

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

DATE: August 5, 2013

SUBJECT: In The Matter Of Washington Irving Boat Club; Docket No.
CWA-02-2013-3309

FROM: Eduardo J. Gonzalez
Assistant Regional Counsel

TO: Karen Maples
Regional Hearing Clerk

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2013 AUG -6 A 7: 22
REGIONAL HEARING
CLERK

Attached for filing, please find an original and a copy of the foregoing fully executed Consent Agreement and Final Order bearing the above referenced docket number.

If you have any questions, please contact me at 637-3223.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

In the Matter of:

Washington Irving Boat Club
238 Green Street
Tarrytown, New York 10591

RESPONDENT

Proceeding pursuant to Section 309(g) of the
Clean Water Act, 33 U.S.C. §1319(g)

**CONSENT AGREEMENT
AND FINAL ORDER**

**DOCKET NUMBER
CWA-02-2013-3309**

U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 2
2013 JUL 31 AM 8:16 REGIONAL HEARING CLERK
2013 AUG -6 A 11:22
U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 2
DECA-WATER COMPLIANCE CLERK

I. PRELIMINARY STATEMENT

1. This is a civil administrative proceeding for the assessment of a civil penalty instituted pursuant to Section 309(g) of the Clean Water Act ("CWA" or "the Act"), 33 U.S.C. §1319(g).
2. The following Findings of Fact are made and Order issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by the Act, 33 U.S.C. §1251 *et. seq.*, which authority has been duly delegated to the Regional Administrator of Region 2, EPA and since further re-delegated to the Director, Division of Enforcement and Compliance Assistance, Region 2, EPA.
3. EPA is initiating and concluding this proceeding for the assessment of a civil penalty, pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. §1319(g), and 40 CFR §22.13(b) 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 for simultaneous commencement and conclusion of administrative civil penalty assessment proceedings through issuance of a consent agreement and final order pursuant to 40 C.F.R. §22.18 (b)(2) and (3).

II. FINDINGS OF FACT

4. Washington Irving Boat Club (hereinafter, "Respondent") is a corporation, duly organized under the laws of the State of New York.
5. Respondent operated a facility located at 238 Green Street, Tarrytown, New York (the "facility") where the facility is primarily involved in the operation of a marina/yacht club.
6. At all times relevant to this Administrative Complaint, Respondent was a "source" within the meaning of Section 306(a)(3) of the Act, 33 U.S.C. §1316(a)(3).

