UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 18 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert McCune, President
Superior Marine Ways, Inc.
5852 County Road 1
South Point, Ohio, 45669

Dear Mr. McCune:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves **CAA-05-2015-0052**. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on August 18, 2015.

Pursuant to paragraph 51 of the CAFO, Superior Marine Ways, Inc. must pay the civil penalty within 30 days. Your electronic funds transfer must display the case name "Superior Marine Ways, Inc." and the docket number.

Please direct any questions regarding this case to Mary Fulghum at (312) 886-4683.

Sincerely,

Brian Dickens

Brian Dickens
Chief
Air Enforcement and Compliance Assurance Section (MI/WI section)

Enclosure

cc: Regional Judicial Officer/C-14J
Regional Hearing Clerk/E-19J
M. Fulghum/C-14J
C. Charles/PLAA

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:	**Docket No. CAA-05-2015-0052**
Superior Marine Ways, Inc. **Proctorville, Ohio,** **South Point, Ohio**	**Proceeding to Assess a Civil Penalty Under Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d)**
Respondent.	

Consent Agreement and Final Order

1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the CAA), 42 U.S.C. §7413(d) and Sections 22.1(a) (2), 22.13(b) and 22.18(b) (2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified in the U.S. Code of Federal Regulations (C.F.R.) at 40 C.F.R. Part 22.

2. Complainant is the Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Superior Marine Ways, Inc., a corporation doing business in Ohio.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and any right to appeal this CAFO.

Statutory and Regulatory Background

Ohio State Implementation Plan

9. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the Act, 42 U.S.C. § 7410.

10. On October 31, 1980, EPA approved the Ohio Administrative Code (OAC) Rule 3745-31, Permits to Install New Sources provisions, as part of the federally enforceable Ohio State Implementation Plan (SIP). 45 Fed. Reg. 72119.

11. OAC Rule 3745-31-02(A) provides that no person shall cause, permit, or allow the installation of a new source of air contaminants without first obtaining a permit to install from Ohio EPA.

12. On June 10, 1982, EPA approved the OAC Rule 3745-35, Permits to Operate provisions, as part of the federally enforceable Ohio SIP. 47 Fed. Reg. 25144.

13. Former OAC Rule 3745-35-02(A), which was effective prior to June 30, 2008, set forth that no person may cause, permit, or allow the operation or other use of any air contaminant source without applying for and obtaining a permit to operate from Ohio EPA.

14. On June 30, 2008, OAC Rule 3745-35 was rescinded and all operating requirements for sources at facilities not subject to OAC Rule 3745-77 were incorporated into OAC Rule 3745-31.

15. On October 1, 2012, EPA approved the OAC Rule 3745-31, a Permits to Install and Operate Program, that combined Ohio EPA's permit to install and permit to operate into a single permit to install and operate, as part of the federally enforceable Ohio SIP. 77 Fed. Reg. 59751.

16. OAC Rule 3745-31-02(A) provides that no person shall cause, permit, or allow the installation of a new source of air pollutants without first obtaining a permit to install and operate from Ohio EPA.

17. 40 C.F.R. § 52.23 allows EPA to take enforcement action under Section 113 of the Act, 42 U.S.C. § 7413, when a person fails to comply with any provision of an EPA-approved SIP.

Ohio Title V Program

18. Title V of the Act, 42 U.S.C. §§ 7661-7661f, and its implementing regulations at 40 C.F.R. Part 70, establish an operating permit program for certain sources, including "major sources." The purpose of Title V is to ensure that nationwide, all applicable requirements are included in a single operating permit.

19. EPA fully approved the Ohio Title V program on August 15, 1995. 40 C.F.R. Part 70, Appendix A. Ohio's Title V program became effective on October 1, 1995. 60 Fed. Reg. 42045.

20. The Ohio regulations governing the Title V Permit Rules are codified at OAC Rule 3745-77 and are federally enforceable pursuant to Section 113(a)(3) of the Act.

21. OAC Rule 3745-77-02 requires a Facility to apply for a Title V Permit within 12 months of becoming subject to the Title V permitting requirements.

22. OAC Rule 3745-77-02(A) prohibits the operation of a source subject to the Title V operating permit program after the date that a timely and complete Title V permit application is required to be submitted, except in compliance with a Title V operating permit.

NESHAP

23. Under Section 112 of the CAA, U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Shipbuilding and Ship Repair at 40 C.F.R. §§ 63.780 through 63.789. The NESHAP for Shipbuilding and Ship Repair applies to building, repair, repainting, converting, or alteration of ships.

24. The NESHAP at 40 C.F.R. § 63.783, among other things, requires that all coating application to a ship be with an as-applied VOHAP content that does not exceed certain limits.

25. The NESHAP at 40 C.F.R. § 63.784 required each owner or operator of an existing source to comply within two years after the effective date of the subpart.

