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1 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

2 REGION 9

3 75 Hawthorne Street
San Francisco, California 94105

2009 SEP 17 PM 4:48

U.S. EPA REGION IX
REGIONAL HEARING CLERK

4
5 In re the Matter of:

) Docket No.: CWA-09-2009-0003

6
7 **American Marine Corporation**

) **COMPLAINT, NOTICE OF PROPOSED
) PENALTY, AND NOTICE OF
) OPPORTUNITY FOR HEARING**

8 1500 South Barracuda Street
9 Terminal Island, California, 90731

10 Respondent.

) Proceedings Under Section 309(g)(2)(B) of the
) Clean Water Act, as amended, 33 U.S.C. §
) 1319(g)(2)(B)

11
12 **COMPLAINT**

13 **Statutory Authority**

14
15 1. The United States Environmental Protection Agency ("EPA") issues this Complaint,
16 Notice of Proposed Penalty, and Notice of Opportunity for Hearing ("Complaint") pursuant to
17 Section 309(g) of the Clean Water Act ("CWA" or "the Act"), 33 U.S.C. § 1319(g). The
18 authority to take action under Section 309(g) of the Act, 33 U.S.C. § 1319(g), is vested in the
19 Administrator of the EPA. The Administrator has delegated this authority to the Regional
20 Administrator, EPA Region 9, who in turn has delegated it to the Director of the Water Division
21 of EPA, Region 9, who hereby issues this Complaint.

22 **Statutory and Regulatory Framework**

23 2. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant
24 from a point source by any person into a water of the United States unless it complies with the
25 Act, including Section 402, 33 U.S.C. § 1342.

1 3. Section 402 of the Act, 33 U.S.C. § 1342, establishes the National Pollutant Discharge
2 Elimination System (“NPDES”) program. Under Section 402 of the Act, 33 U.S.C. § 1342, EPA
3 and states with EPA-approved NPDES programs are authorized to issue permits governing the
4 discharge of pollutants from regulated sources.

5 4. Section 402(p) of the Act, 33 U.S.C. § 1342(p), and EPA’s implementing regulations at
6 40 C.F.R. § 122.26, require NPDES permit authorization for discharges of storm water
7 associated with industrial activity. Facilities engaged in industrial activity, as defined by 40
8 C.F.R. § 122.26(b)(14), must obtain NPDES permit authorization if they discharge or propose to
9 discharge storm water into waters of the United States.

10 5. Towing and Tug Boat Services, Standard Industrial Classification (SIC) Code 4492, and
11 Water Transportation of Freight, SIC Code 4449, fall under SIC Major Group 44 and, pursuant
12 to 40 C.F.R. § 122.26(b)(14)(viii), are industrial activities subject to the discharge and permitting
13 requirements under Section 402(p) of the Act, 33 U.S.C. § 1342(p).

14 6. Section 308(a) of the Act, 33 U.S.C. § 1318(a), and its implementing regulations,
15 authorize EPA to, *inter alia*, require the owner or operator of any point source to establish
16 records, make reports, or submit other reasonably required information, including individual and
17 general NPDES permit applications.

18 7. Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), and 40 C.F.R. § 122.21, any
19 person who discharges or proposes to discharge storm water associated with industrial activity
20 must submit an application for an NPDES permit 180 days before the date on which the
21 discharge is to commence.

22 8. The State of California has an EPA-approved NPDES program, and issues permits,
23 including storm water permits, through its State Water Resources Control Board (“State Board”)
24 and nine Regional Water Quality Control Boards (“Regional Boards”). On April 17, 1997, the
25 State Board adopted General Permit No. CAS000001/Water Quality Order No. 97-03-DWQ

1 (“General Permit”), the current statewide NPDES permit for storm water discharges associated
2 with industrial activity.

3 9. All facility operators seeking coverage under the General Permit must submit a *Notice*
4 *of Intent to Comply with the Terms of the General Permit for Storm Water Discharges*
5 *Associated with Industrial Activity* (“NOI”) to the State Board fourteen (14) days prior to
6 commencing industrial operations. A facility operator that does not submit an NOI must submit
7 an application for an individual NPDES permit. (General Permit, Order Provision E(1), pg. 6
8 and Attachment 3 to the General Permit.)

