



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 27 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Katie Mackie LaVoy
Senior Vice President & Chief Legal Officer
Great Lakes Dredge and Dock Company, LLC
2122 York Road
Oak Brook, Illinois 60523

RE: Notice of Proposed Assessment of a Civil Penalty for Violations of the Marine Protection, Research and Sanctuaries Act
Docket No. MPRSA-04-2019-7500
Respondent: Great Lakes Dredge and Dock Company, LLC

Dear Ms. LaVoy,

Enclosed is a copy of an Administrative Complaint that the U.S. Environmental Protection Agency Region 4 (EPA) is issuing to Great Lakes Dredge and Dock Company, LLC (Great Lakes or Respondent). The EPA has made findings that Great Lakes 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.* and its implementing regulations during the performance of U.S. Army Corps of Engineers (USACE) Contract #W912EP-13-C-0015 (Contract).

Based upon a review of the electronic disposal monitoring data submittals through the National Dredging Quality Management (DQM) System and the USACE report, "Post Disposal Summary Report Miami ODMDS" received on February 25, 2016, and other pertinent documents, the EPA finds that Great Lakes is subject to penalties under Section 105(a) of the Marine Protection, Research, and Sanctuaries Act ("MPRSA" or "Act"), 33 U.S.C. Section 1415(a) for the following acts:

- a) On thirty-eight (38) occasions, there was leakage from vessels during transit from the dredge project area to the Miami ODMDS;
- b) On thirty-six (36) occasions, upon exiting the Miami ODMDS, vessels had Open Hull Status indicators;
- c) On two (2) occasions, vessels disposed of dredged material outside of the Miami ODMDS release zone;

- d) On eleven (11) occasions, Great Lakes violated the reporting requirements;
- e) On nine (9) occasions, during transit from the dredge project area and the Miami ODMDS, vessels encroached on the Florida Keys Particularly Sensitive Sea Area (transit violations).

For these reasons, the EPA is issuing the attached Complaint, seeking to assess administrative penalties for these violations of MPRSA.

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. § 22.15(a) (a copy of 40 C.F.R. Part 22 is enclosed), you must file a written Answer with the Regional Hearing Clerk within thirty (30) days of service 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. § 22.15, you may be found in default pursuant to 40 C.F.R. Part § 22.17, 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.

The 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 the 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 Atlanta, Georgia. 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 (thirty days) within which you must file an Answer and request a hearing if you choose to do so.

If a mutually satisfactory settlement can be reached, it will be formalized by the issuance of a Consent Agreement and Final Order signed by you and by the Regional Administrator, EPA Region 4. The issuance of a Consent Agreement and Final Order 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:

Natalie Beckwith
Attorney-Advisor
Office of Regional Counsel – 13th Floor
United States Environmental Protection Agency
61 Forsyth Street, SW
Atlanta, Georgia 30303
404-562-9051

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 included with the complaint.

I urge your prompt attention to this matter.

Sincerely,



Suzanne G. Rubini
Acting Director
Enforcement and Compliance Assurance Division

Enclosure:

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION 4

IN THE MATTER OF

Great Lakes Dredge and Dock, LLC

Respondent

Proceeding Pursuant to § 105(a) of the
Marine Protection, Research and
Sanctuaries Act,
33 U.S.C. § 1415(a)

Proceedings to Assess Civil Penalty
under § 105(a) of the Marine
Protection, Research and Sanctuaries
Act

Docket No.
MPRSA-04-2019-7500

2019 SEP 27 PM 2:50
RECEIVED
OFFICE OF REGIONAL
ADMINISTRATOR
EPA REGION 4

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

I. Introduction

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 4, who in turn has delegated it to the Director, Enforcement and Compliance Assurance Division of EPA Region 4 ("Complainant").

2. This is a civil penalty proceeding 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 seeks a civil penalty against Great Lakes Dredge and Dock, LLC ("Respondent") for violating the MPRSA and the regulations promulgated thereunder, for the unauthorized transportation and discharge of material into the ocean, as described below.

II. Legal Authority

3. Pursuant to Section 105(a) of the MPRSA, 33 U.S.C. § 1415(a), the EPA may assess a civil penalty against any person who violates the MPRSA, the regulations promulgated pursuant to the MPRSA, or a permit issued pursuant to the MPRSA, of not more than \$50,000 for each violation. Pursuant to the Federal Civil Penalties Inflation Act of 1990, 28 U.S.C. § 2461, as amended, the maximum penalty for violations occurring after December 6, 2013 is \$75,000 for each violation.

4. Section 101(a) of the MPRSA, 33 U.S.C. § 1411(a), prohibits the transportation by any person of any material for the purpose of dumping it into ocean waters, except as authorized by a permit issued pursuant to Sections 102 or 103 of the MPRSA, 33 U.S.C. §§ 1412 or 1413, and as subject to regulations issued pursuant to Section 108 of the MPRSA, 33 U.S.C. § 1418.

5. "Person" is defined in Section 3(e) of the MPRSA, 33 U.S.C. § 1402(e), as any private person or entity, or any officer employee, agent, department, agency, or instrumentality of the Federal Government.

6. Pursuant to Section 102(c)(1) of the MPRSA, 33 U.S.C § 1412(c)(1), the EPA can designate a site for dumping into ocean waters otherwise known as an Ocean Dredged Material Disposal Site (“ODMDS”). In addition, pursuant to 102(c)(3) of the MPRSA, 33 U.S.C § 1412(c)(3), the EPA Administrator, in conjunction with the Secretary of U.S. Army Corps of Engineers (“USACE”), shall develop a site management and monitoring plan (“SMMP”) in the case of an ODMDS.

7. Pursuant to 40 C.F.R. § 228.15(h)(19), the Miami ODMDS was designated as a site for ocean dumping. Disposal at the Miami ODMDS shall comply with conditions set forth in the most recently approved SMMP.

8. Pursuant to Section 103 of the MPRSA, 33 U.S.C. § 1413, and the regulations promulgated thereunder, the USACE may issue permits for the “transportation” of “dredged material” for the purpose of dumping it into “ocean waters” as long as the dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

- a. Section 3(l) of the MPRSA, 33 U.S.C. § 1402(l), defines “transportation” as the carriage and related handling of any material by a vessel, or by any other vehicle.
- b. Section 3(i) of the MPRSA, 33 U.S.C. § 1402(i), defines “dredged material” as “any material excavated or dredged from the navigable waters of the United States.”
- c. Section 3(b) of the MPRSA, 33 U.S.C. § 1402(b), defines “ocean waters” as “those waters of the open seas lying seaward of the base line from which the territorial sea is measured.”

9. Pursuant to 40 C.F.R. § 220.2(h), Dredged Material Permit means a permit issued by the Corps of Engineers under Section 103 of [the MPRSA] and any Federal projects reviewed under Section 103(e) of the [MPRSA].

10. Pursuant to Section 104(a)(3)-(6) of the MPRSA, 33 U.S.C. § 1414(a)(3)-(6), permits shall designate and include the location where such transport for dumping will be terminated or where such dumping will occur; such requirements, limitations, or conditions as are necessary to assure consistency with the applicable SMMP; any special provisions deemed necessary by the EPA Administrator or the USACE Secretary, as the case may be, after consultation with the Secretary of the Department in which the Coast Guard is operating, for the monitoring and surveillance of the transportation of dumping; and such other matters as the Administrator or the Secretary deems appropriate.

11. Additionally, Section 103(c)(2) of the MPRSA, 33 U.S.C. § 1413(c)(2), enables the Administrator to impose conditions upon a permit through a concurrence process. Pursuant to Section 103(c)(3), should the Administrator concur with conditions, the permit shall include such conditions.

12. Pursuant to 40 C.F.R. § 220.4(c), Regional Administrators have the authority to approve or propose conditions upon Dredged Material Permits.

III. Findings of Fact

13. The Miami ODMDS is designated pursuant to 40 C.F.R. § 228.15(h)(19) and located at center coordinates of 25°45'00"north, 80°03'37"west, approximately 4.7 miles offshore (as measured to the center) in ocean waters, and approximately one square nautical mile in size.

14. In accordance with Section 102(c)(3) of the MPRSA, 33 U.S.C. § 1412(c)(3), EPA and USACE revised the Miami ODMDS SMMP in September 2008, with an addendum effective on September 26, 2011.

15. On August 15, 2011, the USACE submitted a 103 Evaluation Report requesting EPA's concurrence on the disposal at the Miami ODMDS of dredged material from new work and maintenance dredging during Phase 3 of the Miami Harbor Construction Dredging Project ("Phase 3") pursuant to Section 103 of the MPRSA, 33 U.S.C. § 1413.

16. Phase 3 was a Federal project with a Local Sponsor, the Port of Miami, and consisted of construction dredging and improvements in navigable waters of the United States including deepening, widening, and/or modifying portions of Cut-1, Cut-2, Cut-3, Fisher Island Turning Basin, Fisherman's Channel, Lummus Island Turning Basin, and the berthing areas at the Port of Miami.

17. On December 29, 2011, the EPA concurred with the USACE's proposed use of the Miami ODMDS for the transport and disposal of dredged material from Phase 3 for a period of three years, conditioned on the "implementation through contract provisions of the Miami ODMDS SMMP" to be included in any contract between the USACE and the party selected to complete Phase 3. After USACE's submittal of additional information, including draft contract provisions, the EPA issued an unconditional concurrence letter on June 11, 2012.

18. On July 27, 2012, the USACE modified a preexisting permit, SAJ-2006-06547(IP-MLC), issued to the Port of Miami. The permit modification allowed for an increase in dredge depth at the Fisherman's Channel berthing areas on the Port of Miami's property. The modification provided that the dredged material would be disposed of, in part, at the Miami ODMDS.

19. On May 15, 2013, Respondent entered into a contract with the USACE, Jacksonville District, under Contract #W912EP-13-C-0015 ("Contract"). The Contract covered the entirety of the Federal project, including work on the above-mentioned berthing areas at the Port of Miami. The solicitation for bids, and the resulting contract, detailed the requirements of Phase 3 (including compliance with EPA's 103 concurrence letters and the Miami ODMDS SMMP) during the removal of material from channels, turning basins, and berthing areas and transportation by vessels to the Miami ODMDS for disposal.

20. Based on the need for continued dredging and disposal of material at the Miami ODMDS to complete Phase 3, EPA concurred on disposal of dredged material from Phase 3 into the Miami ODMDS for an additional six-months on December 19, 2014, and again on June 5, 2015.

21. Respondent is a private entity and, therefore, a "person" as defined in Section 3(e) of the Act, 33 U.S.C. § 1402(e).

22. The Miami ODMDS is a disposal site located in ocean waters.

23. Respondent transported material excavated and dredged from navigable waters of the United States by vessel during performance of Phase 3 for the purposes of dumping it in to the Miami ODMDS.

24. Phase 3 was a Federal project under MPRSA section 103(e) and, therefore, meets the definition of a "Dredged Material Permit" under 40 C.F.R. § 220.2(h).

25. The terms and conditions of the Phase 3 Dredged Material Permit are contained in the 103 Evaluation Report, EPA's 103 Concurrence Letters, and the Miami ODMDS SMMP.

26. Pursuant to the Contract with the USACE, Respondent performed the dredging and ocean disposal work permitted under the Phase 3 Dredged Material Permit and subject to the SMMP and the 103 Concurrence Letters.

IV. Alleged Violations

27. Except as authorized by Section 101(a) of the MPRSA, 33 U.S.C. § 1411(a), the Respondent was prohibited from transporting any material from the Phase 3 Federal project for the purpose of dumping into ocean waters.

28. Any transportation and disposal by Respondent of dredged materials at the Miami ODMDS that was inconsistent with the Phase 3 Dredged Material Permit, is a violation of Section 101(a) of MPRSA, 33 U.S.C. § 1411(a) and subject to penalties under Section 105(a) of MPRSA, 33 U.S.C. § 1415(a).

29. Any transportation and disposal by Respondent of dredged materials at the Miami ODMDS that did not comply with conditions set forth in the SMMP is a violation of 40 C.F.R. § 228.15(h)(19) and Section 101(a) of MPRSA, 33 U.S.C. § 1411(a) and subject to penalties under Section 105(a) of MPRSA, 33 U.S.C. § 1415(a).

30. Through the following actions between the dates of December 16, 2013 and July 12, 2015, the Respondent transported dredged material from Phase 3 for the purpose of dumping such material at the Miami ODMDS ninety-five times (95) in a manner inconsistent with the Miami ODMDS SMMP and in violation of the Dredged Material Permit, 40 C.F.R. § 228.15(h)(19) and Section 101(a) of MPRSA, 33 U.S.C. § 1411(a):

- a) On thirty-seven (37) occasions (see Appendix 1, Table 1), vessels used by Respondent to perform Phase 3 experienced leakage during transit from the dredge project area to the Miami ODMDS in violation of SMMP section 2.8;

- b) On thirty-six (36) occasions (see Appendix 1, Table 2), vessels used by Respondent to perform Phase 3 exited the Miami ODMDS with open doors in violation of SMMP section 2.8;
- c) On two (2) occasions (see Appendix 1, Table 3), vessels used by Respondent to perform Phase 3 disposed of dredged material outside of the Miami ODMDS release zone in violation of SMMP section 2.8;
- d) On eleven (11) occasions (see Appendix 1, Table 4), Respondent failed to comply with reporting requirements in violations of SMMP section 3.6.1; and
- e) On nine (9) occasions (see Appendix 1, Table 5), vessels used by Respondent to perform Phase 3 transited the Florida Keys Particularly Sensitive Sea Area during transit to and/or from the Miami ODMDS in violation of SMMP section 2.7.

31. 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 \$75,000 for each of the ninety-five (95) violations of 40 C.F.R. § 228.15(h)(19), the Dredged Material Permit and/or Section 101(a) of the MPRSA, 33 U.S.C. § 1411(a).

V. Notice of Proposed Order Assessing a Civil Penalty

32. Based on the foregoing Findings of Violation, and pursuant to the authority of Section 105(a) of MPRSA, 33 U.S.C. Section 1415, EPA Region 4 hereby proposes to issue, after considering the statutory penalty factors, issue a Final Order Assessing Administrative Penalties ("Final Order") to Respondent in an amount not to exceed \$75,000 per violation, which is the maximum penalty authorized under these allegations, for Respondent's unlawful transit and disposal of materials in ocean waters in violation of the MPRSA. EPA considered the gravity of the violations including the number of violations, prior violations, and the

demonstrated good faith of the Respondent to achieve rapid compliance after notification of a violation. The Respondent's actions are contrary to MPRSA's purpose and undermine the integrity of the regulatory scheme. The Respondent's actions could adversely affect human health, welfare, or amenities, or the marine environmental, ecological systems, or economic potentialities. The Respondent's large number of violations span over two and a half years. Given the large number of violations and Respondent's prior pattern of behavior in the Region, EPA Region 4 considers these violations to be serious. A penalty is appropriate in this action to deter similar outcomes when the Respondent operates in the future.

VI. Procedures Governing This Administrative Litigation

33. 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.

34. 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 4, 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 4, is:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

35. 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).

36. 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).

37. 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.

38. 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 Answer to the Complaint, (in accordance with the 30-day period set forth in 40 C.F.R. § 22.15(a)), 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) against Respondent, and to collect the assessed penalty amount, in federal court.

39. 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, the EPA may then seek to enforce such Final Order of Default.

VII. Opportunity to Request Hearing

40. 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).

41. 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.

VIII. Informal Settlement Conference

42. Whether or not Respondent requests a formal hearing, the 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(b).

43. 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:

Natalie Beckwith
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303
(404) 562-9051

44. 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.

45. 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.

46. 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).

47. 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.

IX. Resolution of this Proceeding Without Hearing or Conference

48. 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 4 (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 address:

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

49. 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 4 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.

X. Filing of Documents

50. 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 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

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

Natalie Beckwith
Office of Regional Counsel

U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

XI. General Provisions

52. Respondent has a right to be represented by an attorney at any stage of these proceedings.

53. This Complaint does not constitute a waiver, suspension or modification of the requirements of the Act, regulations promulgated thereunder, or any applicable permit.

54. 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 27 DAY OF September 2019

Stephanie S. Meli, Acting
Director

Enforcement and Compliance Assurance Division
United States Environmental Protection Agency, Region 4
61 Forsyth St SW
Atlanta, GA 30303

POTENTIAL CONFIDENTIAL BUSINESS INFORMATION

Items in Appendix A are redacted due to continuing CBI concerns

A complete copy of the document containing the information was filed with the Regional Hearing Clerk

APPENDIX A

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION 4

IN THE MATTER OF

Great Lakes Dredge and Dock, LLC

Respondent

Proceeding Pursuant to § 105(a) of the
Marine Protection, Research and
Sanctuaries Act,
33 U.S.C. § 1415(a)

Proceedings to Assess Civil Penalty
under § 105(a) of the Marine
Protection, Research and Sanctuaries
Act

Docket No.
MPRSA-04-2019-7500

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:

Katie Mackie LaVoy
Senior Vice President & Chief Legal Officer
Great Lakes Dredge and Dock Company, LLC
2122 York Road
Oak Brook, Illinois 60523

I hand carried the original and a copy of the foregoing Complaint to the office of
Ms. Patricia Bullock
Regional Hearing Clerk
United States Environmental Protection Agency, Region 4
Office of Regional Counsel
61 Forsyth Street, SW
Atlanta, Georgia 30303

9/27/2019
DATE

N. N. Decker
NAME