



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

OCT - 8 2014

U.S. Environmental  
Protection Agency-Reg 2  
2014 OCT -9 PM 1:32  
REGIONAL HEARING  
CLERK

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Thomas D. Witte  
Northeast Dredging Equipment Company, LLC  
100 Central Avenue  
Hillside, New Jersey 07205

RE: Notice of Proposed Assessment of a Civil Penalty  
Docket Numbers MPRSA-02-2015-6001  
MPRSA-02-2015-6002  
MPRSA-02-2015-6003  
Respondent: Northeast Dredging Equipment Company, LLC.

Dear Mr. Witte,

Enclosed are copies of **three** Administrative Complaints which the U.S. Environmental Protection Agency, Region 2 (EPA) is issuing to Northeast Dredging Equipment Company, LLC (Northeast). EPA has made findings that Northeast has violated Section 101(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA), as amended, 33 U.S.C. §§ 1401 *et. seq.* by discharging dredged material into ocean waters in violation of MPRSA and its implementing regulations during the performance of the U.S. Army Corps of Engineers S-AK-2 New York/New Jersey Harbor Deepening Contract (Contract).

Based upon a review of the dredging and transportation logs, inspector reports, ADDISS records, and other pertinent documents, EPA finds that Northeast violated Section 103 of MPRSA multiple times during the performance of the Contract as follows:

MPRSA-02-2015-6001- Trips #1 and 2 – disposal of dredged material at the ocean disposal site known as the Historic Area Remediation Site (HARS) without conducting a Dredged Material Transport and Placement Meeting (DMTPM) as required by the Contract.

MPRSA-02-2015-6002 -Trip #119 – shortdump of dredged material into the ocean outside of the boundaries of the HARS.

MPRSA-02-2015-6003 (5 counts) – Trips #871-875 – placement of non-HARS material at the HARS (Trips #872 and 874) and failing to adequately visually document the quality of dredged material being transported to the HARS, as required by the Contract (Trips #871, 873, and 875).

Special significance is attached to these violations because of the unique nature and designation of the HARS as a remediation site. Misplacement of dredged materials in the ocean, mismanagement of contract requirements and non-compliance with operational requirements threatens the integrity of ongoing remediation efforts and undermines the ability of EPA and USACE to effectively manage the dredged material program for New York/New Jersey Harbor.

For these reasons, EPA is issuing three Complaints to assess administrative penalties as follows for violations of MPRSA:

MPRSA-02-2015-6001	\$15,000
MPRSA-02-2015-6002	\$70,000
MPRSA-02-2015-6003 (5 counts)	\$350,000

By law, you have a right to request a hearing regarding the violations alleged in the Complaint and the proposed penalty. A request for a hearing must be contained in a written Answer to the Complaint. Pursuant to 40 C.F.R. Part 22 (a copy of which is enclosed), you must file a written Answer with the Regional Hearing Clerk within twenty (20) days of receipt of this Complaint if you contest any material fact upon which the Complaint is based, contend that the proposed penalty is inappropriate or contend that you are entitled to judgment as a matter of law. If you do not file a timely Answer in accordance with the requirements specified in 40 C.F.R. §22.18, you may be found in default and the proposed penalty will be assessed without further proceedings. You have the right to be represented by an attorney, or to represent yourself at any stage of these proceedings.

EPA encourages all parties against whom it files a Complaint to pursue settlement discussions with the Agency. Whether or not you request a formal hearing, you may request an informal conference with EPA to discuss the alleged violations and the proposed penalty. You may represent yourself or be represented by an attorney at any conference, whether in person or by telephone. An attorney from the Agency's Office of Regional Counsel (ORC) will normally be present at any informal conference. Please be advised that any informal conferences conducted in person with Agency officials will be held in New York City. Please also be advised that a request for an informal conference does not substitute for a written Answer nor does it extend the period of time (twenty days) within which you must file an Answer and request a hearing.

