CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

Sent via certified mail

July 28, 2015
CIWQS Place ID 816826

Point Buckler LLC
171 Sandpiper Drive
Pittsburg, California 94565
Attn.: John Sweeney

Subject: Notice of Violation for Filling Waters of the United States and State, Point Buckler Island in the Suisun Marsh, Solano County

Dear Mr. Sweeney:

This letter provides formal notice that you have violated the Federal Water Pollution Control Act (Clean Water Act) and the California Water Code (Water Code) for unauthorized discharges at Point Buckler Island (also known as Suisun Club No. 801 or Annie Mason Point Club) located in the Suisun Marsh. These unpermitted activities resulted in the diking off and filling of tidal marsh areas and removal of crucial tidal flow to the interior of Point Buckler Island in violation of the following:

- **Clean Water Act Violation**
  Clean Water Act Section 301 requires a permit, issued pursuant to regulations under Section 404, prior to the discharge of fill material into waters of the United States. The U.S. Army Corps of Engineers (Corps) is responsible for issuing Section 404 permits, and the Water Board is responsible for certifying the Corps' permits pursuant to Clean Water Act Section 401. We have not issued a certification of a Corps permit for your project and we are not aware that you have sought or obtained a Section 404 permit from the Corps.

- **Water Code Violation**
  Water Code Section 13376 requires any person who discharges fill material, or proposes to discharge fill material, that could affect waters of the United States to submit a report of waste discharge (ROWD). It also prohibits the discharge of fill material, except as authorized by waste discharge requirements (WDRs). We have no records of having received a ROWD nor have we issued any WDRs for your project.

ACTION REQUIRED

Please be advised that we intend to issue a cleanup and abatement order that will require you to take action to correct and mitigate for these violations. These actions will require regulatory agency approvals beforehand and may require the expertise of qualified professionals, who are licensed, where applicable. In order to avoid additional enforcement and potential penalties, you must cease and desist all activities that cause, or threaten to cause, the discharge of waste to waters of the State or create a condition of pollution or nuisance.

STATUTORY LIABILITY

The Regional Water Board reserves the right to take any enforcement action authorized by law, including seeking monetary penalties pursuant to Water Code Section 13385(a). Any person who violates Clean Water Act Section 301 and/or Water Code Section 13376 is subject to administrative civil liability pursuant to Water Code Section 13385(c). The amount of the penalty is up to $10,000 for each day in which the violation occurs and up to $10 per gallon of material discharged.

We have also copied Wilson Wendt, an attorney at Miller Starr Regalia, who we understand is representing you in this matter.

Please contact Agnes Farres at 510.622.2401 or Agnes.Farres@waterboards.ca.gov if you have any questions.

Sincerely,

Dyan C. Whyte

Dyan Whyte
Assistant Executive Officer

Copy by email:

Wilson F. Wendt, Attorney at Law, Miller Starr Regalia: wilson.wendt@mrslegal.com

S.F. Bay Regional Water Quality Control Board, Prosecution Team

U.S. Army Corps of Engineers
Katerina Galacatos, Katerina.Galacatos@usace.army.mil

U.S. Environmental Protection Agency
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California Department of Fish and Wildlife
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