

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, California 94105

FILED

Sep 11, 2026

5:07 pm

U.S. EPA REGION IX
HEARING CLERK

In the matter of:	)	DOCKET NO. CWA-09-2026-0112
	)	
Anglo-Eastern Maritime	)	CONSENT AGREEMENT
Services Pte Ltd	)	AND FINAL ORDER
1 Pasir Panjang Road, #13-01,	)	
Labrador Tower, Singapore 118479	)	<i>Class II Administrative Penalty Proceeding under</i>
	)	<i>Section 309(g) of the Clean Water Act, 33 U.S.C.</i>
Respondent.	)	<i>§1319(g), and 40 C.F.R. §§ 22.13(b) and 22.18</i>

CONSENT AGREEMENT

I. AUTHORITY AND PARTIES

1. This is a Class II civil administrative penalty proceeding under Sections 309(g)(1)(A) and 2(B) of the Clean Water Act (CWA), 33 U.S.C. §§ 1319(g)(1)(A) and 2(B), and 40 C.F.R. Part 22 (*Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*).
2. Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), the Administrator of the United States Environmental Protection Agency (EPA) is authorized to assess administrative penalties against persons who violate, Section 301(a) of the CWA, 33 U.S.C. §§ 1311(a). The Administrator has delegated the authority to sign consent agreements between the EPA and the party against whom a penalty is proposed to be assessed pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), to the Regional Administrator of EPA Region 9, who has redelegated this authority to the Director of the Enforcement and Compliance Assurance Division, EPA Region 9 (Complainant).
3. Respondent is Anglo-Eastern Maritime Services Pte Ltd.
4. This Consent Agreement and Final Order (CA/FO), which contains the elements of a complaint required by 40 C.F.R. § 22.14(a), simultaneously commences and concludes this penalty proceeding, as authorized by 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

5. Where appropriate, the EPA has consulted with the affected state regarding this penalty action in accordance with Section 309(g)(1) of the CWA, 33 U.S.C. § 1319(g)(1).
6. Complainant and Respondent agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their respective interest and in the public interest.

II. STATUTORY AND REGULATORY AUTHORITY

7. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), makes it unlawful for a person to discharge pollutants from a point source into waters of the United States, including the territorial seas, except as authorized, inter alia, by a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342.
8. Section 402 of the CWA, 33 U.S.C. § 1342, establishes the NPDES program and authorizes the EPA and authorized states to issue permits governing the discharge of pollutants from point sources into waters of the United States. Any such discharge is subject to the specific terms and conditions prescribed in the applicable permit.
9. On April 12, 2013, EPA issued the NPDES General Permit for Discharges Incidental to the Normal Operation of a Vessel, EPA-HQ-OW-2011-0411 (Vessel General Permit or VGP), with an effective date of December 19, 2013. The VGP authorizes discharges incidental to the normal operation of non-military and non-recreational vessels greater than 79 feet in length into waters of the United States subject to the requirements of Section 312(p) of the CWA, 33 U.S.C. § 1322(p).
10. Waters of the United States includes territorial seas, as those terms are defined at Sections 502(7) and 502(8) of the CWA, 33 U.S.C. §§ 1362(7) and 1362(8).
11. On December 4, 2018, Section 312(p) of the CWA, 33 U.S.C. § 1322(p), was amended by the Vessel Incidental Discharge Act (VIDA) and now provides that all provisions of the 2013 Vessel General Permit shall remain in force and effect, and shall not be modified until the U.S. Coast Guard promulgates regulations that are final, effective, and enforceable for implementation, compliance, and enforcement of new EPA standards of performance for marine pollution control devices for each type of discharge incidental to the normal operations of a vessel. 33 U.S.C. § 1322(p)(3). To date, these regulations have not been promulgated.
12. Section 312(p)(8)(A) of the CWA makes it “unlawful for any person to violate a provision of the Vessel General Permit.” 33 U.S.C. § 1322(p)(8)(A)(i).

13. To receive authorization under the VGP for their discharges, the owner/operator of a vessel that is 79 feet or longer, greater than or equal to 300 gross tons, or that has the capacity to hold or discharge more than 8 cubic meters (2,113 gallons) of ballast water, must submit a signed and certified, complete and accurate Notice of Intent (NOI). VGP Part 1.5.11.
14. Pursuant to Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), and 40 C.F.R. Part 19.4, the EPA may assess a Class II civil administrative penalty of up to \$27,378 per day of violation, not to exceed \$342,218 in total, against any person that has violated Section 301(a), or has violated any permit condition or limitation of a permit issued under Section 402 of the CWA that occurred after November 2, 2015, where penalties are assessed on or after January 8, 2025.

III. GENERAL ALLEGATIONS

15. Respondent is a privately-owned corporation headquartered in Singapore and therefore a “person” within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
16. Respondent operated the Ninghai (Vessel), a bulk carrier registered in Hong Kong and designated by International Maritime Organization (IMO) number 9753296. The Vessel has been in operation since 2017.
17. The Vessel is 590 feet in length, 25,569 gross tons and has a ballast water capacity of 16,766 cubic meters.
18. The Vessel is a “point source” within the meaning of Section 502(14) of the Act, 33 U.S.C. § 1362(14). The Vessel is subject to the requirements of Section 312(p) of the CWA, 33 U.S.C. § 1322(p), and the VGP.
19. Respondent began operating the Vessel in waters of the United States in 2017 and submitted a NOI on May 15, 2017, to the EPA to seek coverage under the VGP. The NOI was assigned NPDES tracking number VPBD9045A. Respondent submitted a Notice of Termination (NOT) on April 4, 2025, to the EPA to terminate its coverage under the VGP on April 4, 2025. The NOT provided EPA notice that Respondent had transferred operational control of the Vessel to another operator on April 3, 2025.
20. Respondent installed a Headway Ocean Guard ballast water treatment system (BWTS) on board the Vessel on April 27, 2017, and first used it to treat ballast water prior to discharge to navigable waters on November 24, 2017, while in port at Chalmette, Louisiana.

21. The VGP requires, among other things:

- a. Part 2.2.3.5.1.1.4 requires vessels using a BWTS to meet ballast water effluent limitations conduct monitoring for indicator microorganisms. For vessels with high quality data, biological indicator compliance monitoring must be conducted two times during the first year the BWTS is installed, and if sampling results are below permit limits for two consecutive events, one time per year after the first year;
- b. Part 2.2.3.5.1.1.5.2 requires monitoring of the vessel ballast water discharge for any residual biocides or derivatives used in the treatment process to ascertain compliance with effluent limitations. The vessel operator must perform initial monitoring and maintenance monitoring in compliance with the schedule set out in the VGP;
- c. Part 2.2.3.5.1.1.6 requires that records of sampling and testing results required under Part 2.2.3.5.1.1 must be retained on board for a period of three years in the vessel's recordkeeping documentation. Vessels must also submit the testing results to EPA as part of the vessel's annual report;
- d. Part 4.4.1 of the VGP requires that for each vessel, owners/operators are required to submit a complete and accurate annual report for each year that the vessel has active permit coverage by February 28 of the following year.

22. Between March 25, 2024 and April 26, 2024, representatives of the EPA conducted an initial compliance review of available databases. After conducting the initial compliance review, EPA sent information requests to Respondent. EPA conducted multiple compliance reviews after receiving additional information provided by the Respondent. These reviews included evaluations of the Respondent's compliance with the requirements of Sections 301, 312(p) and 402 of the CWA, 33 U.S.C. §§ 1311, 1322(p), and 1342, and the VGP.

23. The EPA found that:

- a. Respondent failed to sample discharge from the BWTS for biocide residuals to ascertain compliance with effluent limitations as required by Part 2.2.3.5.1.1.5.2 of the VGP. Respondent missed at least one biocide residual discharge sampling event in 2020 and at least one biocide residual sampling event in 2022.
- b. Respondent failed to report BWTS functionality monitoring data in the 2020, 2021, and 2022 annual reports as required by Part 2.2.3.5.1.1.6 of the VGP.

- c. Respondent failed to submit a complete and accurate annual report as required by Part 4.4.1. Respondent reported in the 2021 annual report that the vessel did not operate in waters subject to the VGP and did not fill out the rest of the annual report. However, ship port arrival records show that the vessel operated in waters of the United States in 2021, including in Portland, OR, Everett, WA, and Vancouver, WA.
- d. Respondent failed to report biocide residual monitoring data in the 2021 annual report as required by Parts 2.2.3.5.1.1.6 and 4.4.1 of the VGP.
- e. Respondent failed to sample discharge from the BWTS for biological indicators to ascertain compliance with effluent limitations as required by Parts 2.2.3.5.1.1.4. Respondent missed at least one biological indicator discharge sampling event between November 2022 and November 2023.