If mutually satisfactory settlements can be reached, they will be formalized by the issuance of Consent Agreements and Final Orders signed by you and by the Regional Administrator, EPA Region 2. The issuance of such Consent Agreements and Final Orders shall constitute a waiver by you of your right to a hearing on, and to a judicial appeal of, the agreed-upon civil penalties. If you have any questions or wish to discuss the possibility of settlement of these matters, please contact:

Phyllis Feinmark, Chief  
Water and General Law Branch  
Office of Regional Counsel - 16th Floor  
United States Environmental Protection Agency  
290 Broadway  
New York, New York 10007  
(212) 637-3232

A copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation of Suspension of Permits, 40 C.F.R. Part 22, is enclosed for your reference.

I urge your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joan Leary Matthews".

Joan Leary Matthews  
Director, Clean Water Division

Enclosures

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

IN THE MATTER OF

**Northeast Dredging Equipment  
Company, LLC**  
Hillsdale, New Jersey

Respondent

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

Docket No. MPRSA-02-2015-6003

U.S. Environmental  
Protection Agency-Reg 2  
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REGIONAL HEARING  
CLERK

**COMPLAINT  
FINDINGS OF VIOLATION, NOTICE OF PROPOSED  
ASSESSMENT OF A CIVIL PENALTY, AND  
NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

**I. Statutory Authority**

1. This Findings of Violation, Notice of Proposed Assessment of a Civil Penalty, and Notice of Opportunity to Request a Hearing (“Complaint”) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 105(a) of the Marine Protection, Research, and Sanctuaries Act (“MPRSA” or “Act”), 33 U.S.C. §1415(a). The Administrator has delegated this authority to the Regional Administrator of EPA Region 2, who in turn has delegated it to the Director, Clean Water Division of EPA Region 2 (“Complainant”).

2. Pursuant to Section 105(a) of MPRSA, and in accordance with 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”), 40 Code of Federal Regulations (“C.F.R.”) Part 22 (July 1, 2000), a copy of which is attached, Complainant hereby requests that the Regional Administrator assess a civil penalty against **Northeast Dredging Equipment Company, LLC.**, (“Respondent”) for violating Section 101(a) of MPRSA, as amended, 33 U.S.C. §§ 1411(a) by the unauthorized discharge of dredged material in the Atlantic Ocean in violation of Section 101(a) of MPRSA.

## **II. Findings of Violation**

1. Respondent is a “person” as defined in Section 3 of the Act, 33 U.S.C. §1402(e).
2. Northeast Dredging Equipment Company, LLC (Northeast Dredging) is the contractor for the U.S. Army Corps of Engineers, New York District (USACE-NYD) for the NY and NJ Harbor Channel Navigation Improvement 50’ Project (Arthur Kill Channels, Contract 13, S-AK-2):
3. The project contract involved deepening Contract Area 13 of the S-AK-2 project located in the Arthur Kill through the removal of 1.6 million cubic yards (cy) of material. Depending upon the characteristics of the material removed, it was to be disposed of at several suitable locations including the Historic Area Remediation Site (HARS), artificial reef sites and at a state-approved upland remediation site.
4. The S-AK-2 contract contains procedures and safeguards to assure that unauthorized material is not transported to the HARS and other ocean placement sites. The contract holds the contractor responsible for completing ocean placement in a safe and environmentally responsible manner. Section 35 20 23.00 18 includes many requirements and procedures related to dredging and ocean placement of HARS suitable material. The contract-mandated Contractor Quality Control Plan was put in place in order to demonstrate compliance with contractual requirements, including the following paragraphs:
  - “1. Ensure that the material will be placed at the appropriate disposal site by noting the sediment description through visual inspection as it is loaded into each scow/container vessel by the dredge operator; the person operating the backhoe or bucket filling each scow/container vessel.”
  - “2. Ensure that material contained in each scow/container vessel is documented with photographs and/or videos to ensure proper characterization of the dredged material and proper distribution of load.”
  - “5. Ensure that scows/container vessels are properly loaded based on the characteristics of the dredged material to be transported, condition of the scows/container vessels, and weather.”
  - “7. Ensure that transport and placement of Dredged Material at open-water placement sites (HARS, and/or other open water placement locations) is conducted in a safe and efficient manner and complies with all environmental laws and regulations.”
5. Additionally, Contract Section 35 20.23.00 18, paragraph 4.4, includes the requirement for Virtual Inspection. “In addition to the on-site inspections performed by Government and Contractor personnel, virtual inspection provided by the Contractor through webcam(s) shall be available to Government and regulatory agency personnel. Failure by the Contractor to maintain a functioning Virtual Inspection system may require the Government to shut-down dredging operations until it is restored.”

