



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

September 24, 2018

BY HAND

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100; Mail Code ORC04-6
Boston, MA 02109-3912

RECEIVED

SEP 24 2018

EPA ORC
Office of Regional Hearing Clerk

Re: *In the Matter of Martha's Vineyard Shipyard, Inc.*, Docket No. CWA-01-2018-0066

Dear Ms. Santiago:

Enclosed are an original and one copy of the Complaint and Certificate of Service for filing with respect to the above-captioned matter.

Kindly file the documents in the usual manner. Thanks very much for your help.

Sincerely,

A handwritten signature in blue ink, reading "Christine M. Foot".

Christine M. Foot
Enforcement Counsel

Enclosures

cc: Phillip Hale, Martha's Vineyard Shipyard, Inc.
Solanch Pastrana-Del Valle, EPA Region 1

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

IN THE MATTER OF

MARTHA'S VINEYARD SHIPYARD, INC.
164 Beach Road
Vineyard Haven, MA 02568

Respondent.

Proposing to Assess a Civil Penalty Under
Sections 309(g) and 311(b)(6) of the Clean
Water Act, 33 U.S.C. §§ 1319(g) and 1321(b)(6)

Docket No. CWA-01-2018-0066

**COMPLAINT AND NOTICE OF
OPPORTUNITY FOR HEARING**

RECEIVED

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EPA ORC
Office of Regional Hearing Clerk

I. STATEMENT OF AUTHORITY

1. This administrative Complaint and Notice of Opportunity for Administrative Hearing ("Complaint") is issued to Martha's Vineyard Shipyard ("Respondent" or "MV Shipyard") pursuant to Sections 309(g) and 311(b)(6) of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1319(g) and 1321(b)(6), as amended by the Oil Pollution Act of 1990, and 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. The Complainant is the Director, Office of Environmental Stewardship, United States Environmental Protection Agency, Region 1 ("EPA").

2. Pursuant to Sections 309(g) and 311(b)(6) of the CWA, 33 U.S.C. §§ 1319(g) and 1321(b)(6), and in accordance with the Consolidated Rules of Practice, Complainant hereby provides notice of a proposal to assess a civil penalty against Respondent for the following violations of the CWA: 1) discharging stormwater not in compliance with the terms and conditions of a National Pollutant Discharge Elimination System ("NPDES") permit; and 2) failing to develop and implement a Spill Prevention Control and Countermeasure ("SPCC")

Plan in accordance with the Oil Pollution Prevention regulations set forth at 40 C.F.R. Part 112, promulgated under the authority of Section 311(j) of the CWA, 33 U.S.C. § 1321(j).

II. STATUTORY AND REGULATORY AUTHORITY

Discharge of Pollutants

3. The CWA is designed to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Section 101(a) of the CWA, 33 U.S.C. § 1251(a). To accomplish the objectives of the CWA, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person into navigable waters except in compliance with the terms and conditions of a permit issued pursuant to Section 402 or 404 of the CWA, 33 U.S.C. §§ 1342 or 1344, and EPA's implementing regulations, found at 40 C.F.R. Part 122.

4. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), authorizes the Administrator of EPA to issue NPDES permits for the discharge of pollutants into navigable waters in compliance with the CWA.

5. Section 502(5) of the CWA, 33 U.S.C. § 1362(5), defines "person" to include "an individual, corporation, partnership [or] association."

6. Section 502(12) of the CWA, 33 U.S.C. § 1362(12), defines "discharge of a pollutant" to include "any addition of any pollutant to navigable waters from any point source."

7. Section 502(6) of the CWA, 33 U.S.C. § 1362(6), defines "pollutant" to include, inter alia, solid waste, chemical wastes, biological materials, rock, sand, and industrial waste discharged into water.

8. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), defines "point source" to include "any discernible, confined and discrete conveyance . . . from which pollutants are or may be discharged."

9. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines “navigable waters” as “the waters of the United States, including the territorial seas.”

Stormwater Permits

10. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the Administrator of EPA to require the owner or operator of any point source to provide such information as the Administrator may reasonably need to carry out the objectives of the CWA, including, among other things, the development and issuance of NPDES permits under Section 402 of the CWA, 33 U.S.C. § 1342.

11. Pursuant to Sections 308 and 402 of the CWA, 33 U.S.C. §§ 1318 and 1342, EPA promulgated stormwater discharge regulations at 40 C.F.R. § 122.26.

12. Forty C.F.R. § 122.26(b)(13) defines “storm water” to include stormwater runoff, snow melt runoff, and surface runoff, and drainage.

13. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and implementing regulation 40 C.F.R. § 122.26(a)(1)(ii), require that facilities discharging storm water associated with industrial activity obtain a permit. Under 40 C.F.R. § 122.26(c)(1), dischargers of storm water associated with industrial activity must apply for an individual permit or seek coverage under a general permit.

14. Facilities within the categories set out in 40 C.F.R. § 122.26(b)(14), including those in Standard Industrial Classification (“SIC”) code 3732 (boat building and repairing), are industrial activities that must obtain permit authorization for stormwater discharges.

15. EPA re-issued the NPDES Storm Water Multi-Sector General Permit for Industrial Activities on June 4, 2015 (“2015 MSGP”), which was effective on the date of issuance. 80 Fed. Reg. 34,403.

16. The 2015 MSGP contains terms and conditions designed to ensure the implementation of practices to minimize the pollutants in stormwater discharges associated with industrial activity.

17. Under the 2015 MSGP, a facility discharging stormwater associated with industrial activity is required to submit a Notice of Intent (“NOI”) to be covered under the Permit, prepare and implement a Stormwater Pollution Prevention Plan (“SWPPP”), conduct inspections, conduct monitoring and sampling, and meet other eligibility requirements.

18. Section 309(g) of the CWA, 33 U.S.C. § 1319(g), provides for the assessment of penalties for violations of Sections 301 and 308 of the CWA, 33 U.S.C. §§ 1311 and 1318, and for violating any condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.

Spill Prevention, Control, and Countermeasure Plan

19. Section 311(j)(1) of the Act, 33 U.S.C. § 1321(j)(1), provides that the President shall issue regulations “establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances . . . from onshore and offshore facilities, and to contain discharges. . . .”

20. Section 311(a)(7) of the CWA, 33 U.S.C. § 1321(a)(7), defines “person” to include “an individual, firm, corporation, association, [or] partnership.”

21. Pursuant to Section 311(j)(1) of the CWA, 33 U.S.C. § 1321(j)(1), EPA’s Oil Pollution Prevention regulations, found at 40 C.F.R. Part 112 (“SPCC Regulations”), establish procedures, methods, and requirements for preventing the discharge of oil to waters of the United States. These requirements apply to owners or operators of non-transportation-related facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing,

using, or consuming oil or oil products which, due to their location, could reasonably be expected to discharge oil in harmful quantities (as defined in 40 C.F.R. Part 110) to navigable waters of the United States or adjoining shorelines. 40 C.F.R. § 112.1(b). However, except as provided in 40 C.F.R. § 112.1(f), these requirements do not apply to the owner or operator of any facility which meets both of the following requirements: (1) the completely buried storage capacity of the facility is 42,000 U.S. gallons or less of oil; and (2) the aggregate aboveground storage capacity of the facility is 1,320 U.S. gallons or less of oil. 40 C.F.R. § 112.1(d)(2).

22. Under 40 C.F.R. § 112.3(a)(1), an owner or operator of an onshore facility that became operational on or before August 16, 2002, and, due to its location, could reasonably be expected to discharge oil in harmful quantities into or upon the navigable waters of the United States must prepare and fully implement an SPCC plan in accordance with 40 C.F.R. § 112.7.

23. Section 311(b)(6), 33 U.S.C. § 1321(b)(6), of the CWA provides for the assessment of penalties for violations of Section 311(j) of the CWA.

III. GENERAL ALLEGATIONS

24. Respondent is a company organized under the laws of the Commonwealth of Massachusetts with its principal place of business located at 164 Beach Road, in Vineyard Haven, Massachusetts.

25. Respondent is a “person” within the meaning of Sections 311(a)(7) and 502(5) of the CWA, 33 U.S.C. §§ 1321(a)(7) and 1362(5).

26. Respondent owns and operates a boat storage and repair yard at 164 Beach Road, in Vineyard Haven, Massachusetts (the “Facility”), which is classified under Standard Industrial Classification (“SIC”) code 3732 (Boat Building and Repairing), listed under “Sector R – Ship and Boat Building and Repair Yards” of the 2015 MSGP.

27. The Facility encompasses approximately two acres in area and is composed of three buildings. The Facility can store up to 100 boats and provides general boat maintenance and repair. It is open throughout the year.

28. The Facility has been in operation in some form for over 150 years and has been owned and operated by the same family since 1961. MV Shipyard was organized in 1986 and has owned and operated the Facility since that time.

29. Respondent has, at all times relevant to this Complaint, controlled all daily business and industrial operations at the Facility and otherwise meets the definition of “operator” of the Facility, as defined at Section 311(a)(6) of the CWA, 33 U.S.C. § 1321(a)(6), 40 C.F.R. § 112.2, and under the 2015 MSGP.

