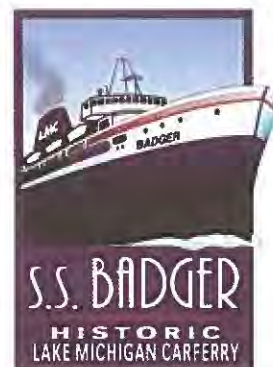


US EPA ARCHIVE DOCUMENT

May 21, 2014



**VIA FIRST CLASS U.S. MAIL AND E-MAIL**  
**Attachments Contain Confidential Business Information**

Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611, Ben Franklin Station  
Washington, D.C. 20044-7611

Director, Water Enforcement Division  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
Mail Code 2243A  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Director, Water Division  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Blvd. (W-15J)  
Chicago, IL 60604

Re: *United States v. Lake Michigan Trans-Lake Shortcut, Inc., d/b/a Lake Michigan Carferry Service and S.S. Badger*, No. 1:13-cv-317, DOJ Case No. 90-5-1-1-10771 (W.D. Mich.)

Dear Sir or Madam:

Enclosed herein, please find a courtesy copy of the Certificate of Inspection and boiler control system approval issued to Lake Michigan Carferry ("LMC") by the United States Coast Guard and American Bureau of Shipping ("ABS"), respectively, on May 14, 2014. These documents authorize LMC to operate the Badger with the new combustion control technology installed. The combustion control technology has been engineered, designed, and installed by LMC, and approved by ABS, in an ongoing process over the Badger's 2013-2014 off-season. Copies of LMC's applications to the ABS seeking review of the combustion control technology were provided to you pursuant to Paragraph 30 of the Consent Decree in *United States v. Lake Michigan Trans-Lake Shortcut, Inc., d/b/a Lake Michigan Carferry Service and S.S. Badger*, Civil Action No. 13-00317 (W.D. Mich. entered into Oct. 10, 2013), on November 19, 2013 (<http://www.epa.gov/Region5/water/npdestek/badger/pdfs/20131113-LMC-EPA-application->

[docs-bureau-shipping.pdf](#)), February 25, 2014  
(<http://www.epa.gov/Region5/water/npdestek/badger/pdfs/letter-lmc-to-epa-re-coastguard-schedule.pdf>), March 13, 2014 (<http://www.epa.gov/Region5/water/npdestek/badger/pdfs/2014-3-13-letter-from-lmc-to-epa.pdf>), and April 9, 2014  
(<http://www.epa.gov/Region5/water/npdestek/badger/pdfs/2014-4-9-lmc-letter-epa-sailingupdate.pdf>). The combustion control technology is designed to help the Badger meet the interim effluent limits set forth in Appendix A to the Consent Decree and is necessary before final design and installation of the ash retention system could commence.

Please do not hesitate to contact me if you have questions or require additional information.

Very truly yours,



Charles R. Leonard  
Vice-President, Navigation  
Lake Michigan Carferry Service

Attachments



United States of America  
Department of Homeland Security  
United States Coast Guard

Certification Date: 14 May 2014  
Expiration Date: 14 May 2015  
IMO Number: 5033583

# Certificate of Inspection

For ships on international voyages this certificate fulfills the requirements of SOLAS 74 as amended, regulation V/14, for a SAFE MANNING DOCUMENT.

Vessel Name <b>BADGER</b>	Official Number <b>265156</b>	Call Sign <b>WBD4889</b>	Service <b>Passenger (Inspected)</b>
Hailing Port <b>LUDINGTON MI</b>	Hull Material <b>Steel</b>	Horsepower <b>7000</b>	Propulsion <b>Steam Reciprocating</b>
Place Built <b>STURGEON BAY, WI, UNITED STATES</b>	Delivery Date <b>15Dec1953</b>	Date Keel Laid	Gross Tons <b>R-4244</b>
			Net Tons <b>R-2033</b>
			DWT <b>6650</b>
			Length <b>R-393.7</b>

Owner <b>LAKE MICHIGAN TRANS-LAKE SHORTCUT 701 MARITIME DR PO BOX 708 LUDINGTON, MI 49431 UNITED STATES</b>	Operator <b>LAKE MICHIGAN CARFERRY TERMINAL 701 MARITIME DRIVE LUDINGTON, MI 49431 UNITED STATES</b>
--	---

**This vessel must be manned with the following licensed and unlicensed personnel. Included in which there must be 22 certified lifeboatmen, 0 certified tankermen, 0 HSC type rating, and 0 GMDSS Operators.**

0 Master	1 Master & 1st Class pilot	0 Radio Officer(s)	1 Chief Engineer	3 QMED/Rating
0 Chief Mate	0 Mate & 1st Class Pilot	6 Able Seamen/ROANW	1 1st Asst. Engr/2nd Engr.	3 Oilers
0 2nd Mate/OICNW	3 Lic. Mate/OICNW	3 Ordinary Seamen	1 2nd Asst. Engr/3rd Engr.	1 PATROLMAN*
0 3rd Mate/OICNW	0 1st Class Pilot	0 Deckhands	1 3rd Asst. Engr.	3 WATERTENDER
			0 Lic. Engr.	

In addition, this vessel may carry 600 passengers, 53 other persons in crew, 0 persons in addition to crew, and no others.  
Total persons allowed: 680

Route Permitted and Conditions of Operation:

**---Great Lakes---**

WHEN THE VESSEL IS AWAY FROM A DOCK OR HAS PASSENGERS ON BOARD, OR BOTH, FOR NOT MORE THAN 16-HOURS IN ANY 24-HOUR PERIOD, THE VESSEL SHALL BE OPERATED WITH, AT MINIMUM, THE FOLLOWING CREW:

1-MASTER	1-CHIEF ENGINEER	2-WATERTENDERS
2-MATES	1-1ST ASS'T ENGINEER	2-OILERS
4-ABLE SEAMEN	1-2ND/3RD ASS'T ENGINEER	1-PATROLMAN*
2-ORDINARY SEAMEN	2-FIREMEN/WATERTENDERS	

AT LEAST TWENTY-TWO (22) CERTIFICATED LIFEBOATMEN MUST BE INCLUDED IN THE VESSEL'S CREW. A

**\*\*\*SEE NEXT PAGE FOR ADDITIONAL CERTIFICATE INFORMATION\*\*\***

With this Inspection for Certification having been completed at Ludington, MI, the Officer in Charge, Marine Inspection, Sector Lake Michigan certified the vessel, in all respects, is in conformity with the applicable vessel inspection laws and the rules and regulations prescribed thereunder.

Annual/Periodic/Quarterly Reinspections				This certificate issued by:  <b>M. C. FARRELL CDR, USCG, BY DIRECTION</b> Officer in Charge, Marine Inspection Sector Lake Michigan Inspection Zone
Date	Zone	A/P/Q	Signature	
-	-	-	-	
-	-	-	-	
-	-	-	-	



# Certificate of Inspection

Certification Date:  
14May2014

BADGER

MAXIMUM OF SIX (6) PERSONS PRACTICED IN THE HANDLING AND OPERATION OF LIFERAFTS, AS DESCRIBED IN 46 CFR 199.100, MAY SUBSTITUTE FOR SIX (6) OF THE TWENTY-TWO (22) REQUIRED CERTIFICATED LIFEBOATMEN.

WHEN THE VESSEL IS AWAY FROM A DOCK OR HAS PASSENGERS ON BOARD, OR BOTH, FOR NOT MORE THAN 8-HOURS IN ANY 24-HOUR PERIOD, THE VESSEL SHALL BE OPERATED WITH, AT MINIMUM, THE FOLLOWING CREW:

- |                   |                       |               |
|-------------------|-----------------------|---------------|
| 1-MASTER          | 1-CHIEF ENGINEER      | 1-WATERTENDER |
| 1-MATE            | 1-1ST ASS'T ENGINEER  | 1-OILER       |
| 2-ABLE SEAMEN     | 1-FIREMEN/WATERTENDER | 1-PATROLMAN*  |
| 1-ORDINARY SEAMAN |                       |               |

WHEN THE VESSEL IS OPERATING IN PORT IN LUDINGTON, MI, AS A "BED AND BREAKFAST" OPERATION CARRYING PASSENGERS OVERNIGHT AT THE DOCK, THE VESSEL SHALL BE OPERATED WITH, AT MINIMUM, THE FOLLOWING CREW:

- |                           |                            |
|---------------------------|----------------------------|
| 1 - MASTER                | 1 - CHIEF ENGINEER         |
| 1 - MATE                  | 1 - 1ST ASSISTANT ENGINEER |
| 2 - ABLE SEAMEN           | 1 - OILER                  |
| 1 - ORDINARY SEAMAN       | 1 - FIREMAN                |
| 3 - OTHER PERSONS IN CREW | 1 - WATERTENDER            |
|                           | 1 - PATROLMAN*             |

AT LEAST FOUR (4) CERTIFICATED LIFEBOATMEN MUST BE INCLUDED IN THE VESSEL'S CREW.

\* THE PATROLMAN IS REQUIRED ONLY BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M. WHEN PASSENGERS ARE ON BOARD.

WHEN NO PASSENGERS ARE ABOARD THE VESSEL AND THE TOTAL NUMBER OF PERSONS ONBOARD IS FIFTY (50) OR FEWER, AT LEAST FIVE (5) CERTIFICATED LIFEBOATMEN MUST BE INCLUDED IN THE VESSEL'S CREW.

ONE APPROVED CHILD SIZE LIFE PRESERVER SHALL BE PROVIDED FOR EACH PASSENGER WEIGHING LESS THAN NINETY (90) POUNDS. A MINIMUM OF SIXTY-EIGHT (68) CHILD-SIZED LIFE PRESERVERS SHALL BE CARRIED AT ALL TIMES.

BOILERS MAY NOT BE OPERATED ABOVE SEVEN HUNDRED (700) DEGREES FAHRENHEIT OF STEAM TEMPERATURE DUE TO DESIGN OF THE MAIN STEAM STOP VALVES.

Overnight accommodations for 48 passengers.

**---Hull Exams---**

Exam Type	Next Exam	Last Exam	Prior Exam
Drydock	31Oct2014	07Oct2009	28Oct2003
Internal Structure	31Oct2014	07Oct2009	28Oct2003

**---Stability---**

Letter                      Approval Date / 15Aug2011                      Office/ CG MSC

**---Inspection Status---**



# Certificate of Inspection

Certification Date:  
14May2014

BADGER

**\*Boilers/Steam Piping\***

Maximum Steam Pressure Allowed/500

Boiler/Piping ID	Hydro/Previous	Hydro/Last	Hydro/Next	Mounts Opened	Mounts Removed
FP12636	18Apr2013	24Apr2014	24Apr2017	29Mar2012	13Nov2006
FS12641	18Apr2013	24Apr2014	24Apr2017	29Mar2012	13Nov2006
AS12635	18Apr2013	24Apr2014	24Apr2017	29Mar2012	13Nov2006
AP12642	18Apr2013	24Apr2014	24Apr2017	29Mar2012	13Nov2006

Boiler/Piping ID	Fireside			Waterside		
	Previous	Last	Next	Previous	Last	Next
FP12636	18Apr2013	24Apr2014	24Apr2017	09Oct2009	29Mar2012	09Oct2014
FS12641	18Apr2013	24Apr2014	24Apr2017	09Oct2009	29Mar2012	09Oct2014
AS12635	18Apr2013	24Apr2014	24Apr2017	09Oct2009	29Mar2012	09Oct2014
AP12642	18Apr2013	24Apr2014	24Apr2017	09Oct2009	29Mar2012	09Oct2014

**\*Pressure Vessels\***

Type	Location	Previous	Last	Next
Other	BOILER ROOM	17Apr2008	05Apr2011	05Apr2016
Air Receiver	BOILER ROOM	17Apr2008	05Apr2011	05Apr2016
Air Receiver	CAR DECK	17Apr2008	05Apr2011	05Apr2016
Air Receiver	BOILER ROOM	17Apr2008	05Apr2011	05Apr2016
Other	CAR DECK	17Apr2008	05Apr2011	05Apr2016
DC Heater	ENGINE ROOM	17Apr2008	05Apr2011	05Apr2016
Other	ENGINE ROOM	17Apr2008	05Apr2011	05Apr2016