6. In paragraph 5.6.2 of this contract section, it was stated that “If the NY District determines that non-HARS (upland) material is transported offshore and placed or leaked anywhere offshore, the U.S. Environmental Protection Agency may be notified for potential enforcement action.” This statement was included to emphasize the paramount importance of bringing only HARS suitable material to the HARS.

7. Further efforts to help ensure that only HARS-suitable material would be brought to the HARS include two items on the Inspector Checklist associated with the “At the Dredging Site” group of checklist items.

8. The two items on the checklist include the following statements:

“A digital photograph has been taken of the loaded container vessel such that the level and characteristics of material (color, texture, material composition, and approximate grain size) within the container vessel, and relationships between material and container vessel walls, can be determined from the photograph,” and

“The container vessel contains only dredged material (no trash, debris, timbers, tires, etc.) and only dredged material approved for open-water placement (no significant quantity of unauthorized mud).”

9. Both of these checklist items were highlighted with an asterisk which indicated that if either item received a “NO” answer by the Dredge Material Inspector (DMI), the scow could not be towed from the dredging site without correcting the deficiency (e.g. removal of trash/debris, removal of non-HARS material). Scows that were loaded with non-HARS black mud should have been re-directed to a suitable upland treatment facility and not brought to the HARS.

10. The importance of collecting quality digital photographs of each loaded scow is further emphasized in the description of scow photographs included at the end of the HARS Placement Requirements for the S-AK-2 Federal Deepening Project (reproduced below). The Placement Requirement document was distributed to the contractor and contractor personnel involved with dredging and placement activities at the Ocean Placement Meeting held prior to the start of dredging of HARS-suitable materials.

#### **“Digital Photography of Loaded Container vessels**

Each container vessel loaded with dredged material must be clearly photographed with a working digital camera by the NYD DMI after loading, prior to transport away from the dredging site. Flash photography must be used if darkness or other conditions require supplemental illumination. The contractor will be responsible for ensuring that sufficient lighting is provided, as required, such that the digital photographs taken by NYD DMIs clearly show the type of dredged material within the loaded container vessels, regardless of weather conditions or time of day. If the camera strobe and/or facility lighting does not allow collection of properly illuminated photographs, then supplemental lighting, in the

form of additional strobe lights (flash units), or other means, must be used. At least one photograph is required; however, additional photographs may be required to document the characteristics of the dredged material, and the condition of the container vessel. The minimum resolution required for each photograph is 1200 x 1600 pixels. Digital cameras used for the photography must be capable of both wide and narrow angle photographs. Photographs must be digitally imprinted with the date and time of each photograph, the trip number, and the container vessel identification. Each clearly visible digital photograph, taken by NYD DMIs, of every loaded container vessel prior to it leaving the dredging site, must be submitted to the container vessel monitoring contractor for posting on the container vessel monitoring website.”