30. Respondent submitted a Notice of Intent to be covered for discharges of stormwater associated with industrial activity under the 2015 MSGP and received coverage under the 2015 MSGP, effective November 6, 2015.

31. Respondent prepared a Stormwater Pollution Prevention Plan (“SWPPP”), which was signed on September 24, 2015. Accordingly, Respondent was authorized under the 2015 MSGP to discharge stormwater associated with industrial activity at the Facility from the two outfalls identified in Respondent’s SWPPP (“Outfall #1” and “Outfall #2”) to Vineyard Haven Harbor, subject to the terms and conditions specified in the 2015 MSGP.

32. Outfall #1 and Outfall #2 discharge stormwater associated with industrial activity into Vineyard Haven Harbor.

33. Outfall #1 and Outfall #2 are each a “point source” within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14).

34. Vineyard Haven Harbor opens into the Atlantic Ocean.

35. Vineyard Haven Harbor and the Atlantic Ocean are each “waters of the United States,” as defined by 40 C.F.R. § 122.2, and thereby, “navigable waters,” as defined in Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

36. At all times relevant to the allegations in this Complaint, Respondent engaged in storing, using, and consuming “oil” or oil products located at the Facility within the meaning of 40 C.F.R. § 112.2.

37. At all times relevant to the allegations in this Complaint, the Facility had an aggregate above-ground oil storage capacity greater than 1,320 gallons in containers each with a shell capacity of at least 55 gallons.

38. The Facility is an “onshore facility” within the meaning of Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2.

39. The Facility was in operation on or before August 16, 2002.

40. The Facility is a “non-transportation-related” facility within the meaning of Appendix A to 40 C.F.R. Part 112, as incorporated by reference within 40 C.F.R. § 112.2.

41. Accordingly, the Facility is a non-transportation-related onshore facility which, due to its location, could reasonably be expected to discharge oil to navigable waters of the United States or its adjoining shorelines in a harmful quantity.

42. Respondent is therefore subject to the Oil Pollution Prevention regulations at 40 C.F.R. Part 112 at the Facility.

43. On October 18, 2017, authorized representatives of EPA visited the Facility to review compliance with Federal and State environmental laws and regulations, including compliance with the CWA (the “Inspection”).

44. While reviewing documents provided to EPA during the Inspection, inspectors

found a letter from EPA addressed to the Facility. The letter, dated August 29, 2017, was a compliance advisory notice, alerting the Facility that it had failed to submit required Discharge Monitoring Reports.

IV. VIOLATIONS

COUNT 1: DISCHARGE OF STORMWATER NOT IN COMPLIANCE WITH THE 2015 MSGP PERMIT TERMS AND CONDITIONS

45. Paragraphs 1 through 44 are incorporated herein by reference.

46. From at least January 2016 through the present, Respondent has discharged “stormwater associated with industrial activities” within the meaning of 40 C.F.R. § 122.26, from Outfall #1 and Outfall #2 to Vineyard Haven Harbor.

47. The release of stormwater associated with industrial activity from the point sources mentioned above constitute a “discharge of pollutants” within the meaning of Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

48. Since November 6, 2015, Respondent was authorized under the 2015 MGSP to discharge stormwater to Vineyard Haven Harbor, subject to certain terms and conditions contained within the 2015 MGSP. These terms and conditions are designed to ensure the implementation of practices to reduce the pollutants in stormwater discharges associated with industrial activity at the Facility.

2015 MSGP Inspection Requirements

49. Section 3.1 of the 2015 MSGP requires that a permittee conduct routine facility inspections, at least quarterly, including but not limited to:

- a. Areas where industrial materials or activities are exposed to stormwater;
- b. Areas identified in the SWPPP and those that are potential pollutant sources;

- c. Areas where spills and leaks have occurred in the past three years;
- d. Discharge points; and
- e. Control measures used to comply with the effluent limits contained in the permit.

50. Section 3.1.2 of the 2015 MSGP requires a permittee to document all findings of the routine facility inspections on a facility inspection report.

51. From January 2016 through March 2018, Respondent did not document quarterly routine facility inspections as required by the 2015 MSGP.

52. Section 3.2 of the 2015 MSGP requires that a permittee conduct quarterly visual assessments of stormwater samples from each designated outfall. Furthermore, whenever the visual assessment shows evidence of stormwater pollution, the permittee must initiate the corrective action procedure.

53. Section 3.2.2 of the 2015 MSGP requires a permittee document all findings of the quarterly visual assessments on site.

54. From January 2016 through March 2018, Respondent did not properly conduct and document quarterly visual assessments as required by the 2015 MSGP.

