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SHORT FORM CONSENT ORDER

June 27, 2024

Gulf Marine Repair Corporation
Richard T. McCreary, President
1800 Grant Street
Tampa, FL 33605

SUBJECT: Environmental Protection Commission vs. Gulf Marine Repair Corporation
EPC File No.: 23-1108FA0442
Ship Repair Facility – 1800 Grant Street, Tampa, Florida
Air Permit No. 0570442-022-AV

Mr. McCreary:

The Environmental Protection Commission of Hillsborough County (“EPC”) finds that Gulf Marine Repair Corporation (“Respondent”) which owns and/or operates a ship repair facility located at 1800 Grant Street, Tampa, FL (“Facility”) that is currently operating under Air Permit No. 0570442-022-AV (“Permit”), violated the following:

- (1) Poor operation and maintenance of the emission control system associated with the Blasting/Coating Booth (identified as Emission Unit 008 or “EU008” in the Permit). The baghouse intakes in the blasting booth were partially blocked, and the differential pressure of the baghouse was higher than the pressure range specified by the Permit’s Operation and Maintenance (“O&M”) Plan (0-6” Water). This is in violation of Specific Condition B.3, and Condition TV3 of Appendix TV, of the Permit; Sections 62-4.160(6) and 62-210.700(1), F.A.C.; and Sections 1-3.21(3) and 1-3.25(2), Rules of the EPC.
- (2) Failure to conduct required weekly and annual inspections of the abrasive blasting control system of EU008 since December of 2021. This is in violation of Specific Condition No. B.3 and Appendix O&M of the Permit; and Section 1-3.21(3), Rules of the EPC.
- (3) Failure to perform required annual Visible Emissions (“VE”) tests for 2022. This is in violation of Specific Condition B.15, and Condition TR7 of Appendix TR, of the Permit; Section 62-297.310(8)(a), F.A.C.; and Section 1-3.21(3), Rules of the EPC.

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- (4) Failure to conduct daily 12-minute VE observations during blasting operations since March of 2022. This is in violation of Specific Conditions B.12 and B.14 of the Permit; and Section 1-3.21(3), Rules of the EPC.
- (5) Failure to maintain records of daily VE observations during blasting operations from December 2021 through March 2022. This is in violation of Specific Condition No. B.25.E) of the Permit; and Section 1-3.21(3), Rules of the EPC.
- (6) Failure to timely submit VE test reports from VE testing performed in December 2023. This is in violation of Specific Condition B.17, and Condition TR9 of Appendix TR, of the Permit; Section 62-297.310(10)(a), F.A.C.; and Section 1-3.21(3), Rules of the EPC.

These findings were documented on November 8, 2023, during a site inspection and subsequent review of records associated with the Permit requirements. The EPC issued the Respondent Warning Notice No. 2023-0209 on November 14, 2023, and a subsequent Notice of Intent to Initiate Enforcement (NOI) dated April 5, 2024. In a written response to the NOI dated April 15, 2024, the Respondent summarized the following corrective actions for EPC's consideration and as resolution to the cited violations:

- (1) Established a training program for all HSE personnel regarding the regulatory requirements of the facility's Title V permit and other areas of environmental compliance.
- (2) Assigned the facility's HSE department responsibility for daytime blasting operations; resumed VE testing; and established the use of the facility's blasting contractor's activity forecast to schedule VE observations for upcoming blasting dates.
- (3) Expanded the facility's "EHS Insight" software system to:
 - a. track and manage environmental compliance tasks including weekly and annual VE checks, monthly and annual baghouse inspections and preventative maintenance, and weekly and annual abrasive blasting control system inspections;
 - b. issue routine and escalating compliance scheduling notifications/alerts to responsible parties and HSE management;
 - c. serve as a repository for HSE department's VE Test Reporting Log; and
 - d. include system access by all HSE personnel to ensure appropriate coverage during employee absences.
- (4) Hired a third-party VE certification company, Whitlow Green, on July 12, 2023, to provide Method 9 training and certification to all Gulf Marine HSE personnel; recertification was performed on January 31, 2024.
- (5) Updated recordkeeping practices for maintaining completed VE test reports.
- (6) Ordered baghouse filters and replacement parts and conducted the annual PM inspection for EU008 on December 7, 2023; resumed weekly inspections of the abrasive blasting control system on November 28, 2023; and performed an annual inspection on December 7, 2023.
- (7) Expanded facility's inspection and scheduled preventative maintenance reporting log to capture all process parameter checks and inspections at the required frequencies.

EPC finds there are no additional actions required to correct the violations. However, the Respondent remains subject to civil penalties resulting from the violations. The Respondent is also responsible for costs incurred by the EPC during the investigation of this matter.

The EPC's Offer

Based on the violations described above, the EPC offers this Short Form Consent Order (“SFCO”) and is seeking \$ 15,225.00 in civil penalties and \$ \$660.00 for costs and expenses the EPC has incurred in investigating this matter, which amounts to a total of **\$15,885.00**. The settlement terms are further detailed below.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it by July 12, 2024, to Jeff Sims of the EPC Air Division at 3629 Queen Palm Drive, Tampa, FL, 33619. The EPC will then countersign it, file it with a designated Clerk of the EPC, and mail or e-mail Respondent a copy. Once the document is filed with the designated clerk (effective date), it will constitute a final order of the EPC pursuant to Section 120.52(7), F.S., and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S., and the attached Notice of Rights.

By accepting this offer you, Richard T. McCreary, or other Respondent designee signing below:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.;
- (4) acknowledge this SFCO does not relieve Respondent of the need to comply with other applicable federal, state or local laws, and the EPC does not waive its right to enforce, prevent, or prohibit violations not here addressed. This is final agency action pursuant to Chapter 120, F.S., and thus it may be challenged by affected persons. Except to the extent of proving compliance with this SFCO, the Respondent waives its right to petition, appeal, or request any other judicial review of this agency action in any court of competent jurisdiction, including but not limited to administrative, county, circuit, or appellate courts; and
- (5) acknowledge that payment of the above amount does not constitute a waiver of the EPC's right, if any, to recover emergency response related costs and expenses for this matter.

The EPC acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

Respondent's Performance

After signing and returning this document to the EPC,

- (1) Respondent must pay the EPC **\$15,885.00** in full within 15 days of the effective date of this SFCO.

(2) Respondent shall make all payments required by this SFCO by check or money order. Check or money order shall be made payable to the "**Environmental Protection Commission**" and shall reference this SFCO and the case number above. All payments shall be mailed to 3629 Queen Palm Drive, Tampa, Florida 33619 in care of Jeff Sims in the Air Division. If Respondent fails to timely make an agreed payment or if the Respondent files for bankruptcy, Respondent shall notify EPC immediately and any unpaid balance will become immediately due and owing.

The EPC may enforce the terms of this SFCO, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S. This mutually agreed upon SFCO is authorized pursuant to the EPC Act, Chapter 403, F.S., and an interagency agreement with the Florida Department of Environmental Protection (DEP) authorizing the EPC to act on the DEP's behalf.

Until clerked by the EPC, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the EPC, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this SFCO will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the EPC.

Please be aware that if the Respondent declines to respond to the EPC's offer, the EPC will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Jeff Sims at (813) 627-2600 or at SimsJ@epchc.org.

Sincerely,

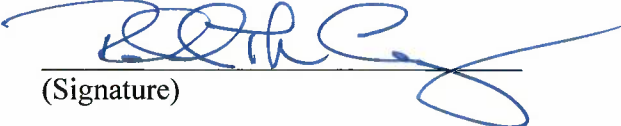
Diana Lee

Diana M. Lee, P.E.
Director, Air Division

FOR THE RESPONDENT:

GULF MARINE REPAIR CORPORATION

Date 7/1/24

By: 
(Signature)

Name: *Richard T. McCreary*

Title: *President*

FOR EPC USE ONLY

DONE AND ORDERED this _____ day of _____, 2024,
in Hillsborough County, Florida.

ENVIRONMENTAL PROTECTION COMMISSION OF
HILLSBOROUGH COUNTY

Janet D. Lorton
Executive Director

Filed, on this date, pursuant to section 120.52, F.S., with the designated EPC Clerk, receipt of which is hereby acknowledged.

Clerk

Date

Attachments: Notice of Rights

Final clerked copy furnished to:
Jeff Sims, Air Division, EPC
Richard T. McCreary, Gulf Marine Repair

FOR THE RESPONDENT:

GULF MARINE REPAIR CORPORATION

_____ By: _____
Date (Signature)
Name: *Richard T. McCreary*
Title: *President*

FOR EPC USE ONLY

DONE AND ORDERED this 9th day of July, 2024,
in Hillsborough County, Florida.

ENVIRONMENTAL PROTECTION COMMISSION OF
HILLSBOROUGH COUNTY

Diana Lee

Diana M. Lee, P.E.
Director, Air Division

Filed, on this date, pursuant to section 120.52, F.S., with the designated EPC Clerk, receipt of which is hereby acknowledged.

Sahand Nasseri *7/9/2024*

Clerk Date

Attachments: Notice of Rights

Final clerked copy furnished to:
Jeff Sims, Air Division, EPC
Richard T. McCreary, Gulf Marine Repair

NOTICE OF RIGHTS

Persons who are not parties to this Short Form Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes (unless previously waived). Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the EPC's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known; the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;

(b) an explanation of how the petitioner's substantial interests will be affected by the Consent Order;

(c) A statement of when and how the petitioner received notice of the Consent Order;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the Consent Order;

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the Consent Order.

The petition must be filed (received) at the EPC's Legal Department, 3629 Queen Palm Drive, Tampa, Florida 33619 **or via electronic mail at legalclerk@epchc.org or via facsimile at (813) 627-2602** within 21 days of receipt of this notice. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.