

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

**Date of Notice: 7/25/23**

**Public Notice Number: PN2023-000009**

**Comment Period: 7/26/23 – 8/25/23**

**Action:** Notice of Proposed Assessment of Class I Clean Water Act Section 309(g)(2)(A) Administrative Penalties and Opportunity to Comment

Under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), EPA is authorized to assess a civil penalty after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. In Class I proceedings under Section 309(g)(2)(A), any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty of up to \$25,847 per day per violation for each day during which the violation continued, up to a maximum penalty of \$64,618. Proceedings are conducted in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits,” at 40 C.F.R. Part 22 (“Part 22”).

The procedures by which the public may submit written comments on a proposed penalty order or participate in a penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed penalty order is 30 days after issuance of public notice.

Pursuant to Section 309(g), EPA is providing public notice of the following proposed administrative penalty assessment:

**Name of Case:** *In the Matter of: Desmond Yacht Yard, Inc.*

**Name and Mailing Address of Respondent:**

Desmond Yacht Yard, Inc.  
2 Desmond Road  
Beverly, MA 01915

**Name and Address of Facility or Site Addressed by Agreement:**

Desmond Yacht Yard, Inc.  
60 River Street  
Beverly, MA 01915

**Description of Business or Activity Conducted by Respondent:**

Respondent operates a boat storage and maintenance yard in Beverly, MA and is primarily engaged in industrial activity under SIC code 3732, Boat Building and Repairing.

**Description of Violation(s) Alleged in Agreement:**

Failure to obtain authorization under the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities (MSGP), or any National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges.

**Proposed Settlement Penalty:** \$15,000

**Docket Number:** CWA-01-2023-0057

**Date Filed with Regional Hearing Clerk:** N/A

**Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:**

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square - Suite 100  
Mail Code: 4-OM  
Boston, Massachusetts 02109-3912  
(617) 918-1113  
[R1\\_Hearing\\_Clerk\\_Filings@epa.gov](mailto:R1_Hearing_Clerk_Filings@epa.gov) or [Santiago.Wanda@epa.gov](mailto:Santiago.Wanda@epa.gov)

We strongly encourage you to contact the Regional Hearing Clerk using either email address provided above or by calling her at (617) 918-1113. Please reference Docket No. CWA-01-2023-0057 in any comments submitted.

**FOR FURTHER INFORMATION:** Copies of Part 22 can be found at:

<https://ecfr.io/Title-40/Part-22>. Persons wishing to receive a copy of Part 22, review the proposed agreement or other documents filed by the parties in this proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held, should contact the Regional Hearing Clerk identified above. Documents in the public record for the proceeding will be provided electronically upon request.

Because this matter involves a CWA Section 309(g) proceeding that is proposed to be simultaneously commenced and settled under 40 C.F.R. § 22.13(b), this matter will not be resolved or settled until 10 days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b) and (c).