55. Section 6.2.1 of the 2015 MSGP applies specific pollutant benchmarks to certain sectors and subsectors. When a permittee applies for coverage under one of these sectors or subsectors, the permittee is required to conduct quarterly benchmark monitoring for each designated pollutant.

56. Through its Coastal Zone Management Program, the Commonwealth of Massachusetts has incorporated additional sector-specific requirements into the 2015 MSGP. These requirements include benchmark monitoring for aluminum, iron, lead, and copper for

Sector R (boat building and repair) facilities.

57. From January 2016 through September 2017, Respondent did not conduct any quarterly benchmark sampling required by the 2015 MSGP.

58. Respondent commenced benchmark monitoring from Outfall #1 and Outfall #2 during the fourth quarter of 2017. These results revealed exceedances at both locations, including 4,000% over the established benchmark for copper.

59. Section 7.5 of the 2015 MSGP requires that a permittee submit electronically to EPA an Annual Report. Such a report must include: a summary of the past year's routine facility inspection and quarterly visual assessment documentation; a statement of the facility's current compliance status, along with a summary of past year's corrective action documentation and a description of any incidents of noncompliance in the past year or currently ongoing; and, if applicable, the permittee's rationale for why it believes that no further reductions for four-sample benchmark monitoring exceedances are technologically available and economically practicable and achievable in light of best industry practice for the selection, design, installation, and implementation of the permittee's control.

60. From at least January 2016 through December 2017, Respondent did not submit electronically to EPA an Annual Report as required by the 2015 MSGP.

61. By discharging stormwater from the Facility into waters of the U.S. in violation of the terms and conditions of a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and by failing to comply with all the conditions in the 2015 MSGP, Respondent violated Section 301(a) of the CWA, 33 U.S.C. § 1311(a) from January 2016 through March 2018.

62. Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461 *et seq.*, the Debt Collection

Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.*, and the rule for Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §§ 19.1-19.4, Respondent is subject to civil penalties of up to \$21,393 per day during which the violations continued, up to a maximum of \$267,415 for the violations in Count 1.

**COUNT 2: FAILURE TO MAINTAIN AND IMPLEMENT A
SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN**

63. Paragraphs 1 through 62 are incorporated herein by reference.

64. During the Inspection and based on additional information submitted by Respondent, EPA has determined that Respondent failed to maintain and implement an SPCC Plan for the Facility until November 3, 2017, in violation of Section 311(j) of the Act, 33 U.S.C. § 1321(j).

65. Respondent failed to adequately provide measures which would prevent the discharge of oil from reaching waters of the United States and failed to implement specific requirements listed in 40 C.F.R. § 112.7. Respondent's failure to maintain and fully implement an SPCC plan includes, but is not limited to the following deficiencies:

- a. Failure to keep an up-to-date SPCC plan; and
- b. Failure to conduct inspections of oil tanks and containment structures.

66. By failing to maintain and implement a current SPCC plan for the Facility in accordance with the requirements of 40 C.F.R. §§ 112.7 and 112.8, as described above, Respondent violated 40 C.F.R. § 112.3 and Section 311(j) of the CWA, 33 U.S.C. § 1321(j), from at least the time of Inspection until November 3, 2017.

67. Pursuant to the authority of Section 311(b)(6)(B)(ii) of the CWA, 33 U.S.C. § 1321(b)(6)(B)(ii), the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461 *et seq.*, the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.*, and the

rule for Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §§ 19.1-19.4, Respondent is subject to civil penalties of up to \$18,477 per day during which the violations continued, up to a maximum of \$230,958 for the violations in Count 2.

V. NOTICE OF PROPOSED ASSESSMENT OF CIVIL PENALTY

68. Based on the foregoing allegations, EPA seeks to assess civil penalties for each day of Count 1 (stormwater permit violations), which was for a total of up to 730 days, and Count 2 (SPCC violations), which was for a total of up to 14 days, up to a maximum of \$267,415 for Count 1 and up to a maximum of \$230,958 for Count 2.

69. The stormwater violations alleged in Count 1 above represent significant violations of the CWA because compliance with the federal stormwater program is important to ensuring that stormwater runoff does not contribute to the impairment of water quality. Untreated and unmanaged stormwater from marina operations may contain toxic pollutants, such as metals, which can have significant effects on water quality and the aquatic ecosystem. Respondent's benchmark monitoring, once commenced a year and a half after obtaining 2015 MSGP coverage, revealed exceedances of over 4000% for copper, a metal that is highly toxic to marine life.

