitted to EPA concerning this matter was at the time of submission true, accurate, and complete for each such submission, and that there has been no material change in the truthfulness, accuracy, or completeness of the information submitted. EPA shall have the right to institute further action for appropriate relief if EPA obtains evidence that any information submitted to EPA by Respondent concerning this matter was false, inaccurate, or incomplete. This right shall be in addition to all other rights that EPA may have to institute action, civil or criminal, in law or in equity, in such event. Respondent acknowledges that there are significant penalties for submitting false or misleading information to EPA, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.
7. The civil penalty, and any interest, administrative handling charges, or late payment penalties, paid pursuant to this CAFO shall not be deductible for federal tax purposes.

8. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the settlement of the above-captioned matter and the subject matter hereof. 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.

9. Nothing in this CAFO shall be construed to affect or limit in any way the obligation of Respondent to fully comply with all applicable provisions of the CAA and any other applicable federal, state, or local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of federal law or regulation administered by EPA.

10. By signing this consent agreement, Respondent certifies that Respondent is, as of the date of signature, currently in full compliance with Permit No. 5585-R3 to Operate an Existing Ready Mix Concrete Batch Plant issued by the District of Columbia Department of Energy and Environment on May 13, 2016.

11. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

12. Complainant reserves any rights and remedies available to it under the CAA, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this CAFO following its filing by the Regional Hearing Clerk. 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).

13. By signing this consent agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information from Respondent.

For the Respondent:

09/19/19
Date



Cedric Barthelemy
President
Bardon, Inc. dba Super-Concrete Corporation

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

SEP 25 2019

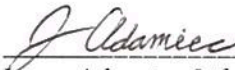
Date



Karen Melvin, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region III

9/24/19

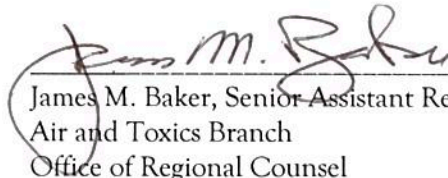
Date



James Adamic, Life Scientist
Air Section
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region III

9/24/19

Date



James M. Baker, Senior Assistant Regional Counsel
Air and Toxics Branch
Office of Regional Counsel
U.S. Environmental Protection Agency
Region III
Counsel for the Complainant

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

In Re:	:	
	:	Docket No. CAA-03-2019-0045
Bardon, Inc. dba Super-Concrete Corporation	:	
6401 Golden Triangle Drive, Suite 400	:	Proceeding under the Clean Air Act
Greenbelt, Maryland 20770	:	Section 113(a)(1)(B) and (d)(1)(A)
	:	
Respondent.	:	U.S. EPA-REGION 3-RHC FILED-26SEP2019PM2:57

FINAL ORDER

Complainant, Director, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA), Region III, and Respondent, Bardon, Inc. dba Super-Concrete Corporation, 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 executed CONSENT AGREEMENT, attached hereto, are accepted by the undersigned and incorporated herein as if fully set forth.

Based on the representations of the parties in the attached CONSENT AGREEMENT, the civil penalty agreed to therein is based upon consideration of the statutory factors set forth in Section 113(e)(1) of the Clean Air Act (CAA), 42 U.S.C. ' 7413(e)(1), and EPA's Clean Air Act Stationary Source Civil Penalty Policy, dated October 25, 1991, as modified. **NOW, THEREFORE**, pursuant to Section 113(a)(3)(A) and (d)(1)(B) of the CAA, 42 U.S.C. ' 7413(a)(3)(A) and (d)(1)(B), and 40 C.F.R. § 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of **TWO HUNDRED FIFTY-NINE THOUSAND TWO HUNDRED SEVENTY-TWO DOLLARS (\$259,272)**, plus any applicable interest, as specified in the CONSENT AGREEMENT, and comply with the terms and conditions of the CONSENT AGREEMENT.

This FINAL ORDER constitutes the final Agency action in this proceeding. This FINAL ORDER shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This FINAL ORDER resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the CAA and the regulations promulgated thereunder.

The effective date of this FINAL ORDER and incorporated CONSENT AGREEMENT is the date on which the FINAL ORDER, signed by the Regional Administrator of EPA - Region III or the Regional Judicial Officer of EPA - Region III, is filed by the Regional Hearing Clerk of EPA - Region III.

Sept. 26, 2019
Date



Joseph J. Lisa
Regional Judicial Officer
EPA - Region III

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

In Re: :
: Docket No. CAA-03-2019-0045
Bardon, Inc. dba Super-Concrete Corporation :
6401 Golden Triangle Drive, Suite 400 : Proceeding under the Clean Air Act
Greenbelt, Maryland 20770 : Section 113(a)(1)(B) and (d)(1)(A)
: :
Respondent. :

CERTIFICATE OF SERVICE

I certify that, on SEP 26 2019, the original and one (1) copy of the **Consent Agreement and Final Order** in Docket No. CAA-03-2019-0045 were filed with the U.S. EPA Region III Regional Hearing Clerk. I further certify that, on the date set forth below, I served a true and correct copy of the same upon each of the following persons, in the manner specified below, at the following addresses:

Copy served via **Overnight Mail** to:

John D. Springer
Regional Counsel
LafargeHolcim US
6401 Golden Triangle Drive, Ste. 400
Greenbelt, MD 20770

Copy served via **Hand Delivery or Inter-Office Mail** to:

James M. Baker
Senior Assistant Regional Counsel, Air and Toxics Branch (3RC30)
Office of Regional Counsel
U.S. EPA - Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103

Date: SEP 26 2019 Berlin Esposito
Regional Hearing Clerk
U.S. EPA - Region III

Tracking Number(s): 1Z A43 F7101 9196 9949