

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 Broadway
New York, New York 10007-1866

U.S. Environmental
Protection Agency-Reg 2
2014 OCT 15 PM 2:58

REGIONAL HEARING
CLERK

-----X
IN THE MATTER OF :
: Proceeding to Assess Class I
: Civil Penalty Under Section
Waterfront Home Marina, Inc. : 309(g) of the Clean Water Act
DBA City Island Yacht Sales :
673 City Island Avenue :
Bronx, NY 10464 : Docket No. CWA-02-2013-3315
:
Proceeding pursuant to §309(g) of the :
Clean Water Act, 33 U.S.C. §1319(g) :
-----X

CONSENT AGREEMENT AND FINAL ORDER

Complainant, the United States Environmental Protection Agency ("EPA"), having issued the Complaint herein on September 30, 2013, against Respondent Waterfront Home Marina, Inc. DBA City Island Yacht Sales ("Respondent"), and

Complainant and Respondent having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order without further litigation is the most appropriate means of resolving this matter;

NOW, THEREFORE, before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby agreed and ordered as follows:

I. PRELIMINARY STATEMENT

1. EPA initiated this proceeding for the assessment of a civil penalty, pursuant to Section 309 of the Clean Water Act, 33 U.S.C. §1319.
2. The Complaint alleges that Respondent violated Section 301(a) of the Act, 33 U.S.C. §1311(a) and federal National Pollutant Discharge Elimination System requirements.
3. This action was public noticed. No public comment was received.

II. TERMS OF SETTLEMENT

4. This Consent Agreement and Final Order shall apply to and be binding upon Respondents, its officers, directors, employees, successors and assigns, including, but not limited to, subsequent purchasers.

5. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondent.
6. Respondent waives any defenses it might have as to jurisdiction and venue, and, without admitting or denying the factual or legal allegations contained in the Complaint, consents to the terms of this Consent Agreement and Final Order.
7. Respondent hereby waives their right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the Complaint.
8. Pursuant to §309(g) of the Clean Water Act, 33 U.S.C. §1319(g), the nature of the violations and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of *Seventeen Thousand Five Hundred Dollars (\$17,500.00)*.
9. For purposes of settlement, Respondent consents to the issuance of this Consent Agreement and consents to the payment of the civil penalty cited in the foregoing Paragraph.

III. PAYMENT OF PENALTY

10. Respondent shall pay a civil penalty in the amount of *Seventeen Thousand Five Hundred Dollars (\$17,500.00)*, to the "Treasurer of the United States of America."
11. Respondent agrees to pay the above stated amount in *two (2) installments*. The effective date of this CA/FO shall be the date of filing with the Regional Hearing Clerk, U.S. EPA Region 2, New York, NY.
 - a. An *initial payment* in the amount of *Eight Thousand Seven Hundred and Fifty dollars (\$8,750.00)* shall be made within forty-five (45) calendar days from the effective date of this CA/FO.
 - b. A *second payment* in the amount of *Eight Thousand Seven Hundred and Fifty dollars (\$8,750.00)* shall be made within one hundred and eighty days (180) calendar days from the effective date of this CA/FO.

These two (2) payments satisfy the totality of the civil penalty of *Seventeen Thousand Five Hundred Dollars (\$17,500.00)*.

12. Payments can be made by debit/credit card, check, or electronically. Electronic payments fall into two categories: wires and Automated Clearinghouse (ACH). Wires are same day and more costly. ACH is the next day or any future scheduled day and is less expensive. Please note that wires and ACH payments must be conducted through the sender's bank. The checks (cashier's or certified checks only) shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document. Payment methods are described below:

