



REGION 3  
PHILADELPHIA, PA 19103

FILED

Jul 15, 2025

12:58 pm

U.S. EPA REGION 3  
HEARING CLERK

In the Matter of:

Middle Branch Marina, Inc. and  
Charles Cao  
3101 Waterview Avenue  
Baltimore, Maryland 21230

Respondents

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EPA Docket No. CWA-03-2025-0103DN

Administrative Order on Consent  
Pursuant to 33 U.S.C. § 1319(a)

#### I. STATUTORY AUTHORITY AND JURISDICTION

1. The United States Environmental Protection Agency ("EPA") makes the following findings of fact and conclusions of law, below, and issues this Administrative Order on Consent ("Order") pursuant to the authority vested in the EPA Administrator under Section 309(a) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1319(a). The Administrator delegated this authority to the Regional Administrator of EPA Region 3, who further delegated it to the Director, Enforcement and Compliance Assurance Division, EPA Region 3.
2. Section 309(a) of the Act, 33 U.S.C. § 1319(a), provides, among other things, that whenever on the basis of any information available, the Administrator finds that any person is in violation of Section 301 of the Act, 33 U.S.C. § 1311, or any permit condition or limitation implementing certain CWA sections in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342, the Administrator shall issue an order requiring such person to comply with such section or requirement.
3. The EPA has jurisdiction over the above-captioned matter, as described in Paragraphs 1 and 2 above.
4. Middle Branch Marina, Inc. and Charles Cao, Respondents, have agreed to the issuance of this Order.

## II. STATUTORY AND REGULATORY BACKGROUND

5. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant from a point source into waters of the United States except in compliance with, among other things, a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") program under Section 402 of the Act, 33 U.S.C. § 1342.
6. 40 C.F.R. § 122.2 defines "the discharge of a pollutant" as: "a) any addition of any 'pollutant' or combination of pollutants to 'waters of the United States' from any 'point source,'... This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works."
7. Section 402(p) of the Act, 33 U.S.C. § 1342(p), and 40 C.F.R. Sections 122.2 and 122.26 provide that, with some exceptions not relevant here, stormwater discharges are "point sources" subject to NPDES permitting requirements under Section 402(a) of the Act, 33 U.S.C. § 1342(a).
8. 40 C.F.R. § 122.26(b)(13) defines the term "storm water" as "storm water runoff, snow melt runoff, and surface runoff and drainage."
9. Facilities within the categories set out in 40 C.F.R. § 122.26(b)(14), including those in Standard Industrial Classification ("SIC") codes 4412-4499 (Water Transportation Facilities—Sector Q) are industrial activities that must obtain permit authorization for stormwater discharges.
10. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), provides that the Administrator of EPA, or a state upon approval by EPA, may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States, to ensure compliance with the requirements of the CWA. The discharges are subject to specific terms and conditions, as prescribed in the permit. *See also* 33 U.S.C. § 1311.
11. Pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b), EPA authorized MDE to issue NPDES permits in the State of Maryland.
12. Pursuant to its authority under the CWA, MDE authorized discharges and certain wastewater from the Middle Branch Marina under the NPDES General Permit for Discharges from Marinas, Permit No. MDG999173 (the "Permit"). The Permit was issued by MDE on August 1, 2017, modified on September 13, 2017, and expired on July 31, 2022. Existing registrations under the General Permit 16-MA continue to be covered under the existing administratively extended permit, per the terms of the permit.
13. The Respondents submitted to MDE a notice of intent ("NOI") requesting coverage under the General Permit for discharges from the Facility. On July 7, 2019, MDE notified the Respondents that the NOI had been accepted, and registered coverage for the Facility's discharge under the General Permit as Registration number 16MA9173. This authorization became effective on July

7, 2019, and extended through July 31, 2022. This registration under General Permit 16-MA continues to be covered under the existing administratively extended permit.

14. The General Permit requires the permittee, in part, to develop a written Stormwater Pollution Prevention Plan ("SWPPP"), implement stormwater control measures that include site-specific best management practices, inspections, and reporting.

### III. GENERAL PROVISIONS

15. For the purpose of this proceeding only, Respondents admit each jurisdictional allegation set forth in this Order.
16. Respondents agree not to contest the jurisdiction of EPA with respect to the execution or enforcement of this Order.
17. The provisions of this Order shall apply to and be binding upon the Respondents and the officers, directors, employees, contractors, agents, trustees, successors and assigns of Middle Branch Marina, Inc.
18. Respondents shall bear their own costs and attorney's fees in connection with this proceeding and associated with the implementation or enforcement of this Order, including any costs related to resolution of any dispute arising regarding this Order.
19. Issuance of this Order is intended to address the violations described herein. EPA reserves the right to commence action against any person, including Respondents, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. EPA also reserves any existing rights and remedies available to it under the CWA, 33 U.S.C. §§ 1251 – 1389, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction. Further, EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Order, following the Effective Date, as defined below.
20. This Order does not constitute a waiver or modification of the terms or conditions of any permit issued to Respondents. Nothing in this Order shall relieve Respondents of their obligation to comply with all applicable provisions of federal, state, or local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Order does not constitute a waiver, suspension, or modification of the requirements of the Act, 33 U.S.C. §§ 1251 et seq., or any regulations promulgated thereunder.
21. Respondents waive any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondents may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

22. EPA reserves all existing inspection authority otherwise available to EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.
23. The undersigned representative of Respondents certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Order and to execute and legally bind the Respondents.
24. By signing this Order, Respondents acknowledge that this Order may be available to the public and represents that, to the best of Respondents' knowledge and belief, this Order does not contain any confidential business information or personally identifiable information from Respondents.
25. Respondents certify that any information or representation they have supplied or made to EPA concerning this matter was, at the time of submission, true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondents to the EPA, regarding matters relevant to this Order, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondents and Middle Branch Marina's officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.
26. Notwithstanding any other provisions of this AOC, no action or decision by EPA, including, without limitation, decisions of the Chief, Water Branch, Enforcement & Compliance Assurance Division ("ECAD"), or Director, ECAD, EPA, Region 3, shall constitute a final agency action giving rise to any right to judicial review prior to EPA's initiation of judicial action to compel either, or both, Respondents' compliance with, or otherwise enforce, this AOC.
27. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of Section V of this Order (Order) is restitution, remediation, or required to come into compliance with the law.
28. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondents to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R.





§ 301.6723-1. In order to provide the EPA with sufficient information to enable it to fulfill these obligations, the EPA herein requires, and Respondents herein agree, that:

- a. Respondents shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondents shall therein certify that their completed IRS Form W-9 includes Respondents' correct TIN or that Respondents have applied and are waiting for issuance of a TIN;
- c. Respondents shall email their completed Form W-9 to EPA's Cincinnati Finance Center at [henderson.jessica@epa.gov](mailto:henderson.jessica@epa.gov), within 30 days after the Final Order ratifying this Consent Agreement is filed, and the EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondents have certified in their completed IRS Form W-9 that they have applied for a TIN and that TIN has not been issued to Respondents within 30 days after the effective date, then Respondents, using the same email address identified in the preceding sub-paragraph, shall further:
  - i. notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of the Final Order per Paragraph 86; and
  - ii. provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

#### **IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

29. Charles Cao and Middle Branch Marina, Inc. ("Respondents") own and operate Middle Branch Marina (the "Facility"), located at 3101 Waterview Avenue, Baltimore, Maryland 21230.
30. Respondents are each a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5) and 40 C.F.R. § 122.2.
31. The Facility consists of in-water piers, dry docking area, boat washing area, laundry and bathroom facilities, a storage shed, and an office.
32. The primary SIC Code category for the Marina is 4493 (Marinas, Water Transportation Facilities with vehicle Maintenance Shops, and/or Equipment Cleaning Operations—Sector Q), and as such, the Marina performs industrial activities that must obtain permit authorization for stormwater discharges.
33. The Middle Branch Marina and Charles Cao have been engaging in "industrial activity" at their Facility within the meaning of 40 C.F.R. § 122.26(a)(1)(ii).

34. The Facility discharges stormwater to the Patapsco River which is connected to the Chesapeake Bay. The Patapsco River is a "water of the United States" within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1367(7).
35. On September 29, 2021, representatives from EPA Region 3 conducted a Compliance Inspection ("Inspection") at the Facility. EPA issued an Inspection Report, dated December 6, 2021 (the "Inspection Report"). By email dated December 6, 2021, EPA provided the Inspection Report to the Respondents.
36. On January 30, 2024, EPA sent a Notice of Potential Violations and Opportunity to Confer letter ("NOPVOC letter") to the Respondents, summarizing certain alleged violations of the CWA and the NPDES Permit observed during the Inspection.

### **COUNT 1**

#### **Failure to Implement Adequate Stormwater Control Measures**

37. The allegations in the preceding paragraphs are incorporated by reference.
38. Page 2 of the General Permit Registration Letter states that the Facility must evaluate its control measures to ensure discharges from the Facility are minimized and all wastewater generated from boat bottom washing activities should be captured and directed to one or more locations for treatment.
39. Part III.B of the General Permit titled "Stormwater Control Measures and Alternate Effluent Limits" requires the Facility to select, design, and implement stormwater control measures (including best management practices) to minimize pollutant discharges, to meet the non-numeric effluent limits and meet the water quality-based effluent limitations.
40. During the September 2021 Inspection, EPA inspectors observed the following:
  - a. All boat bottom wastewater flowed to an inlet that led directly to Outfall 001 and subsequently to Patapsco River;
  - b. Trash and debris along the southern and eastern perimeter of the Facility;
  - c. Improper handling and storage of containers, drums, propane tanks, hydraulic oil, and mechanical parts in the dry dock area of the Facility; and
  - d. Petroleum staining in several areas of the dry dock area and a boat was actively leaking petroleum.
41. The observations of the EPA inspectors, set forth in paragraph 40, above, indicate that the Respondents failed to implement appropriate stormwater control measures and best management practices at the Facility.
42. In failing to implement appropriate stormwater control measures and best management practices at the Facility, as required by Part III.B.1 of the General Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, Respondents violated Section 301 of the CWA, 33 U.S.C. § 1311.

**COUNT 2****Failure to Maintain a Stormwater Pollution Prevention Plan ("SWPPP") at the Facility**

43. The allegations in the preceding paragraphs are incorporated herein by reference.
44. Page 2 of the General Permit Registration Letter states that the SWPPP must be kept updated, on-site, and available for an inspector.
45. During the September 2021 Inspection, the Respondents did not have a SWPPP available at the Facility and failed to provide a copy following the Inspection.
46. A copy of the SWPPP was provided to EPA by MDE on December 21, 2023. The SWPPP had not been updated since 2004 and was missing several elements required in Part III.C of the General Permit.
47. In failing to maintain an up-to-date SWPPP at the Facility, as required by Part III.C of the General Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and the General Permit Registration Letter, Respondents violated Section 301 of the CWA, 33 U.S.C. § 1311.

**COUNT 3****Failure to Conduct and Document Routine Inspections**

48. The allegations in the preceding paragraphs are incorporated herein by reference.
49. Part V.A.1 of the General Permit requires that inspections be conducted at least quarterly to evaluate site compliance with the SWPPP and the Permit. The inspection must be documented and signed by qualified personnel.
50. Part V.A.1 of the General Permit also states that at least once per each calendar year, the routine inspection must be conducted during a period when a stormwater discharge is happening.
51. During the September 2021 Inspection, there were no records of current or historical routine inspections at the Facility.
52. In failing to conduct and document routine facility inspections at the Facility, as required by Part V.A.1 of the General Permit, issued pursuant Section 402 of the CWA, 33 U.S.C. § 1342, Respondents violated Section 301 of the CWA, 33 U.S.C. § 1311.

**COUNT 4****Failure to Conduct and Document Annual Comprehensive Site Compliance Evaluations**

53. The allegations in the preceding paragraphs are incorporated herein by reference.
54. Part V.A.2 of the General Permit requires that a comprehensive site compliance evaluation be conducted once a year to assess conditions and activities that could impact stormwater quality

and to evaluate the effectiveness of existing best management practices. The evaluation must be summarized in a written report that includes, but is not limited to, the following:

- a. Summary of the scope of the evaluation;
- b. Names of personnel performing the evaluation;
- c. Date of the evaluation; and
- d. Observations relating to implementation of the SWPPP.

55. During the September 2021 Inspection, there were no records of current or historical annual comprehensive compliance evaluations at the Facility.
56. In failing to conduct and document annual comprehensive site compliance evaluations at the Facility, as required by Part V.A.2 of the General Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, Respondents violated Section 301 of the CWA, 33 U.S.C. § 1311.

#### **COUNT 5**

##### **Failure to Conduct and Document Quarterly Visual Inspections of Stormwater Discharges**

57. The allegations in the preceding paragraphs are incorporated herein by reference.
58. Part V.A.3 of the General Permit provides procedures that must be implemented to conduct quarterly visual assessments and requires the Respondents to collect a stormwater sample within 30 minutes of any precipitation event that results in measurable discharge.
59. Part V.A.3 of the General Permit also requires the Respondents to document the results of the visual assessments using the form included in Appendix B of the General Permit.
60. During the September 2021 Inspection, there were no records of current or historical quarterly visual assessment of stormwater discharges.
61. The Respondents stated that they do not sample Outfall 001 and have not ever collected samples from Outfall 001.
62. In failing to conduct and document quarterly visual assessments, and failing to collect a stormwater sample within 30 minutes of any precipitation event that results in a measurable discharge, as required by Part V.A.3 of the General Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, Respondents violated Section 301 of the CWA, 33 U.S.C. § 1311.

#### **COUNT 6**

##### **Failure to Conduct Numeric Monitoring and Submit DMRs**

63. The allegations in the preceding paragraphs are incorporated herein by reference.
64. Part V.B of the General Permit requires the Respondents to conduct numeric monitoring of boat bottom washwater and bilge water. Exceedances of the numeric limits is a permit violation. The Respondents must summarize and submit monitoring information electronically using NetDMR.



65. Part III.A.1.a of the General Permit states that all wastewater generated from boat bottom washing activities should be captured and directed to one or more locations for treatment. The General Permit provides specific monitoring requirements for Outfall 001 as follows in the table below.

Parameter	Quality or Concentration		Frequency	Sample Type
	Maximum	Units		
Total Suspended Solids (TSS)	50	mg/L	4/year	Grab
Oil & Grease	15	mg/L	4/year	Grab
Copper	0.06	mg/L	2/season	Grab
Zinc	0.81	mg/L	2/season	Grab
Lead	0.08	mg/L	2/season	Grab
Flow	Report	gpd	Monthly	Estimated

66. During the September 2021 Inspection, the Respondents did not provide analytical results for the stormwater discharges from Outfall 001. The Respondents stated that they do not collect samples from Outfall 001 at the Facility and have not ever sampled Outfall 001.
67. In failing to capture all wastewater generated from boat bottom washing activities and direct it to one or more locations for treatment, as required by Part III.A.1.a of the General Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, Respondents violated Section 301 of the CWA, 33 U.S.C. § 1311.
68. In failing to conduct Numeric Monitoring and submit monitoring information electronically using NetDMR, as required by Part V.B of the General Permit, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, Respondents violated Section 301 of the CWA, 33 U.S.C. § 1311.



#### **V. ORDER**

Therefore, Respondents is hereby ORDERED, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), to conduct the following activities:


69. The Respondents shall take all actions necessary to comply with the Clean Water Act, including, but not limited to, complying with all requirements of the General Permit, along with any subsequent permit or permit modifications.
70. Within 30 days of the Effective Date of this Order, Respondents shall submit to the EPA an updated SWPPP to reflect current Facility conditions. The SWPPP should be updated to be compliant with Part III.C of the General Permit. The SWPPP will be provided to the EPA using the procedures for submissions provided in Section VI of this Order.

71. Within 30 days of the Effective Date of this Order, Respondents shall create and submit to EPA for review a checklist for Routine Facility Inspections that covers the requirements in Part V of the General Permit. Once reviewed by EPA, Respondents shall incorporate the checklist into quarterly routine site inspections.
72. Within 60 days of the Effective Date of this Order, Respondents shall submit a corrective action plan, for EPA's approval, which contains a plan and schedule for implementation of stormwater control measures to minimize pollutant discharges to Patapsco River. Following receipt of EPA's approval, Respondents shall implement the Corrective Action Plan in accordance with the schedule contained in the Plan. Stormwater control measures should address the following:
  - a. Capture all wastewater generated from boat bottom washing activities for treatment prior to discharging to Patapsco River;
  - b. Implement stormwater control measures for stormwater runoff from the parking lot and dry dock area; and
  - c. Implement best management practices:
    - i. Remove trash and debris from the property; and
    - ii. Properly store containers, drums, tanks, hydraulic oil, and mechanical parts, using secondary containment as necessary.
73. For a period of one year from the Effective Date of this Order, the Respondents shall submit to EPA on a quarterly basis (due by the last calendar day of December, March, June, and September):
  - a. All self-inspections reports including Routine Facility Inspection Checklists and Visual Assessment of Stormwater Discharges Checklists (provided as Appendix B with the General Permit); and
  - b. All sampling results.
74. Within one year following the Effective Date of this Order, the Respondents shall submit to EPA one Comprehensive Site Compliance Evaluation.

## **VI. PROCEDURES FOR SUBMISSIONS**

75. All documents required to be submitted by this Order and any Request for Termination shall be accompanied by a certification signed by a responsible officer, as defined in 40 C.F.R. § 122.22(a), that reads as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature 

Printed Name

Charles Cao

Title

Owner

Date

6/28/2025

76. Any submission or communication relating to this Order shall be submitted (via electronic transmission) to:

Laura Mathew (3ED31)  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 3  
Philadelphia, PA 19103  
[mathew.laura@epa.gov](mailto:mathew.laura@epa.gov)

and

[R3\\_ORC\\_mailbox@epa.gov](mailto:R3_ORC_mailbox@epa.gov)

and

Natalie Katz (3RC40)  
Senior Assistant Regional Counsel  
U.S. EPA, Region 3  
Philadelphia, PA 19103  
[katz.natalie@epa.gov](mailto:katz.natalie@epa.gov)

77. For each submission required pursuant to this Order, EPA will review the submission. If EPA comments on a submission, Respondents agree to respond in writing via email within 30 calendar days.
78. Respondents may assert a business confidentiality claim covering part or all of the information which this Order requires them to submit to EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R. The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. Information which is effluent data or a standard or limitation is not eligible for confidential treatment pursuant to 40 C.F.R. § 2.302(e). If Respondents do not assert a confidentiality claim, EPA may make the submitted information available to the public without further notice to Respondents.

## **VII. CHANGE OF OWNERSHIP OR OPERATION OF THE FACILITY PROPERTY**

79. Respondent shall provide a copy of this AOC to all prospective purchasers, tenants, operators or other transferees.

80. At least ninety (90) days prior to any transfer of ownership or operation of the Facility property, Respondent shall submit a written Notification to EPA of any such anticipated change in ownership or operation. Each such Notification of change in ownership or operation of the Facility property shall include, at a minimum, a detailed summary of the anticipated change in ownership or operation, contact information for the proposed new owner, tenant or operator, any expected change in use of the Facility property, and a schedule for such anticipated changes.

