



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 1
5 Post Office Square, Boston, MA 02109-3912
EXPEDITED SPILL SETTLEMENT AGREEMENT

Received by
EPA Region 1
Hearing Clerk

11/1/23

In the Matter of Sunapee Cruises, LLC
Docket No. CWA-01-2024-0009

11:10 am

tax deductible expenditure for purposes of federal, state or local law.

On or around June 10, 2023, Sunapee Cruises ("Respondent"), the owner or operator of a facility located at Received by, EPA Region 1 Hearing Clerk, Sunapee, New Hampshire, discharged oil, as defined in 40 CFR § 110.1, from one of its vessel's fuel tanks, into Lake Sunapee. Lake Sunapee is a "navigable water" as defined in Section 502(7) of the Clean Water Act (the "Act") 33 U.S.C. 1362(7) and 40 CFR § 110.1. The discharge of oil was in such quantities as "may be harmful," as defined in 40 CFR § 110.3, and was in violation of Section 311(b)(3) of the Act 33 U.S.C. § 1321(b)(3).

Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Agreement without further notice. Moreover, in entering into this Agreement, the Respondent agrees to bear its own costs and attorney's fees related to this Agreement.

Respondent agrees to acceptance of the Complainant's: i. digital or an original signature on this Agreement; ii. service of the fully executed Agreement on the Respondent by mail or electronically by e-mail. Respondent understands that the mailing or e-mail address may be made public when the Agreement and Certificate of Service are filed and uploaded to a searchable database. Complainant agrees to acceptance of the Respondent's digital or an original signature on this Agreement.

EPA finds, and Respondent admits, that EPA has jurisdiction over this matter pursuant to section 311(b)(6) of the Act, 33 U.S.C. § 1321(b)(6), and 40 C.F.R. part 22. Respondent neither admits nor denies the specific factual allegations in the first paragraph of this Expedited Spill Settlement Agreement ("Agreement").

This Agreement is binding on the parties signing below and will become effective upon filing with the Regional Hearing Clerk pursuant to 40 C.F.R. § 22.31(b), which will be when the Regional Judicial Officer transmits the signed Agreement to the Regional Hearing Clerk. EPA will mail or email to the U.S. EPA Cincinnati Finance Office a copy of this Agreement. A copy of the Agreement will also be emailed to the Respondent.

EPA is authorized to enter into this Agreement under the authority vested in EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 CFR § 22.13(b). The parties enter into this Agreement in order to settle the civil violations described in this Agreement for a penalty of \$8,064. Respondent consents to the assessment of this penalty.

After this Agreement becomes effective, EPA will take no further civil penalty action against Respondent for the violations of the Act described in this Agreement. However, EPA does not waive any rights to take any enforcement action for any other past, present, or future violations by Respondent of the Act or of any other federal statute or regulations.

Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has investigated the cause of the spill, has cleaned up the spill pursuant to federal requirements and has taken corrective actions that will prevent future spills.

APPROVED BY EPA:

Respondent further agrees that within 10 days of the effective date of this ESA Respondent will make an electronic payment or will send a bank, cashier's, or certified check in the amount of \$8,064, payable to the United States Treasury to: Environmental Protection Agency, Fines and Penalties, P.O. Box 979078, St. Louis, MO 63197-9000. This check shall reference the case name and docket number ("In the Matter of Sunapee Cruises, LLC. Docket No. CWA-01-2024-0009") and "Oil Spill Liability Trust Fund 311." If making an electronic payment Respondent shall follow the instructions available for making payments to EPA available at <https://www.epa.gov/financial/makepayment>

Carol Tucker, Acting Director Date
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Respondent shall send an electronic copy of the check, or electronic proof of payment, to Diane Boudrot, at: Boudrot.diane@epa.gov and to Wanda Santiago, Regional Hearing Clerk at: RI_Hearing_Clerk_Filings@epa.gov.

Name (print): Mary Beth Fenton

Title (print): Owner

Mary Beth Fenton Date: 10/19/23
Signature

The payment made pursuant to this Agreement is a penalty within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and, therefore, Respondent shall not claim it as a

IT IS SO ORDERED:

Date: _____

LeAnn Jensen, Regional Judicial Officer