

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

**New York City Economic Development
Corporation**
1 Liberty Plaza
New York, New York 10006

Respondent.

Proceeding pursuant to Section 105(a) of the
Marine Protection, Research, and Sanctuaries
Act, 33 U.S.C. § 1415(a).

**CONSENT AGREEMENT
AND FINAL ORDER**

Docket No.

MPRSA-02-2025-6003

I. PRELIMINARY STATEMENT

1. This is a civil administrative proceeding for the assessment of a civil penalty instituted pursuant to Section 105(a) of the Marine Protection, Research, and Sanctuaries Act (“MPRSA” or “Act”), 33 U.S.C. § 1415(a).
2. The United States Environmental Protection Agency (“EPA” or “Complainant”) issued a complaint on December 4, 2024, entitled Complaint, Findings of Violation, Notice of Proposed Assessment of a Civil Penalty, and Notice of Opportunity to Request a Hearing (“Complaint”) against the New York City Economic Development Corporation (“NYCEDC” or “Respondent”) (Docket No. MPRSA-02-2025-6003), pursuant to Section 105(a) of the MPRSA, 33 U.S.C. § 1415(a).
3. Complainant and Respondent (collectively, the “Parties”) agree that settlement of this matter is appropriate and that the entry of this Consent Agreement and its incorporation into a Final Order (“CAFO”) without further litigation and without adjudication of any issue of fact or law is the most appropriate means of resolving this matter.

II. FINDINGS

4. Pursuant to Section 105(a) of the MPRSA, 33 U.S.C. § 1415(a), the Administrator of the EPA is authorized to assess penalties against persons who violate Section 101(a) of the MPRSA, 33 U.S.C. 1411(a). The Administrator has delegated this authority to the Regional Administrator of EPA Region 2, who in turn has delegated it to the Director, Enforcement and Compliance Assurance Division of EPA Region 2.

5. NYCEDC is a “person” as defined in Section 103 of the MPRSA, 33 U.S.C. § 1402(e).
6. NYCEDC holds a permit (permit no. NAN-2022-00270) issued by the U.S. Army Corps of Engineers (the “Permit”) authorizing removal of 334,000 cubic yards of material from the Manhattan Cruise Terminal in the Hudson River and the placement of the dredged material into the Historic Area Remediation Site (“HARS”).
7. Donjon Marine Co., Inc. (“Donjon”) is party to a subcontract whereby it agreed to perform the dredging and disposal activities set forth in the Permit.
8. The Complaint charges Respondent with violating Section 101(a) of the MPRSA, 33 U.S.C. § 1411(a), by Scow Witte 4004¹ improperly discharging dredged material into an area outside of the approved ocean placement site within the HARS on September 27, 2023.
8. The Findings of Violation in the Complaint are incorporated by reference herein.
9. This CAFO is issued in accordance with 40 C.F.R. § 22.18(b) and (c) of the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits” (“CROP”), which sets forth procedures where the parties agree to the settlement of an action, and allows for conclusion of administrative civil penalty assessment proceedings through the issuance of a consent agreement and final order.

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:

III. TERMS OF SETTLEMENT

10. For the purposes of this proceeding, Respondent:
 - a. Admits the jurisdictional allegations of the Complaint;
 - b. Neither admits nor denies the factual or non-jurisdictional allegations contained in the Complaint;
 - c. Waives its right to contest the allegations, to a judicial or administrative hearing, or to appeal this CAFO; and
 - d. Consents to the issuance of this CAFO and consents to the payment of the civil penalty cited in the foregoing paragraph.
11. Pursuant to Section 105(a) of the MPRSA, 33 U.S.C. § 1415(a), the EPA has determined that an appropriate civil penalty to settle this action is in the amount of **one hundred thirty-eight thousand six hundred seventy-one (\$ 138,671)**. The EPA has considered the nature of the

¹ The scow is improperly named in the Complaint as Scow W4044.

violation, the existence of any prior violations, and the demonstrated good faith of the Respondent.

12. In full and final settlement of the violations asserted in the Findings section of this CAFO, Respondent, by and through its sub-contractor Donjon and pursuant to an independent agreement between Respondent and Donjon, shall be liable to pay the civil penalty in accordance with the terms set forth below:

PAYMENT OF CIVIL PENALTY

13. No later than thirty (30) days after the date of signature on the Final Order, Respondent shall pay the penalty of **one hundred thirty-eight thousand six hundred seventy-one (\$ 138,671)** using a method described at <http://www.epa.gov/financial/additional-instructions-making-payments-epa>, and shall identify such payment as "Docket No. MPRSA-02-2025-6003."

Respondent shall not make payment until after the effective date of the Final Order. Any payment received before the effective date of the Final Order will be returned and Respondent will be required to issue a new payment.

14. Respondent shall send a record of payment simultaneously with payment to:

Zoe Oldham
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007
Oldham.Zoe@epa.gov

and

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007
Region2_RegionalHearingClerk@epa.gov

15. Payment must be received at the above address no later than thirty (30) calendar days after the date of signature of the Order. The date by which payment must be received shall hereafter be referred to as the "due date."

16. If payment is not received on or before the due date, interest will be assessed at the annual rate established by the Secretary of Treasure pursuant to the Debt Collection Improvement Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment.

17. The penalty to be paid is a civil penalty assessed by the EPA and shall not be deductible from the Respondent's federal or state taxes.

18. Failure to pay the penalty in full according to the above provisions may result in a referral of this matter to the United States Department of Justice or the United States Department of Treasury for collection.

IV. OTHER TERMS AND CONDITIONS

19. By signing this CAFO, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

20. This CAFO shall apply to and be binding upon Respondent and shall apply to and be binding upon the Respondent's officers, directors, and employees, in their capacities as representatives of Respondent as well as on the Respondent's successors and assigns, including, but not limited to, Respondent's subsequent purchasers.

21. This CAFO constitutes a settlement by the EPA of all claims for civil penalties pursuant to the MPRSA for the violations alleged in the Complaint, including in connection with Scow Witte 4004. Nothing in this CAFO shall be construed as prohibiting, altering or in any way limiting the ability of EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this CAFO or for unrelated violations of the statutes and regulations upon which this CAFO is based, or for Respondent's violation of any applicable provision of law, nor shall it be construed as a waiver of any defense, objection or response the Respondent may assert in response to any claim that the CAFO is violated.

22. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit.

23. Compliance with this CAFO shall not be a defense to any actions unrelated to the violations alleged in the Complaint subsequently commenced pursuant to federal laws and regulations administered by the EPA, and it is the responsibility of Respondent to comply with such laws and regulations.

24. Each undersigned representative of the parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

25. Each party shall bear its own costs and attorney's fees in connection with the action resolved by this CAFO.

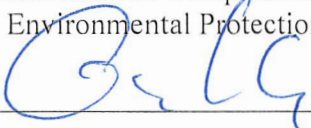
26. Respondent consents to service upon Respondent by a copy of this CAFO by an EPA employee other than the Regional Hearing Clerk.

V. SIGNATURE

Date: May 7, 2026

Douglas McKenna, Acting Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 2

Date: May 7, 2026


Giacomo Landi
Executive Vice President
New York City Economic
Development Corporation

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FINAL ORDER

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The Regional Administrator of the United States Environmental Protection Agency, Region 2, vested by authority delegated by the Administrator of the United States Environmental Protection Agency ("EPA") and having further re-delegated such authority to the Regional Judicial Officer, Region 2, EPA, ratifies the foregoing Consent Agreement. The Agreement entered into by the Parties is hereby approved, incorporated herein, and issued as an Order. The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2, New York, New York.

DATED: _____

Dana P. Friedman
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 2
290 Broadway – 16th Floor
New York, New York, 10007