

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: April 5, 2019

Public Notice Number: PN2019-0002

Comment Period: April 8, 2019 – May 7, 2019

Action: Notice of Proposed Assessment of Class II Civil Penalty and Notice of Opportunity for a Hearing under Sections 309(g) of the Clean Water Act (CWA)

Under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), the United States Environmental Protection Agency (EPA) is authorized to assess a civil penalty, after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. In Class II proceedings under Section 309(g)(2)(B), any person who violates certain provisions of the CWA may be administratively assessed a civil penalty of up to \$21,933 per day per violation for each day during which the violation continued, up to a maximum of \$274,159. Proceedings are conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," at 40 C.F.R. Part 22 (Part 22).

The procedures by which the public may submit written comments on a proposed penalty order or participate in a penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed penalty order is 30 days after issuance of the public notice.

Pursuant to CWA, Sections 309(g), EPA is providing public notice of the following proposed administrative penalty assessment:

Name of Case: In the Matter of Ryan Marine Services, Inc.

Name and Mailing Address of Respondent:

Ryan Marine Services, Inc.
16 Lincoln Avenue
Marblehead, MA 01945

Name and Address of Facility or Site Addressed by Agreement:

Ryan Marine Services, Inc.
16 Lincoln Avenue
Marblehead, MA 01945

Description of Business or Activity Conducted by Respondent:

Respondent owns and operates a boat and engine repair and storage facility. Some services it provides are sanding with a dustless sander, waxing, woodwork, painting, and pressure bottom washing.

Description of Violation(s) Alleged in Agreement:

EPA alleges that: (1) from September 2, 2015 to February 10, 2019, Respondent discharged stormwater associated with industrial activity into navigable waters of the United States without an individual permit or coverage under the 2015 National Pollutant Discharge Elimination System (“NPDES”) Stormwater Multi-Sector General Permit for Industrial Activities (“2015 MSGP”), in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a) and 40 C.F.R. Part 122, and (2) during certain time frames within the past five years, Respondent discharged process wastewaters associated with industrial activity into navigable waters of the United States without an individual permit in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

Proposed Settlement Penalty: \$20,000

Docket Number: CWA-01-2019-0011

Date Filed with Regional Hearing Clerk: N/A

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square - Suite 100
Mail Code: ORC04-6
Boston, Massachusetts 02109-3912
(617) 918-1113

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review the proposed agreement or other documents filed by the parties in this proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held, should contact the Regional Hearing Clerk identified above. Unless otherwise noted, the public record for the proceeding is located in the EPA Regional Office at 5 Post Office Square, Boston, Massachusetts, and the file will be open for public inspection during normal business hours.

Because this matter involves a CWA, Section 309(g) proceeding that is proposed to be simultaneously commenced and settled under 40 C.F.R. § 22.13(b), this matter will not be resolved or settled until ten (10) days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b) and (c).