



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

**MEMORANDUM**

**DATE:** November 27, 2023

**RE:** Proposed Expedited Settlement Agreement for:  
*In the Matter of: Capstan Management, Inc. (dba Fitzgerald Shipyard)*  
CWA-01-2024-0005

**FROM:** Cristeen Schena, Water Compliance Specialist

**TO:** LeAnn Jensen, Regional Judicial Officer

In accordance with 40 C.F.R. § 22.13(b), enclosed please find a proposed Expedited Settlement Agreement (“Agreement”) that will simultaneously commence and settle the above-captioned action. The proposed Agreement has been signed by the parties and is now being submitted for your approval.

Public notice of this Agreement was provided as required by Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A) and 40 C.F.R. § 22.45. The proposed Agreement is being submitted more than 10 days after the close of the public comment period. The Regional Hearing Clerk has reported that they did not receive any comments concerning this proposed action during this period.

Under the terms of this proposed Agreement, Respondent will pay a civil penalty of \$8,789. This proposed Agreement complies with all the requirements of EPA’s Supplemental Guidance to the 1995 Interim Clean Water Act Settlement Penalty Policy for Violations of the Industrial Stormwater Requirements. Once the proposed Agreement has been signed by you, the fully-executed Agreement will be filed with the Regional Hearing Clerk and will become final 30 days after the date of your signature.

cc: (via email)

Peter Fitzgerald, President, Capstan Management, Inc.  
Kathleen M. Brill, Foley Hoag, LLP  
Seth Jaffe, Foley Hoag, LLP  
Wanda Santiago, Regional Hearing Clerk, U.S. EPA, Region 1  
Jeff Kopf, Senior Enforcement Counsel, U.S. EPA, Region 1