26. The NESHAP at 40 C.F.R. § 63.787, among other things, requires the submission of various notifications to EPA.

27. The NESHAP at 40 C.F.R. § 63.788, among other things, requires the maintenance and/or submittals of various records and reports to EPA.

28. Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(3), authorizes the Administrator of EPA (Administrator) to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of a SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

29. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), authorizes the Administrator of EPA to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the Act, a NESHAP regulation or any other rule promulgated, issued or approved under the Act.

30. The Administrator may assess a civil penalty of up to $37,500 per day of violation up to a total of $295,000 for SIP, NESHAP, or Title V violations that occurred after January 12, 2009 under Section 113(d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

31. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

32. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations and Alleged Violations

33. Superior owns and operates the Facilities including shipbuilding and ship repair operations at 95 Private Drive, Proctorville, Ohio and at 5852 County Road 1, South Point, Ohio (Facilities or, collectively, Facilities). More specifically, Superior builds, services, sandblasts, paints, and repairs marine vessels, navigational aids and marine equipment at the above locations.

34. Superior has owned and operated the Facilities since 1984.

35. On June 21 and June 22, 2010, the EPA representatives inspected the Facilities.

36. During the June 21 and June 22, 2010 inspection, the Facilities' representative told the EPA inspectors that Superior did not apply for any air permits from Ohio EPA for either Facility, and that Superior had not obtained any air permits from Ohio EPA for either Facility.

37. During the June 21 and June 22, 2010 inspection, the EPA inspectors observed evidence of abrasive blasting at exterior locations at the Facilities.

38. On April 19, 2012, EPA mailed an Information Request to the Facilities.

39. EPA received Superior's responses to the April 19, 2012 Information Request on June 21, 2012 and on October 19, 2012.

40. On June 24, 2013, EPA mailed a follow-up Information Request to the Facilities.

41. On July 9, 2013, EPA received Superior's Response to the June 24, 2013 Information Request.

42. Based on information collected during the June 21 and June 22, 2010 inspection, Superior's Information Request Responses received June 21, 2012, October 19, 2012, and July 9, 2013, EPA determined that Superior's abrasive blasting operations emitted particulate matter (PM) emissions to the air.

43. Based on information collected during the June 21 and June 22, 2010 inspection, Superior's Information Request Responses received June 21, 2012, October 19, 2012, and July 9, 2013, EPA determined that the potential-to-emit (PTE) for each facility is over the major source threshold of 25 tons of HAPs per year.

44. During the June 21 and June 22, 2010 inspection, the South Point and Proctorville Facilities' stated no reports, records or notifications had been provided to EPA or the Ohio EPA regarding the NESHAP for Shipbuilding and Repair.

45. Superior's Facilities each violated the Ohio SIP at OAC Rule 3745-31-02(A) by causing, permitting or allowing operation of air contaminant sources without applying for and obtaining from Ohio EPA, a permit to install and operate for air contaminant sources that emitted PM, HAPs and VOHAPS. The Ohio EPA issued final a Permit to Install to the South Point facility on March 9, 2015 (PTI P0117518) and a final Permit to Install to the Proctorville facility on June 18, 2015 (PTI P0117517).

46. Superior's Facilities failed to submit any Title V permit application for either Facility within 12 months of becoming subject to the Title V permitting requirements in violation of Sections 502, and 503 of the Act, 42 U.S.C. §§ 766la and 766lb and the regulations at 40 C.F.R. Part 70, including, but not limited to, 40 C.F.R. § 70.l(b).

47. Superior's Facilities failed to submit timely and complete Title V permit applications with information concerning all applicable requirements, including, but not limited to, each Facility's major source status for HAPs in violation of OAC Rule 3745-77-02 (A), Sections 502, 503, and 504 of the Act, 42 U.S.C. §§ 766la, 766lb, and 766lc; the regulations at 40 C.F.R. Part 70, including, but not limited to, 40 C.F.R. §§ 70.l(b), 70.5(a), (b) and (c), 70.6 and 70.7(b).

48. Superior's shipbuilding and ship repair operations at the Proctorville and South Point locations are major sources of HAPs that are subject to the NESHAP for Shipbuilding and Ship Repair at 40 C.F.R. §§ 63.780 through 63.789.

49. Superior's Facilities violated the NESHAP for Shipbuilding and Ship Repair by not submitting and/or maintaining various reports, records and notifications as required by NESHAP at 40 C.F.R. §§ 63.783, 63.787, and 63.788.

Civil Penalty

50. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case and Respondent's agreement to perform a supplemental environmental project, Complainant has determined that an appropriate civil penalty to settle this action is $41,000.00.