**\*Lifesaving\***

Number of Davits/6

Lifeboat/Raft ID	Full Wgt Test	Light Wgt Test	Falls Rnwd	Falls End/End
1	24Jun2013	08Aug2013	08Apr2003	08Apr2010
4	02May2013	08Aug2013	30Apr2006	27Apr2009
3	24Jun2013	24Jun2013	08Apr2008	20May2011
2	02May2013	08Aug2013	02May2013	02May2013
5	24Jun2013	08Aug2013	08Apr2009	16Apr2012
6	02May2013	08Aug2013	08Apr2005	01Apr2008

**---Lifesaving Equipment---**

	Number	Persons		Required
Total Equipment for		680	Life Preservers(Adult)	680
Lifeboats(Total)	5	300	Life Preservers(Child)	68
Lifeboats(Port)*	2	120	Ring Buoys(Total)	18
Lifeboats(Starbd)*	3	180	With Lights*	9
Motor Lifeboats*	0	0	With Line Attached*	2
Lifeboats W/Radio*	0	0	Other*	7
Rescue Boats/Platforms	1	15	Immersion Suits	18
Inflatable Rafts	8	400	Portable Lifeboat Radios	0
Life Floats/Buoyant App	0	0	Equipped with EPIRB?	Yes
Inflatable Bouyant App(IBA)	0	0	(* included in totals)	

**---Fire Fighting Equipment---**

Number of Fireman Outfits/ 0

Number of Fire Pumps/ 3

\*Hose information\*



Department of Homeland Security  
United States Coast Guard

# Certificate of Inspection

Certification Date:  
14May2014

BADGER

Qty	Diameter	Length
12	1.5	75
9	2.5	50
25	1.5	50

**\*Fixed Extinguishing Systems\***

Capacity	Agent	Space Protected
	Water Spray	Crew, pax & public spaces
	Water Spray	Car deck
	Water Mist	E/R Paint locker

**\*Fire Extinguishers - Hand portable and semi-portable\***

Qty	Class Type
29	B-I
18	B-II
4	C-I
3	C-II

\*\*\*END\*\*\*



MFA  
OPN-3221162  
T1193323

14 May 2014

**"BADGER" ABSID 5300348**  
Christy Corporation Hull 370  
120MX18X7M Passenger & Vehicle Ferry  
A1, E, AMS  
Boiler Control System - Upgrade  
Drawings as per attached sheet  
Comments response  
P.O.# BAD030714



Attention: 

Gentlemen:

We have received your e-mailed letter dated 8 May 2014 in response to the comments of our letter dated 30 April 2014 (MFA/Task T1183446) regarding above subject and with regard thereto, we advise as follows:

**E-001 & E-007:** Comments resolved based on the "Independent Manual Control", "Boiler Control" and manually controlled "Boiler Protection System", as explained in your e-mail dated 24 April 2014, justifying the compliance of Section 8, 10, 11 of the ABS Guide for Ships Burning Coal. This is to be incorporated in the "Operating and Maintenance Manual" and submitted to this office for our records and files.

**E-002;** It is note that the control cables is not within the scope of your supply. Please advise the C/E of the vessel to submit the control cables data to this office for our records and files. We note the Surveyor will verify marine construction standard.

**E-004:** VFD Controller's local disconnects is to be verified by the attending Surveyor.

**E-006:** Comment resolved based on the revised power distribution drawings submitted.

This concludes the design review of the subject Boiler Control System upgrade.





*MFA*  
*OPN: 3221162*  
*Task No.: T1193323*

14 May 2014

An electronic copy of the drawing appropriately stamped to indicate our review is available through the ABS Eagle Construct Engineering Manager (O2E) Web Portal.

An invoice to cover the cost of our design review will be sent under separate cover. Please forward your remittance as per instructions on the invoice.

If you have any questions or if we may be of further assistance please do not hesitate to contact the our Mr. Mohammad Ahmed at (281) 877-6479 or the undersigned at (281) 877-6408.

Very truly yours:

Matthew D. Tremblay  
Vice President of Engineering  
ABS Americas

By:   
Henry Robles  
Principal Engineer  
Ship Engineering Department

cc: ABS New York/New Jersey

US EPA ARCHIVE DOCUMENT