11. Beginning on March 2, 2013, and continuing through early March 4, 2013, five scows loaded with material dredged from the S-AK-2 were transported to the HARS without adequate photographic evidence of the contents, in violation of Contract S-AK-2. Clear digital photographs of the loaded barges are either unavailable (dark, blurry) or indicate the material may not be suitable for HARS placement. The required digital photographs of the loaded barges, and review of the dredge cam archived data for the weekend of March 2, 2013, reveals that no useable imagery was recorded. The main dredge cam was pointed into the air, and the pan/zoom camera’s view of scows being loaded was blocked by a spud on the dredge. As a result, no meaningful visual documentation of the dredged material in question exists. Where it does exist, there are indications that the material was not HARS suitable.

The trips are summarized below.

Trip #871 – Poorly illuminated scow photo; unable to determine the type of material in the scow.

Trip #872 – Clear photo of black mud and timbers in the scow. Placement of HARS unsuitable and floatable material at the HARS.

Trip #873 – Poorly illuminated and blurry scow photo; unable to determine the type of material in the scow.

Trip #874 – Clear photo of black mud in the scow. Placement of HARS unsuitable material at the HARS.

Trip # 875 – Poorly illuminated scow photo; unable to determine the type of material in the scow.

12. Based on the above findings, EPA finds Respondent to be in violation of Section 101(a) of the Act, 33 U.S.C. §1411(a) for the discharge of material into ocean waters without authorization by the Secretary of the Army as provided by Section 103(a) of the Act, 33 U.S.C. §1413(a) as follows:

Count 1 – Trip #871 – Unauthorized placement of dredged material at the HARS

Count 2 – Trip #872 – Unauthorized placement of dredged material and debris/floatables at the HARS

Count 3 – Trip #873 – Unauthorized placement of dredged material at the HARS

Count 4 – Trip #874 – Unauthorized placement of dredged material at the HARS

Count 5 – Trip #875 – Unauthorized placement of dredged material at the HARS

13. Under Section 105(a) of the Act, 33 U.S.C. §1415(a), Respondent is liable for the administrative assessment of civil penalties in an amount not to exceed \$70,000 for **each** violation.

### **III. Notice of Proposed Order Assessing a Civil Penalty**

Based on the foregoing Findings of Violation, and pursuant to the authority of Section 105(a) of MPRSA, 33 U.S.C. 1415(a), and the Debt Collection Improvement Act of 1996, EPA Region 2 hereby proposes to issue a Final Order Assessing Administrative Penalties ("Final Order") to Respondent assessing a penalty of **\$350,000** for unlawful disposal of materials in ocean waters. EPA determined the proposed penalty after taking into account the applicable factors identified at Section 105(a) of the Act, 33 U.S.C. §1415(a). EPA has considered the gravity of the violation, prior violations and the demonstrated good faith of the person charged in attempting to achieve rapid compliance after notification of a violation. Based on the Findings set forth above, the Respondent has been found to have violated the Act in this instance. The Respondent did not follow the operational requirements necessary to ensure compliance with all terms and conditions of the authorization.

### **IV. Procedures Governing This Administrative Litigation**

The rules of procedure governing this civil administrative litigation have been set forth in the CROP, which have been codified at 40 C.F.R. Part 22. A copy of these rules accompanies this Complaint.

#### **A. Answering the Complaint**

Where Respondent intends to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondent is entitled to judgment as a matter of law, Respondent must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer to the Complaint, and such Answer must be filed within thirty (30) days after service of the Complaint. 40 C.F.R. § 22.15(a). The address of the Regional Hearing Clerk of EPA, Region 2, is:

**Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway - 16th Floor  
New York, New York 10007-1866**

Respondent shall also then serve one copy of the Answer to the Complaint upon Complainant



and any other party to the action. 40 C.F.R. § 22.15(a).

Respondent's Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which Respondent has any knowledge. 40 C.F.R. § 22.15(b). Where Respondent lacks knowledge of a particular factual allegation and so states in its Answer, the allegation is deemed denied. 40 C.F.R. § 22.15(b). The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondent disputes (and thus intends to place at issue in the proceeding), (3) the basis for opposing the proposed relief and (4) whether Respondent requests a hearing. 40 C.F.R. §22.15(b).