9 10. The General Permit requires facility operators to develop and implement a storm water
10 pollution prevention plan (“SWPPP”) prior to discharging storm water from their industrial
11 operations. (General Permit, Order Section A(1)(a), p. 11.) The SWPPP includes obligations to
12 identify sources of industrial storm water pollution and to identify site-specific best management
13 practices (“BMPs”). The SWPPP must include, *inter alia*, a narrative description of the storm
14 water BMPs to be implemented at the facility for each potential pollutant and its source.
15 (General Permit, Order Section A(8), pg. 17.)

16 11. The General Permit requires facility operators to reduce or prevent pollutants associated
17 with industrial activity in their storm water discharges and authorized non-storm water
18 discharges by implementing best available technology economically achievable (“BAT”) for
19 toxic and non-conventional pollutants and best conventional pollutant control technology
20 (“BCT”) for conventional pollutants. Development and implementation of a SWPPP that
21 complies with the General Permit and that includes BMPs that achieve BAT/BCT constitute
22 compliance with this requirement. (General Permit, Order Provision B.3, pg. 4.)

23 12. The General Permit requires facility operators to include a clear and understandable site
24 map in the SWPPP that includes, *inter alia*, an identification of the location of municipal storm
25 drain inlets, direction of storm water flow, and areas of industrial activity, including the location

1 of fueling areas, material handling and processing areas, waste treatment and disposal areas, and
2 other areas of industrial activity which are potential pollutant sources. (General Permit, Order
3 Section A(4), pp. 12-14.)

4 13. The General Permit requires facility operators to include a narrative description of the
5 storm water BMPs to be implemented at the facility for each potential pollutant and its source.
6 (General Permit, Order Section A(8), pp. 17-21.)

7 14. The General Permit requires facility operators beginning industrial activities after
8 October 1, 1992, to develop and implement a monitoring program when the industrial activities
9 begin. (General Permit, Order Section B(1)(a), pp. 24-25.)

10 15. The General Permit requires all facility operators to monitor for total suspended solids,
11 Ph, and total organic carbon (TOC) (oil and grease may be substituted for TOC). (General
12 Permit, Order Section (B(5)(c)(i), pg. 27.) The General Permit also requires facility operators
13 falling under SIC Major Code 44 to monitor for aluminum, iron, lead and zinc. (General Permit,
14 Order Section (B(5)(c)(iii), pg. 27, and Table D, pg. 43.)

15 **Factual Background**

16 16. Respondent is a Hawaii corporation, licensed to do business in California, and is thus a
17 "person" under Section 502(5) of the Act, 33 U.S.C. § 1362(5).

18 17. Respondent operates a tug boat and water freight transportation service facility (the
19 "Facility") located on approximately 2 acres of land at 1500 South Barracuda Street on Terminal
20 Island at the Port of Los Angeles in California. Respondent has operated the Facility since at
21 least October 1993. Respondent is primarily engaged in tug boat and water transportation of
22 freight activities classified under SIC Major Group 44, specifically SIC Codes 4492 ("Towing
23 and Tug Boat Services") and 4449 ("Water Transportation of Freight").

24 18. Data from the Torrance Municipal Airport Weather Monitoring Station, located
25 approximately six miles northeast of the Facility, indicate there were at least 39 days with 0.1

1 inches or more of rainfall at the Facility (including 32 days with 0.5 inches or more of rainfall,
2 and 13 days with 1.25 inches or more of rainfall) from October 1, 2004 to February 6, 2008.

3 19. Storm water runoff at the Facility collects and flows to on-site storm drains (including
4 “scuppers” located along the Facility’s seawall/pier edge) that discharge to the Fish Harbor area
5 of the greater Los Angeles Harbor.

6 20. The Los Angeles Harbor is considered Essential Fish Habitat for two Fishery
7 Management Plans developed by the National Marine Fisheries Service pursuant to the federal
8 Magnuson-Stevens Fishery Conservation and Management Act: the Coastal Pelagics Plan and
9 the Pacific Coast Groundfish Management Plan.

10 21. Fish Harbor sediment contains elevated levels of toxic constituents. The “Summary of
11 Sediment Quality Conditions in the Port of Los Angeles,” (“Summary”) dated May 2009, pg. 36,
12 prepared by Weston Solutions for the Port of Los Angeles Environmental Management, found:
13 “Sediment toxicity has been observed in ... Los Angeles/Long Beach Inner and Outer Harbors,
14 and Fish Harbor.”¹ (Emphasis added.) The Summary, pg. 39, also found: “Copper, lead,
15 mercury, zinc, DDTs, PCBs, and TBT were found to be elevated in [Fish Harbor].”

16 22. Fish Harbor is listed as an “impaired” water for, among other things, copper, lead, zinc,
17 and sediment toxicity, by the State of California pursuant to Section 303(d) of the Act, 33 U.S.C.
18 § 1313(d).

19 23. On May 16, 2007, a representative of EPA Region 9 inspected the Facility to evaluate
20 Respondent’s compliance with the General Permit and found Respondent had not submitted an
21 NOI to the State Board or otherwise sought or received NPDES permit coverage for discharges
22 from the Facility. The inspectors also observed sources of pollutants (containers of flammable
23
24

25 ¹ http://www.portoflosangeles.org/DOC/WRAP_Appendix_B1.pdf

1 material, unlabeled tote bucket of oily bilge water, old boat engines) exposed to storm water, and
2 poor housekeeping (litter and debris) in a hazardous waste accumulation area.

3 24. On November 9, 2007, EPA issued Respondent a Findings of Violation and Order for
4 Compliance, EPA Docket No. CWA 309(a)-08-014 (the "2007 Order"), which required
5 Respondent to obtain General Permit coverage and bring the Facility into compliance with the
6 General Permit by, *inter alia*, implementing BMPs and developing a SWPPP.

7 **Findings of Violation**

8 Count 1

9 Discharges Without an NPDES Permit

10 25. The facts stated in paragraphs 1 through 24 are re-alleged and incorporated herein.

11 26. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant
12 from a point source by any person into a water of the United States unless it complies with the
13 Act, including Section 402, 33 U.S.C. § 1342.

14 27. On or around January 11, 2008, Respondent submitted an NOI to the State Board
15 seeking coverage under the General Permit for the Facility. On February 6, 2008, the State
16 Board granted Respondent coverage under the General Permit and assigned Waste Discharge
17 Identification ("WDID") Number 419I021437 for the Facility. Prior to February 6, 2008,
18 discharges from Respondent's industrial activities at the Facility were not authorized by the
19 General Permit or an individual NPDES permit.

20 28. Respondent is a "person" under Section 502(5) of the Act, 33 U.S.C. § 1362(5).

21 29. Storm water runoff from the Facility contains "pollutants," including industrial waste, as
22 defined in Section 502(6) of the Act, 33 U.S.C. § 1362(6).

23 30. The storm drains and scuppers at the Facility that discharge to Fish Harbor, the Los
24 Angeles Harbor, and Pacific Ocean, are "point sources" as defined by Section 502(14) of the
25 Act, 33 U.S.C. § 1362(14).

1 31. Storm water runoff from the Facility that discharges to Fish Harbor, the Los Angeles
2 Harbor, and the Pacific Ocean, is a “storm water discharge associated with industrial activity” as
3 defined by 40 C.F.R. § 122.26(b)(14).

4 32. Fish Harbor, the Los Angeles Harbor, and the Pacific Ocean are “waters of the United
5 States” as that term is defined in Section 502(7) of the Act, 33 U.S.C. § 1362(7), and EPA’s
6 implementing regulations at 40 C.F.R. § 122.2.

7 33. Data from the nearest Torrance Municipal Airport Weather Monitoring Station indicate
8 there were at least 39 days with 0.1 inches or more of rainfall at the Facility (including 32 days
9 with 0.5 inches or more of rainfall, and 13 days with 1.25 inches or more of rainfall) from
10 October 1, 2004 to February 6, 2008. Upon information and belief, each of the 39 rainfall events
11 generated storm water associated with industrial activity at the Facility that discharged into and
12 added pollutants to Fish Harbor, Los Angeles Harbor, and the Pacific Ocean.

13 34. Each storm water discharge from the Facility between October 1, 2004 and February 6,
14 2008, was an unauthorized discharge to waters of the United States and, together, the discharges
15 constitute no fewer than 39 days of violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

16 Count 2

17 Failure to Submit an NOI for General Permit Coverage

18 35. The facts stated in paragraphs 1 through 34 are re-alleged and incorporated herein.

19 36. Section 308(a) of the Act, 33 U.S.C. § 1318(a), and 40 C.F.R. § 122.21, require
20 dischargers of storm water associated with industrial activity to submit information in an
21 application for an NPDES permit prior to commencing industrial activity.

22 37. Respondent’s failure to submit an NOI for coverage under the General Permit or an
23 Individual NPDES Permit before commencing industrial activities at the Facility constitutes a
24 violation of Section 308(a) of the Act, 33 U.S.C. § 1318(a), and 40 C.F.R. § 122.21.
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Count 3

Failure to Comply with General Permit Requirement
to Develop an Adequate SWPPP

38. The facts stated in Paragraphs 1 through 37 are re-alleged and incorporated herein.

39. The General Permit (General Permit, Order Section A, pp. 11-23) requires Respondent to develop and implement an adequate SWPPP prior to commencing industrial operations.

40. On February 12, 2008, after Respondent obtained General Permit coverage on February 6, 2008, Respondent provided EPA with a copy of the Facility's SWPPP in response to the 2007 Order. EPA reviewed the SWPPP and found it did not comply with the General Permit for the following reasons:

- a. Respondent failed to develop an adequate site map, as required by General Permit, Order Section A(4), pp. 12-14. Specifically, Respondent failed to include a site map that included flow lines indicating the direction of flow of each drainage area; and
- b. Respondent failed to adequately include a narrative description of the storm water BMPs to be implemented at the facility for each potential pollutant and its source, as required by General Permit Order Section A(8), pp. 17-21, to reduce or prevent pollutants in storm water discharges from, among other sources, on-site grinding, cutting, welding, sanding, blasting, and painting.

41. On March 23, 2009, EPA issued Respondent a Findings of Violation and Order for Compliance, EPA Docket No. CWA 309(a)-09-014 (the "2009 Order"), which required, *inter alia*, that Respondent submit a revised SWPPP that complied with the General Permit by including a site map that included flow lines in accordance with General Permit, Order Section A(4), p. 12, and an adequate description of BMPs in accordance with General Permit Order Section A(8), pp. 17-21.

1 42. On April 22, 2009, in response to the 2009 Order, Respondent submitted a revised
2 SWPPP to EPA.

3 43. Upon information and belief, EPA alleges that Respondent's failure to develop and
4 implement an adequate SWPPP for operations at the Facility between February 6, 2008 and
5 April 22, 2009, constitutes no fewer than 440 days of violation of the General Permit (General
6 Permit Order Sections A(4), pp. 12-14, and A(8), pp. 17-21), which was issued pursuant to
7 Section 402 of the Act, 33 U.S.C. § 1342. Each violation of the General Permit is a violation of
8 Section 301(a) of the Act, 33 U.S.C. § 1311(a).

9 Count 4

10 Failure to Comply with General Permit Requirement to
11 Develop an Adequate Written Monitoring Program

12 44. The facts stated in Paragraphs 1 through 43 are re-alleged and incorporated herein.

13 45. The General Permit (General Permit, Order Section B(1)(a), pp. 24-25) requires facility
14 operators to develop a site-specific written monitoring program prior to commencing industrial
15 operations and to have the written monitoring program readily available for review by inspectors
16 and employees.

17 46. On February 6, 2008, Respondent obtained General Permit coverage.

18 47. On February 12, 2008, Respondent provided EPA with a copy of the Facility's SWPPP
19 in response to the 2007 Order, under cover of a letter from George Wittich, AMC Vice President
20 and General Manger, notifying EPA that "AMC now anticipates submitting [the] Stormwater
21 Monitoring Plan on or about 29-February-2008; with implementation of the Stormwater
22 Monitoring Plan in March 2008." EPA did not receive the Stormwater Monitoring Plan on or
23 about February 29, 2008.

24 48. On March 23, 2009, EPA issued the 2009 Order, which required, *inter alia*, that
25 Respondent submit a written monitoring program for the Facility in accordance with the General
Permit (General Permit, Order Section B(1)(a), pp. 24-25).

1 49. On April 22, 2009, in response to the 2009 Order, Respondent submitted a "Storm Water
2 Monitoring Plan" for the Facility to EPA.

3 50. Respondent's failure to develop an adequate written monitoring program after it obtained
4 General Permit coverage on February 6, 2008, and its failure to produce a copy of an adequate
5 written monitoring program for review by EPA until April 22, 2009, constitutes no fewer than
6 440 days of violation of the General Permit (General Permit, Order Section B(1)(a), pp. 24-25),
7 which was issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342. Each violation of the
8 General Permit is a violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

9 **NOTICE OF PROPOSED ORDER ASSESSING PENALTIES**

10 51. Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), authorizes the assessment of
11 administrative civil penalties in an amount not to exceed \$10,000 per day for each day during
12 which the violation continues, up to a maximum penalty of \$125,000. Pursuant to the Debt
13 Collection Improvement Act of 1996, 31 U.S.C. § 3701, and 40 C.F.R. Part 19, the
14 administrative assessment of civil penalties may not exceed \$16,000 per day for each day during
15 which the violation continues, up to a maximum penalty of \$177,500. *See also* 73 Fed. Reg.
16 75340 (December 11, 2008) (2008 Penalty Inflation Rule).

17 52. The proposed penalty is based upon the facts stated in this Complaint, the nature,
18 circumstances, extent, and gravity of the violation, and with respect to the violator, ability to pay,
19 any prior history of such violation, the degree of culpability, economic benefit or savings
20 resulting from the violation, and such other matters as justice may require.

21 53. The nature, circumstances, extent, and gravity of the violations described above are
22 significant. Respondent operated the Facility without General Permit coverage since it began
23 industrial activity at the Facility in 1993, until February 6, 2008, and for at least the five years
24 prior to the filing of this Complaint, has not maintained adequate storm water controls at the
25 Facility. The absence of adequate storm water controls resulted in the discharge of pollutants in

1 storm water to waters of the United States. Storm water discharges from dockside tugboat and
2 freight transportation activities, SIC Codes 4492 and 4449, are known to contain the following
3 pollutants: lead, copper, zinc, and aluminum. During the May 16, 2007 inspection, EPA's
4 inspector observed materials and storm water pollutant sources at the Facility that would
5 generally be expected to generate the types of pollutants typically associated with a facility
6 operating under SIC 4492 and 4449. Fish Harbor is listed as an "impaired" water by the State of
7 California pursuant to Section 303(d) of the Act for, *inter alia*, lead, copper, zinc, and sediment
8 toxicity. Respondent's discharge of the above-mentioned pollutants in storm water not only risks
9 contributing to Fish Harbor's impairment for lead, copper and zinc, but also poses a substantial
10 risk of further contaminating the sediment in Fish Harbor and increasing the risk of harm to
11 aquatic species and other wildlife, e.g., these pollutants may adversely impact species of fish
12 found in the Los Angeles Harbor, which is recognized by NMFS as Essential Fish Habitat.

13 54. By avoiding or delaying the costs necessary to comply with the Act, Respondent has
14 realized an economic benefit as a result of the violations alleged above.

15 55. Based on the foregoing Findings of Violations, and pursuant to Section 309(g) of the
16 Act, 33 U.S.C. § 1319(g), EPA Region 9 hereby proposes to issue a Final Order assessing a civil
17 administrative penalty against Respondent in an amount not to exceed the statutory maximum
18 penalty allowed under 33 U.S.C. § 1319(g)(2)(B), as amended by the Civil Monetary Penalty
19 Inflation Act, and as reflected in 40 CFR § 19.4.

20 56. EPA has consulted with the State of California regarding this Complaint and EPA's
21 intention to seek civil administrative penalties against Respondent.

22 57. Neither assessment nor payment of a civil administrative penalty pursuant to Section
23 309(g) of the Act, 33 U.S.C. § 1319(g), shall affect Respondent's continuing obligation to
24 comply with the Act, and with any separate compliance order issued under Section 309(a) of the
25 Act, 33 U.S.C. § 1319(a), for the violations alleged herein.

1 **ANSWER AND NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

2 58. To avoid being found in default, which constitutes an admission of all facts alleged in
3 the Complaint and a waiver of the right to hearing, Respondent must file a written answer and
4 request for hearing within thirty (30) days of service of this Complaint. The answer shall clearly
5 and directly admit, deny, or explain each of the factual allegations contained in this Complaint
6 with respect to which Respondent has any knowledge, or shall clearly state that Respondent has
7 no knowledge as to particular factual allegations in this Complaint. The answer shall also state
8 (a) the circumstances or arguments which are alleged to constitute the grounds of defense; (b) the
9 facts that Respondent disputes; (c) the basis for opposing any proposed relief; and (d) whether a
10 hearing is requested. The answer shall be filed, in accordance with 40 C.F.R. § 22.5(b)(2) and
11 22.15 with the Regional Hearing Clerk at the address below:

12 Regional Hearing Clerk
13 U.S. EPA Region 9 (ORC-1)
14 75 Hawthorne Street
15 San Francisco, California 94105

16 59. In accordance with Section 309(g)(2) of the CWA, 33 U.S.C. § 1319(g)(2), Respondent
17 may request, within thirty (30) days of receipt of this Complaint, a hearing to contest any
18 material fact contained in the Complaint or to contest the appropriateness of the proposed penalty
19 set forth therein. Such a hearing will be held and conducted in accordance with the *Consolidated*
20 *Rules of Practice Governing the Administrative Assessment of Civil Penalties and the*
21 *Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22, a copy of which is
22 enclosed herein.

23 60. If Respondent requests a hearing, members of the public, to whom EPA is obligated to
24 give notice of this proposed action, will have a right under Section 309(g)(4)(B) of the CWA, 33
25 U.S.C. § 1319(g)(4)(B), and 40 C.F.R. § 22.45 to be heard and to present evidence on the
appropriateness of the penalty assessment.

1 61. A copy of the Answer and request for hearing and copies of all other documents relating
2 to these proceedings filed with the Regional Hearing Clerk should also be sent to:

3 Rich Campbell
4 Assistant Regional Counsel
5 Office of Regional Counsel
6 U.S. EPA Region 9 (ORC-2)
7 75 Hawthorne Street
8 San Francisco, California 94105

7 **OPPORTUNITY FOR INFORMAL SETTLEMENT**

8 62. Whether or not Respondent requests a hearing, Respondent may confer informally with
9 EPA to discuss the alleged facts, violations, and amount of the penalty. An informal conference
10 does not, however, affect Respondent's obligation to file a written Answer within thirty (30)
11 days of the Effective Date of the Complaint. The informal conference procedure may be pursued
12 simultaneously with the adjudicatory hearing procedure.

13 63. Any settlement reached as a result of an informal conference will be embodied in a
14 written Consent Agreement and Final Order. The issuance of the Consent Agreement and
15 Final Order will constitute waiver of Respondent's right to a hearing on any matter to which
16 Respondent stipulated.

17 64. If a settlement cannot be reached through an informal conference, the filing of a written
18 Answer within thirty (30) days of the Effective Date of this Complaint will preserve
19 Respondent's right to a hearing.

20 65. EPA encourages all parties against whom a penalty is proposed to explore the
21 possibility of settlement. To request an informal conference, Respondent should contact Rich
22 Campbell, Assistant Regional Counsel, at (415) 972-3870 or at the following address:

23 Rich Campbell
24 Assistant Regional Counsel
25 Office of Regional Counsel
U.S. EPA Region 9 (ORC-2)
75 Hawthorne Street
San Francisco, California 94105

1 **PUBLIC NOTICE**

2 66. Section 309(g)(4) of the Act, 33 U.S.C. §1319(g)(4), and 40 C.F.R. § 22.45(b), require
3 EPA to provide public notice of and a reasonable opportunity for comment before finalizing an
4 administrative civil penalty action.

5 **EFFECTIVE DATE**

6 67. This proceeding is initiated by the filing of this Complaint with the Regional Hearing
7 Clerk. For calculation of time frames provided herein, the "Effective Date" of this Complaint is
8 the date of service. Service is complete when the return mail receipt is signed by the Respondent
9 or a duly authorized representative of the Respondent, in accordance with the provisions of 40
10 C.F.R. §§ 22.5(b) and 22.7(c).

11
12 
13 _____
14 Alexis Strauss, Director
15 Water Division

September 16, 2009

1 **CERTIFICATE OF SERVICE**

2 In the Matter of American Marine Corporation,
3 EPA Docket No. CWA-09-2009-0003

4 I hereby certify that the original of the foregoing Complaint, Notice of Proposed Penalty,
5 and Notice of Opportunity for Hearing, was filed with the Regional Hearing Clerk, Region 9, and
6 that a copy was sent, along with a copy of the 40 CFR Part 22 *Consolidated Rules of Practice*
Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or
Suspension of Permit, certified mail, return receipt requested, to:

7 George Wittich
8 Vice President & General Manager
9 American Marine Corporation
10 1500 S. Barracuda Street, Berth 270/271 L.A.
11 Los Angeles, Terminal Island, CA 90731-7357
12 Phone: (310) 547-0919
13 Email: gwittich@amarinecorp.com

14 9/17/09 [Redacted]
Date Name
15 ORC Receptionist
Position

1 **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
2 **REGION 9**

3 75 Hawthorne Street
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