



DEPARTMENT OF THE ARMY  
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA 94102

NOV 29 2019

Regulatory Division

CITY OF VALLEJO

Certified Mail

Subject: File No. SPN-2019-00421

DEC 03 2019

PUBLIC WORKS DEPT.

**NOTICE OF ALLEGED VIOLATION**

Param Dhillon and Amandeep Dhillon  
2225 Ralmar Ave.  
East Palo Alto, California 94303-1454

Dear Param Dhillon and Amandeep Dhillon:

This inquiry concerns an activity for which you may be the responsible party or property owner in question. The property is located at APN 0052-160-090 in the City of Vallejo, Solano County, California; Latitude 38.131997°, Longitude -122.254199°. The activity may involve the discharge of fill material and grading occurring in wetlands adjacent to White Slough and may be in violation of Section 404 of the Clean Water Act (33 U.S.C. § 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403).

All discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States (U.S.); or below the high tide line in tidal waters of the U.S.; or within the lateral extent of wetlands adjacent to these waters, typically require Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act. Waters of the U.S. generally include all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters including interstate wetlands; all other waters, the use degradation or destruction of which could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the U.S.; tributaries of the waters identified above; the territorial seas; and wetlands adjacent to all the waters identified above.

All structures and work occurring below the plane of mean high water in tidal waters of the U.S.; in former diked baylands currently below mean high water; outside the limits of mean high water but affecting the navigable capacity of tidal waters; or below the plane of ordinary high water in non-tidal waters designated as navigable waters of the U.S., typically require Department of the Army authorization and the issuance of a permit under Section 10 of the Rivers and Harbors Act of 1899. Navigable waters of the U.S. generally include all waters subject to the ebb and flow of the tide; and/or all waters presently used, or have been used in the past, or may be susceptible for future use to transport interstate or foreign commerce. The term "structure" includes, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island or reef, permanent mooring

structure, power transmission line, permanently moored floating vessel, piling, or any other obstacle or obstruction. The term "structure" does not include bridges and causeways constructed in or over navigable or tidal waters of the U.S. since this regulatory responsibility has been delegated to the U.S. Coast Guard under the Department of Transportation Act of 1966 (Pub. L. No. 89-670). The term "work" includes, without limitation, any dredging or disposal of dredged material, filling, or other modification of a navigable water of the U.S.

The provisions of 33 C.F.R. § 326.3 direct the District Engineer to commence an initial investigation of any unauthorized work, structures, and associated dredged or fill material discharges in waters of the U.S. to determine the appropriate administrative and/or legal actions to be pursued. In the event the alleged violation is subsequently confirmed, administrative actions could include a voluntary restoration of the site, an order requiring the completion of initial corrective measures to alleviate imminent adverse impacts to aquatic resources, and/or the issuance of an after-the-fact Department of the Army Permit to authorize any remaining work, structures, and dredged or fill material discharges in waters of the U.S. Administrative actions could further include the use of Class I or Class II civil fines for violations under Section 404 of the Clean Water Act. Legal actions could include the initiation of civil or criminal proceedings when circumstances warrant such action.

Section 309 of the Clean Water Act (33 U.S.C. § 1319) provides penalties for violation of Section 301 (33 U.S.C. § 1311) of the Clean Water Act. Pursuant to Section 301, it is illegal to discharge any dredged or fill material without a permit issued by the Corps of Engineers pursuant to Section 404 (33 U.S.C. § 1344) of the Clean Water Act. A person may be subject to civil penalties of as much as \$54,833 per day for each violation. Furthermore, the law also allows criminal penalties for violations. For the most egregious of those violations, the law provides for imprisonment for as much as 15 years or fines of up to \$1,000,000 for a violation (or even higher in some circumstances) (33 U.S.C. § 1319; 18 U.S.C. § 3571).

Under Section 12 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 406), a person convicted of violating Section 10 of the Rivers and Harbors Act may be subject to a criminal fine of up to \$2,500.00, or imprisonment for up to one year, or both such punishments. Section 12 of the Act further authorized the Court to enforce the removal of any structure erected in violation of the Act. For the most egregious violations of the Act, a person or an organization who violates any provision of the Act may be subject to a criminal fine of not more than \$100,000.00 or \$200,000.00, respectively (or even higher in some circumstances) (18 U.S.C. § 3571).

To facilitate completion of our initial investigation, you are requested to provide this office the information specified in the enclosed *Investigation Questionnaire* within 15 days of receipt of this letter; this requested information may be held against you in the event of any subsequent legal action. You are further requested to contact this office within this timeframe to allow Regulatory staff immediate access to your property to inspect the area of the alleged violation

and to formulate any required resolution. You are advised to cease any ongoing work that may be occurring in waters of the U.S. until the inspection has been completed.

You may refer any questions on this matter to William Connor by telephone at (415) 503-6631 or by e-mail at [William.M.Connor@usace.army.mil](mailto:William.M.Connor@usace.army.mil). All correspondence should be addressed to the Regulatory Division, North Branch, referencing the file number at the head of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "William M. Connor". The signature is stylized with a large, sweeping "W" and "C".

William M. Connor  
Senior Project Manager  
Regulatory Division

Enclosure

cc (w/o encl):

US EPA, San Francisco  
US FWS, Sacramento, CA  
US NMFS, Sacramento, CA  
CA RWQCB, Oakland, CA  
CA BCDC, San Francisco, CA



