

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 25 2015

REPLY TO THE ATTENTION OF:
WC-15J

CERTIFIED MAIL 7009 1680 0000 7675 2268
RETURN RECEIPT REQUESTED

Illinois Marine Towing, Inc.
379 River St.
P.O. BOX 536
Lemont, IL 60439

Subject: Information Request
Issued Pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a)
Docket No. V-W-15-308-10

To Whom It May Concern:

Under the authority of Section 308 of the Clean Water Act (Act), 33 U.S.C. § 1318(a), the U.S. Environmental Protection Agency requests that you provide us with information within the timeframes specified about Vessels, including barges, operating in and around the water bodies in Chicago, Illinois.

Please submit the information requested with a statement certifying that all representations contained therein are true and accurate to the best of your knowledge and belief using the certification language provided. Please exercise care to assure that responses are complete and accurate, because Section 309(c)(2) of the Act, 33 U.S.C. § 1319(c)(2), provides for the imposition of criminal penalties where false information is knowingly provided to the EPA.

If you have any questions concerning this matter, please contact Joan Rogers, of my staff at (312) 886-2785 or Nicole Cantello of the Office of Regional Counsel at (312) 886-2870.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dean Maraldo".

Dean Maraldo
Chief
Water Enforcement and Compliance Assurance Branch

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	Docket No. V-W-15-308-10
)	
Illinois Marine Towing, Inc.)	
)	Proceeding under Section 308(a) of
)	the Clean Water Act, as amended,
)	33 U.S.C. § 1318(a)
UNDER THE VESSEL GENERAL)	
PERMIT FOR DISCHARGES)	
INCIDENTAL TO THE NORMAL)	
OPERATION OF VESSELS (VGP))	
)	

REQUEST FOR INFORMATION

The U.S. Environmental Protection Agency is requiring the Illinois Marine Towing, Inc. (IMT) to submit certain information about Vessels, including barges, operating in and around the water bodies in Chicago, Illinois. You must send this information to the EPA within the timeframes specified within this request. There are significant civil and criminal penalties for failing to respond to requests issued pursuant to Section 308(a) in a timely, complete and accurate manner.

EPA is issuing this information request under section 308(a) of the Clean Water Act (Act), 33 U.S.C. § 1318(a) which authorizes the Administrator of the EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Water Division, Region 5 who has delegated this authority to the Branch Chief of the Water Enforcement and Compliance Assurance Branch.

I. INSTRUCTION AND DEFINITIONS

1. You must respond separately to each of the questions or requests. Precede each answer with the number of the Request for Information to which it corresponds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds. If IMT does not have documents responsive to a particular question, in its written response to this request, state that IMT does not have such documents.
2. The term "record" or "records" is defined for purposes of this request as any recording of information in tangible form. It includes, but is not limited to, documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer print outs and computer data bases.

- exposed to such conditions. Locate storage areas on the vessel for such items in covered areas where feasible and consistent with any applicable regulations promulgated by the Secretary of the Department in which the Coast Guard is operating that establish specifications for safe transportation, handling, carriage, and storage of pollutants (see Part 2.1.5).
13. To further expand on this requirement, page 55 of the 2013 VGP Fact Sheet explains: "...the permit requires that all vessel operators practice good environmental stewardship by minimizing any exposure of cargo or onboard materials that may result in releases of contaminants to the environment. This can be accomplished by containerizing or tarping materials, and generally limiting any exposure of these materials to wind, rain, or spray."
 14. In addition, Part 2.2.1 of the 2013 VGP includes a requirement for Vessels to control Deck Washdown and Runoff discharges: "Vessel owner/operators must minimize the introduction of on-deck debris, garbage, residue, and spill into deck washdown and runoff discharges. Before deck washdowns occur, you must broom clean (or equivalent) exposed decks or use comparable management measures and remove all existing debris."
 15. The 2013 VGP contains specific requirements applicable to barges at Part 5.4, including supplemental inspection requirements at Part 5.4.2.
 16. The EPA has been made aware of citizen and other complaints regarding Bulk Solid Materials blowing from Vessels, including barges, located in and around the KCBX North and South Terminals into the Waters of the United States.
 17. Vessel(s) owned or operated by IMT either transport or carry Bulk Solid Material to or from KCBX's North or South Terminals.
 18. The 2013 VGP required that Vessels seeking coverage for discharges under the 2013 VGP that are greater than or equal to 300 gross tons or have the capacity to hold or discharge more than 8 cubic meters of ballast water must file a Notice of Intent (NOI) by 7 days prior to discharge to Waters of the United States if filing an eNOI (electronic NOI) or 30 days prior to discharges into Waters of the United States if filing a Paper NOI.
 19. IMT has filed NOIs for its Vessels to be covered by the 2013 VGP and, therefore, must comply with the terms of the 2013 VGP.
 20. The 2013 VGP Parts 2.1.1 and 2.2.1 require Vessels to take steps to minimize the amount of time the Bulk Solid Materials are exposed to conditions that may cause the Bulk Solid Materials to be blown from the hold or blown/washed from the deck of Vessels (including barges).

28. Please submit your responses to this request within 21 days to:

Joan Rogers
 Water Enforcement & Compliance Branch (WC-15J)
 EPA Region 5
 77 West Jackson Blvd.
 Chicago, Illinois 60604-3590

And via email to Rogers.joan@epa.gov and Cantello.nicole@epa.gov.

29. You may consider confidential the information that you submit to us. You may assert a claim of business confidentiality for any portion of the submitted information, except effluent data, under 40 C.F.R. Part 2, subpart B. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.
30. You must submit all requested information under an authorized signature with the following certification: "All written statements submitted pursuant to this Request for Information are true and accurate to the best of the signatory's knowledge and belief." If at any time after submitting the requested information, the signatory determines that any portion of such statement(s) certified as true is false or incorrect, the signatory must notify Region 5. Knowingly providing false information, in response to this request, may be actionable under section 309(c)(4) of the Act, and 18 U.S.C. §§ 1001 and 1341.
31. EPA may use the information submitted in response to this request in an administrative, civil, or criminal action.
32. This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information from a specific entity, IMT, as part of a discrete administrative action or investigation.
33. Neither the issuance of this request by EPA nor compliance with this request by you, relieves you of liability for any penalty, fine, remedy, or sanction authorized to be imposed pursuant to sections 309(b), (c), (d), and/or (g) of the Act, including but not limited to any violations addressed by this request. EPA specifically reserves the right to seek any or all of the remedies specified in sections 309(b)(c), (d), and/or (g) of the Act.



 Dean Maraldo
 Chief, Water Enforcement and Compliance Assurance Branch
 U.S. Environmental Protection Agency, Region 5

3/25/15

 Date