IV. ALLEGED VIOLATIONS

24. Between November 2020 and February 2023, Respondent's operation of the Ninghai failed to comply with certain conditions in the VGP and EPA is authorized to assess administrative civil penalties pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

V. ADMINISTRATIVE PENALTY

25. In consideration of the penalty factors of Section 309(g) of the CWA, 33 U.S.C. § 1319(g), Respondent agrees to pay a civil penalty in the amount of fifty-nine thousand dollars (\$59,000) ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").
26. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
27. When making a payment, Respondent shall:
- a. Identify every payment with Respondent's name and the docket number of this Consent Agreement.
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve via electronic mail proof of such payment to the following persons:

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 9
R9HearingClerk@epa.gov

and

Daniel Kostek
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 9
kostek.daniel@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Division
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

28. Interest, Charges, and Penalties on Late Payments. Pursuant to 33 U.S.C. § 1319(g)(9), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

- a. Interest. Interest begins to accrue from the Effective Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until the unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Interest will be assessed at prevailing rates, per 33 U.S.C. § 1319(g)(9). The rate of interest is the IRS standard underpayment rate.
- b. Handling Charges. The United States’ enforcement expenses including, but not limited to, attorneys’ fees and costs of collection proceedings.
- c. Late Payment Penalty. A twenty percent (20%) quarterly non-payment penalty.

29. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.
- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14;
 - b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
 - c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
 - d. Request that the Attorney General bring a civil action in the appropriate district court to recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 33 U.S.C. § 1319(g)(9). In any such action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.
30. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.
31. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.

VI. APPLICABILITY

32. This CA/FO shall apply to and be binding on Respondent, Respondent's officers, directors, partners, trustees, authorized representatives, agents, employees, contractors, successors and assigns. Action or inaction of any persons, firms, contractors, employees, agents or corporations acting under, through, or for Respondent shall not excuse any failure of Respondent to fully perform its obligations under this CA/FO. Changes in ownership, real property interest, or transfer of personal assets shall not alter Respondent's obligations under this CA/FO.

VII. RESPONDENT'S ADMISSIONS AND WAIVERS

33. In accordance with 40 C.F.R. § 22.18(b)(2), for the purpose of this proceeding, Respondent:
- a. admits the jurisdictional allegations of this CA/FO;
 - b. neither admits nor denies specific factual allegations contained in this CA/FO;
 - c. consents to all conditions specified in this CA/FO and to the assessment of the civil administrative penalty set forth in Section V above; and
 - d. waives any right to contest the allegations set forth in this CA/FO and waives its right to appeal this CA/FO.
34. Respondent also waives the right to a hearing under CWA section 309(g)(2)(B) and to any appeal of the Final Order under CWA section 309(g)(8)(B), 33 U.S.C. §§ 1319(g)(2)(B) and 1319(g)(8)(B).
35. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

VIII. RESERVATION OF RIGHTS

36. In accordance with 40 C.F.R. § 22.18(c), compliance with this CA/FO only resolves Respondent's CWA civil penalty liabilities for the violations specifically alleged herein and does not in any case affect the right of the EPA to pursue injunctive or other equitable relief or criminal sanctions for any violations of law or in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.
37. This CA/FO is not a permit or modification of any existing permit issued pursuant to any federal, state, or local laws or regulations, and shall in no way relieve or affect Respondent's obligations under any applicable federal, state or local laws, regulations, or permits.

IX. ADDITIONAL TERMS

38. Each party shall bear its own attorney's fees and costs.
39. This CA/FO can be signed in counterparts.

40. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.
41. The undersigned representative of Respondent certifies they have authority to bind Respondent to this Agreement.
42. By signing this CA/FO, Respondent acknowledges that this CA/FO does not contain any confidential business information (CBI) or waives any claim of CBI.

X. PUBLIC NOTICE

43. As required by Section 309(g)(4) of the CWA, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45, prior to submitting this Agreement to the Regional Judicial Officer or Regional Administrator for approval, the EPA will provide public notice of this Agreement and a reasonable opportunity to comment on the matter. The EPA may modify or withdraw its consent to this Agreement if comments received disclose facts or considerations indicating this Agreement is inappropriate, improper, or inadequate, or if a hearing is requested under section 309(g)(4)(C), 33 U.S.C. § 1319(g)(4)(C).

XI. EFFECTIVE DATE

44. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), the Effective Date of this CA/FO is the date that the Final Order, having been signed by the Regional Judicial Officer, is filed with the Regional Hearing Clerk.

IT IS SO AGREED.

For Complainant the U.S. Environmental Protection Agency, Region 9:

AMY MILLER- Digitally signed by
BOWEN AMY MILLER-BOWEN
Date: 2026.09.04
13:03:13 -07'00'

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division

In re: Anglo-Eastern Maritime Services Pte Ltd
DOCKET NO. CWA-09-2026-0112

For Respondent Anglo-Eastern Maritime Services Pte Ltd:



John D. Giffin
Keesal, Young & Logan

August 28, 2026

Date