Respondent's failure affirmatively to raise in the Answer facts that constitute or that might constitute the grounds of its defense may preclude Respondent, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a hearing.

### **B. Opportunity To Request A Hearing**

If requested by Respondent in its Answer, a hearing upon the issues raised by the Complaint and Answer may be held. 40 C.F.R. §22.15(c). If, however, Respondent does not request a hearing, the Presiding Officer (as defined in 40 C.F.R. §22.3) may still hold a hearing if the Answer raises issues appropriate for adjudication. 40 C.F.R. §22.15(c).

Any hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. §22.21(d). A hearing of this matter will be conducted in accordance with the applicable provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of 40 C.F.R. Part 22.

### **C. Failure To Answer**

If Respondent fails in its Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation. 40 C.F.R. § 22.15(d). If Respondent fails to file a timely [*i.e.* in accordance with the 30-day period set forth in 40 C.F.R. § 22.15(a)] Answer to the Complaint, Respondent may be found in default upon motion. 40 C.F.R. § 22.17(a). Default by Respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations. 40 C.F.R. § 22.17(a). Following a default by Respondent for a failure to timely file an Answer to the Complaint, any order issued thereafter shall be issued pursuant to 40 C.F.R. § 22.17(c).

Any penalty assessed in the default order shall become due and payable by Respondent without further proceedings thirty (30) days after the Default Order becomes final pursuant to 40 C.F.R. § 22.27(c). 40 C.F.R. § 22.17(d). If necessary, EPA may then seek to enforce such Final Order of Default against Respondent, and to collect the assessed penalty amount, in federal court.

## **V. Informal Settlement Conference**

Whether or not Respondent requests a formal hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations. 40 C.F.R. § 22.18(b). At an informal conference with a representative(s) of Complainant, Respondent may comment on the charges made in this Complaint, and Respondent may also provide whatever additional information it believes is relevant to the disposition of this matter, including: (1) actions Respondent has taken to correct any or all of the violations herein alleged, (2) any information relevant to Complainant's calculation of the proposed penalty, (3) the effect the proposed penalty would have on Respondent's ability to continue in business and/or (4) any other special facts or circumstances Respondent wishes to raise. 40 C.F.R. § 22.18.

Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with Respondent, to reflect any relevant information previously not known to Complainant, or to dismiss any or all of the charges if Respondent can demonstrate that the relevant allegations are without merit and that no cause of action as herein alleged exists. Respondent is referred to 40 C.F.R. §22.18. Any request for an informal conference or any questions that Respondent may have regarding this Complaint should be directed to:

**Phyllis Feinmark, Chief  
Water and General Law Branch  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway -16th Floor  
New York, New York 10007-1866  
(212) 637-3232**

The parties may engage in settlement discussions irrespective of whether Respondent has requested a hearing. 40 C.F.R. §22.18(b)(1). Respondent's request for a formal hearing does not prevent it from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint. Complainant does not deem a request for an informal settlement conference as a request for a hearing as specified in 40 C.F.R. §22.15(c).

A request for an informal settlement conference does not affect Respondent's obligation to file a timely Answer to the Complaint pursuant to 40 C.F.R. §22.15. No penalty reduction will be made simply because an informal settlement conference is held.

Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written Consent Agreement. 40 C.F.R. §22.18(b)(2). In accepting the Consent Agreement, Respondent waives its right to contest the allegations in the Complaint and waives its right to appeal the Final Order that will accompany the Consent Agreement. 40 C.F.R. §22.18(b)(2). In order to conclude the proceeding, a Final Order ratifying the parties' agreement

to settle will be executed. 40 C.F.R. §22.18(b)(3).