70. The violations of the Oil Pollution Prevention regulations alleged in Count 2 above represent significant violations of the CWA because failure to maintain and implement an adequate SPCC plan leaves a facility unprepared to deal with an oil spill and to prevent a spill from having potentially serious environmental consequences.

71. Prior to any hearing on this case, EPA will file a document specifying a proposed penalty, as required by the Consolidated Rules of Practice, taking into account the seriousness, nature, circumstances, extent, and gravity of the violations, and Respondent's prior compliance history, the degree of culpability for the cited violations, any economic benefit or savings

accruing to Respondent resulting from the violations, Respondent's ability to pay the proposed penalties, and such other matters as justice may require.

VI. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

72. Pursuant to Sections 309(g) and 311(b)(6) of the Act, 33 U.S.C. §§ 1319(g) and 1321(b)(6), and 40 C.F.R. § 22.14, notice is hereby given that Respondent has the right to request a hearing on any material fact alleged in this Complaint and on the appropriateness of any proposed penalty. Any such hearing would be conducted in accordance with the Consolidated Rules of Practice, 40 C.F.R. Part 22, a copy of which is enclosed. Members of the public, to whom EPA is obliged to give notice of this proposed action, have a right under Sections 309(g)(4)(B) and 311(b)(6)(C) of the Act, 33 U.S.C. §§ 1319(g)(4)(B) and 1321(b)(6)(C), to comment on any proposed penalty and to be heard and to present evidence at the hearing.

73. To be entitled to a hearing, Respondent must include its request for a hearing in its Answer to the Complaint. Respondent's Answer must comply with 40 C.F.R. § 22.15 and must be filed with the Regional Hearing Clerk at address listed below within thirty (30) days of receipt of the Complaint.

74. The original and one copy of the Answer, as well as a copy of all other documents which Respondent files in this action, must be sent to:

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (Mail Code: ORC04-6)
Boston, Massachusetts 02109-3912

Respondent should also send a copy of the Answer, as well as a copy of all other documents which Respondent files in this action, to Christine Foot, the attorney assigned to represent EPA

Administrative Complaint
In re: Martha's Vineyard Shipyard, Inc.
Docket No. CWA-01-2018-0066

U.S. EPA, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109

and designated to receive service in this matter at:

Christine M. Foot
Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (Mail Code: OES04-2)
Boston, Massachusetts 02109-3912

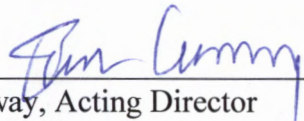
75. If Respondent fails to file a timely Answer to this Complaint, it may be found to be in default, pursuant to 40 C.F.R. § 22.17, which constitutes an admission of all the facts alleged in the Complaint and a waiver of the right to a hearing.

76. The filing and service of documents, other than the Complaint, rulings, orders, and decisions, in all cases before the Region 1 Regional Judicial Officer governed by the Consolidated Rules of Practice may be filed and served by email, consistent with the “Standing Order Authorizing Filing and Service by E-mail in Proceedings Before the Region 1 Regional Judicial Officer,” a copy of which has been provided with the Complaint.

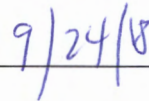
77. Pursuant to 40 C.F.R. § 22.17(d), the penalty assessed in any default order shall become due and payable by Respondents without further proceedings thirty (30) days after the default order becomes final.

VII. CONTINUED COMPLIANCE OBLIGATION

78. Neither assessment nor payment of a civil penalty pursuant to Sections 309(g) and 311(b)(6) of the CWA, 33 U.S.C. §§ 1319(g) and 1321(b)(6), shall affect Respondent’s continuing obligation to comply with the CWA, the regulations promulgated thereunder, or any other applicable requirements of Federal, State, or local law.



Tim Conway, Acting Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1 – New England



Date

Administrative Complaint

In re: Martha's Vineyard Shipyard, Inc.
Docket No. CWA-01-2018-0066

U.S. EPA, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

IN THE MATTER OF:)
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MARTHA'S VINEYARD SHIPYARD, INC.)
164 Beach Road)
Vineyard Haven, MA 02568)

Respondent.)
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)
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_____)

Docket No. CWA-01-2018-0066

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Complaint and Notice of Opportunity for Hearing has been sent to the following persons on the date noted below:

Original and one copy,
hand-delivered:

Ms. Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 02109-3912

Copy (Certified Mail,
Return Receipt Requested):

Philip P. Hale
President
Martha's Vineyard Shipyard, Inc.
164 Beach Road
Vineyard Haven, MA. 02568

Dated: 9/24/18



Christine Foot, Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OES04-2
Boston, MA 02109-3912
Phone: 617-918-1333
Fax: 617-918-0333
E-mail: foot.christine@epa.gov