#### **VIII. CERTIFICATION OF COMPLIANCE AND TERMINATION**

81. Upon Respondents' determination that Respondents has completed all tasks required pursuant to this Order Respondents shall submit to EPA a Certification of Compliance and Request for Termination of this Order. Such certification and request shall include:
- a. a certification that Respondents has maintained compliance with this Order for the term of this Order; and
  - b. all necessary documentation, including photo documentation as appropriate, to support a finding that Respondents has complied with Section V of this Order.
82. If, following review of any Certification of Compliance and Request for Termination of this Order, the EPA determines that any requirement has not been completed and implemented in accordance with this Order, the EPA will notify Respondents in writing, provide a written summary of deficiencies, and require Respondents to modify their actions as appropriate to correct such deficiencies. If so required, EPA may also require Respondents to submit a revised Certification of Compliance and Request for Termination of this Order.
83. If, following review of any Certification of Compliance and Request for Termination of this Order, EPA agrees that Respondents has adequately complied with all requirements of this Order, then EPA may, in its unreviewable discretion, provide written notification of termination of this Order.
84. EPA, at all times, reserves the right to unilaterally terminate this Order in its unreviewable discretion.
85. EPA shall provide Respondents with written notification of termination of this Order.

#### **IX. ORDER MODIFICATIONS**

86. Any request to modify the terms of, or parties to, this Order shall be submitted, in writing, by Respondents to EPA and shall be subject to review and approval by EPA, in its sole and unreviewable discretion. Respondents' submission of a written request for modification of this Order shall not relieve Respondents of any obligation under this Order and shall have no effect on EPA's statutory or regulatory authority to enforce the terms of this Order, in its sole and unreviewable discretion.



**X. EFFECTIVE DATE**

87. This Order is effective after receipt by Respondents, or Respondents' counsel, of a fully executed copy of this Order.

**FOR THE RESPONDENTS MIDDLE BRANCH MARINA AND CHARLES CAO:**

Date: 6/24/2025



Charles Cao  
Owner and Manager  
Middle Branch Marina

**SO ORDERED:**

**ANDREA BAIN** Digitally signed by ANDREA BAIN  
Date: 2025.07.15 09:49:26 -04'00'

*[Digitally signed and dated]*

Acting Director, Enforcement and Compliance Assurance Division  
U.S. EPA Region 3



### REGION 3

PHILADELPHIA, PA 19103

In the Matter of:

Middle Branch Marina, Inc. and  
Charles Cao  
3101 Waterview Avenue  
Baltimore, Maryland 21230

## Respondents

[illegible]

EPA Docket No. CWA-03-2025-0103DN

Administrative Order on Consent  
Pursuant to 33 U.S.C. § 1319(a)

## CERTIFICATE OF SERVICE

I certify that the foregoing Administrative Order on Consent was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the Administrative Order on Consent. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing Administrative Order on Consent to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email and UPS to:

Charlies Cao, Owner and Manager  
Middle Branch Marina, Inc.  
[middlebmarina@aol.com](mailto:middlebmarina@aol.com)  
3101 Waterview Ave  
Baltimore, Maryland 21230

Copies served via email to:

Natalie Katz  
Senior Assistant Regional Counsel  
U.S. EPA, Region 3  
[katz.natalie@epa.gov](mailto:katz.natalie@epa.gov)

Laura Mathew  
Enforcement Inspector  
U.S. EPA, Region 3  
[mathew.laura@epa.gov](mailto:mathew.laura@epa.gov)

BEVIN ESPOSITO Digitally signed by BEVIN  
ESPOSITO  
Date: 2025.07.15 13:02:15 -04'00'

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*[Digital Signature and Date]*  
Regional Hearing Clerk, 3RC00  
U.S. Environmental Protection Agency,  
Region 3