Should Respondent enter into a settlement through the signing of such Consent Agreement and comply with the terms and conditions set forth in such Consent Agreement, this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint will be deemed terminated. Entering into a settlement does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

## **VI. Resolution of this Proceeding Without Hearing or Conference**

Instead of filing an Answer, Respondent may choose to pay the total amount of the proposed penalty within 30 days after receipt of the Complaint, provided that Respondent files with the Regional Hearing Clerk, Region 2 (at the address noted above), a copy of the check or other instrument of payment. 40 C.F.R. §22.18(a). A copy of the check or other instrument of payment should be provided to the EPA attorney identified on the previous page. Payment of the penalty assessed should be made by sending a cashier's or certified check payable to the "**Treasurer, United States of America**", in the full amount of the penalty assessed in this Complaint to the following addressee:

**U. S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St Louis, MO 63197-9000**

Pursuant to 40 C.F.R. §22.18(a)(3), if Respondent elects to pay the full amount of the penalty proposed in the Complaint within thirty (30) days of receiving the Complaint, then, upon EPA's receipt of such payment, the Regional Administrator of EPA, Region 2 (or, if designated, the Regional Judicial Officer), shall issue a Final Order in accordance with 40 C.F.R. §22.18(a)(3). Issuance of a Final Order terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Further, pursuant to 40 C.F.R. §22.18(a)(3), the making of such payment by Respondent shall constitute a waiver of Respondent's right both to contest the allegations made in the Complaint and to appeal said Final Order to federal court. Such payment does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

## **VII. Filing of Documents**

1. Answer and any Hearing Request and all subsequent documents filed in this action shall be sent to:

**Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 2  
290 Broadway - 16th Floor  
New York, New York 10007-1866**

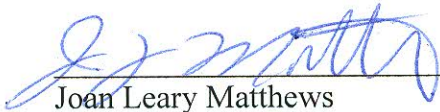
2. A copy of the Answer, any Hearing Request and all subsequent documents filed in this action shall be sent to

**Phyllis Feinmark, Chief  
Water and General Law Branch, Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway - 16th Floor  
New York, New York 10007-1866**

## **VIII. General Provisions**

1. Respondent has a right to be represented by an attorney at any stage of these proceedings.
2. This Complaint does not constitute a waiver, suspension or modification of the requirements of the Act, regulations promulgated thereunder, or any applicable permit.
3. Neither assessment nor payment of an administrative civil penalty pursuant to Section 105(a) of the Act will affect Respondent's continuing obligation to comply with the Act.

ISSUED THIS 8th DAY OF October, 2015



Joan Leary Matthews  
Director, Clean Water Division  
United States Environmental Protection Agency, Region 2  
290 Broadway  
New York, New York 10007-1866

**UNITED STATES**  
**ENVIRONMENTAL PROTECTION AGENCY, REGION 2**

IN THE MATTER OF

**Northeast Dredging Equipment  
Company, LLC**  
Hillsdale, New Jersey 07205

Respondent

Proceeding to Assess Civil Penalty under  
Section 105(a) of the Marine Protection,  
Research, and Sanctuaries, 33 U.S.C.  
§1415(a)

Docket No. MPRSA-02-2015-6003

**CERTIFICATE OF SERVICE**


I certify that, on the date noted below, I caused to be mailed, by certified mail, return receipt requested, a copy of the foregoing "ADMINISTRATIVE COMPLAINT" and a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," (40 Code of Federal Regulations Part 22 (July 1, 2000)) to the following person at the address listed below:

Mr. Thomas D. Witte  
Northeast Dredging Equipment Company, LLC  
100 Central Avenue  
Hillsdale, New Jersey 07205

I hand carried the original and a copy of the foregoing Complaint to the office of

Ms. Karen Maples  
Regional Hearing Clerk  
United States Environmental Protection Agency, Region 2  
290 Broadway - 16<sup>th</sup> Floor  
New York, New York 10007-1866.

Date: 10/9/14  
New York, New York

  
[Signature of Sender]