51. Within 30 days after the effective date of this CAFO, Respondent must pay the $41,000.00 civil penalty by Electronic Funds Transfer payable to "Treasurer, United States of America," and send to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state Respondent's name, the docket number of this CAFO and the billing document number;

for Automated Clearinghouse (ACH) also known as REX or remittance express ACH electronic funds transfer, payable to "Treasurer, United States of America," and send to:

US Treasury REX Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

52. Respondent must send a notice of payment that states Respondent's name, the docket number of this CAFO and the billing document number to EPA at the following addresses when it pays the penalty:

Attn: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Mary L. Fulghum (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

53. This civil penalty is not deductible for federal tax purposes.

54. If Respondent does not pay timely the civil penalty, or any stipulated penalties due under paragraph 72, below, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, nonpayment penalties and the United States enforcement expenses for the collection action under Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

55. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury Pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a

quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter. 42 U.S.C. § 7413(d)(5).

Supplemental Environmental Project

56. Respondent must complete a supplemental environmental project (SEP) designed to protect the public health by reducing PM emissions.

57. At its new South Point Blast and Paint Shop Building, Respondent must complete the SEP as follows, and as detailed in the attached Appendix A, which is incorporated by reference into this CAFO.

a. Install two dust collection intake plenums at one end of the building on either side.

b. Install a discharge plenum with 60 directional nozzles at the other end of the building including a 60,000 CFM make-up air unit.

c. Install two new 30,000 CFM cartridge-style dust collectors rated at 99+% particulate removal efficiency.

d. Not use Black Beauty as a blasting medium.

58. Within 30 days after the effective date of this CAFO, Respondent must apply to the Ohio EPA for a modification to the existing Permit to Install and Operate (P0117518) to incorporate terms and conditions applicable to the SEP. Respondent must submit a copy of its modification application to EPA within seven days of submitting the application to Ohio EPA.

59. Within 60 days of applying for the permit modification from Ohio EPA, Respondent must place an order for all equipment required for the SEP.

60. Within 270 days of obtaining a final permit modification from Ohio EPA for the SEP, Respondent must complete the SEP.

61. Respondent must spend at least $309,000 to purchase and install the equipment necessary for the SEP.

62. In the abrasive blasting process at its new South Point Blast and Paint Shop Building, Respondent must not use any abrasive that is more toxic or hazardous than steel shot blasting material. Respondent must use material data sheets to document the chemical's toxic and hazardous characteristics and total the percent toxics to make this determination.

63. Respondent must continuously use or operate two 30,000 cubic feet per minute dust collectors following their installation whenever the processes and/or activities in the new South Point Blast and Paint Shop Building are generating PM emissions.

64. Respondent certifies as follows:

> I certify that Superior Marine Ways, Inc.'s South Point facility is not required to perform or develop the SEP by any law, regulation, order, or agreement or as injunctive relief as of the date that I am signing this CAFO. I further certify that Superior Marine Ways, Inc. has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.
>
> I certify that Superior Marine Ways, Inc. is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. I further certify that, to the best of my knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

65. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

66. Respondent must maintain copies of the underlying research and data for all reports submitted to EPA pursuant to the CAFO. Respondent must provide the documentation of any underlying research and data to EPA within seven days of EPA's request for the information.

67. Respondent must submit a SEP completion report to EPA within 30 days of completing the SEP as detailed in Appendix A. This report must contain the following information:

a. Detailed description of the SEP as completed;

b. Description of any operating problems and the actions taken to correct the problems;

c. Itemized cost of goods and services used to complete the SEP, documented by copies of invoices, purchase orders or canceled checks that specifically identify and itemize the individual cost of the goods and services;

d. Certification that Respondent has completed the SEP in compliance with this CAFO; and

e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

68. Respondent must submit all notices and reports required by this CAFO by first class mail to the Compliance Tracker in the Air Enforcement and Compliance Assurance Branch at the address provided in paragraph 52, above.

69. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

> I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know

that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

70. Following receipt of the SEP completion report described in paragraph 67, above, EPA must notify Respondent in writing that:

a. It has satisfactorily completed the SEP and the SEP report;

b. There are deficiencies in the SEP as completed or in the SEP report and EPA will give Respondent 30 days to correct the deficiencies; or

c. It has not satisfactorily completed the SEP or the SEP report and EPA will seek stipulated penalties under paragraph 72.

71. If EPA exercises option b, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, EPA will give Respondent a written decision on its objection. Respondent will comply with any requirement that EPA imposes in its decision. If Respondent does not complete the SEP as required by EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 72, below.

72. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO, including the schedule in paragraphs 58 through 60 and 67, Respondent must pay a penalty of $81,000.

b. If Respondent did not complete the SEP satisfactorily, but EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 61, Respondent will not be liable for any stipulated penalty under subparagraph a, above.

c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 61, Respondent must pay a penalty of $20,000.

d. If Respondent did not submit timely the SEP completion report or any other information required by paragraph 67, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

Penalty per violation per day	Period of violation
$100	1st through 14th day
$500	15th through 30th day
$1000	31st day and beyond

73. EPA's determinations of whether Respondent satisfactorily completed the SEP and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

74. Respondent must pay any stipulated penalties within 15 days of receiving EPA's written demand for the penalties. Respondent will use the method of payment specified in paragraph 1, above, and will pay interest and nonpayment penalties on any overdue amounts.

75. Any public statement that Respondent makes referring to the SEP must include the following language, "Superior Marine Ways, Inc. undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Superior Marine Ways, Inc. for violations of the Ohio SIP (OAC Rule 374531, OAC Rule 3745-35), Ohio Title V Rule (OAC Rule 3745-77-03 (F)) and the NESHAP for shipbuilding and repair (40 C.F.R. §§ 63.780 through 63.789).

76. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

a. Respondent must notify EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay

and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.

b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.

c. If EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.

d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

77. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any cost or expenditures incurred in performing the SEP.

General Provisions

78. Consistent with the "Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the Consolidated Rules," dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: Fulghum.mary@epa.gov (for Complainant), and whayes@fbtlaw.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

79. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in EPA's Notice of Violation/Finding of Violation issued March 30, 2014.

80. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

81. This CAFO does not affect Respondent's responsibility to comply with the CAA and other applicable federal, state and local laws. Except as provided in paragraph 80, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

82. Respondent certifies that it is on a schedule to achieve compliance with the Ohio SIP (OAC Rule 3745-31), Ohio Title V Rule (OAC Rule 3745-77) and the NESHAP for Shipbuilding and Repair (40 C.F.R. §§ 63.780 through 63.789) by no later than October 1, 2015. In order to achieve and maintain compliance, Respondent has agreed to the terms of an administrative compliance order under Section 113(a) of the CAA signed by the Respondent on the same date Respondent signs this CAFO.

83. This CAFO constitutes an "enforcement response" as that term is used in EPA's Clean Air Act Stationary Source Civil Penalty Policy to determine Respondent's "full compliance history" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

84. The terms of this CAFO bind Respondent, its successors and assigns.

85. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

86. Each party agrees to bear its own costs and attorneys' fees in this action.

87. This CAFO constitutes that entire agreement between the parties.

Superior Marine Ways, Inc., Respondent

7-27-15
Date

Robert McCune, President
Superior Marine Ways, Inc.

United States Environmental Protection Agency, Complainant

8/13/15

Date

George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

Final Order

This Consent Agreement and Final Order, as agreed to by parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

14 August 2015
Date

Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

Appendix A
Supplemental Environmental Project

Superior Marine Ways (Superior) shall spend at least $309,000 and shall comply with the requirements of this Appendix to implement and secure the environmental benefits of the Supplemental Environmental Project described below.

Baghouse Project in the New South Point Blast and Paint Building

The project will involve installing two large intake plenums at one end of the building drawing air the entire length of the building. Each plenum will be vented to its own 30,000 CFM cartridge style dust collector/baghouse rated at 99%+ particulate matter (PM) removal efficiency. There will be a discharge plenum at the other end of the building with directional nozzles focusing the air to eliminate any uneven airflow. The discharge plenum will consist of a 60,000 CFM makeup air unit which will direct air through an array of directional nozzles. The array is 66 feet wide and 20 feet long consisting of 60 directional nozzles. The directional nozzles will be positioned in such a way as to optimize the airflow to maximize the PM capture. Additionally, a curtain or a series of curtains will be installed on a track on either side of the barge. The curtain or series of curtains will be positioned to sufficiently cover the area where the operators are sandblasting and aid in PM capture. The estimated cost of this SEP is $397,000.

The system will operate to create even air flow from one end of the building to the other effectively moving the dust into the filters. In addition to the dust collection system Superior will utilize a blasting system in the new Blast and Paint Building to utilize reusable blasting abrasive that will be recovered and reused rather than disintegrate upon impact as Black Beauty does. The reusable abrasive remains intact and able to reuse after being recovered and cleaned. Superior agrees to not use Black Beauty blast media in the new Blast and Paint Building, and not to use any alternative media that is more toxic than steel shot. The PM emissions generated are primarily from the scale (rust) on the work surface and not the disintegration of the abrasive.

In the matter of:
Docket Number: **CAA-05-2015-0052**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing ***Consent Agreement and Final Order***, which was filed on August 18, 2015, in the following manner to the addressees:

Copy by Certified Mail
Return-receipt:

Robert McCune, President
Superior Marine Ways, Inc.
5852 County Road 1
South Point, Ohio 45669

Copy by E-mail to
Attorney for Complainant:

Mary Fulghum
fulghum.mary@epa.gov

Copy by E-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated: August 18, 2015

LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER(S): 7011 1150 0000 2640 4987