



**US Army Corps
Of Engineers**

Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice

ADMINISTRATIVE PENALTIES

For Informational Purposed Only

Date of Notice: May 2010

IMPLEMENTATION OF THE ADMINISTRATIVE PENALTY PROCESS FOR NONCOMPLIANCE WITH PERMIT CONDITIONS

The Corps of Engineers is responsible for evaluating permit applications pursuant to Section 404 of the Clean Water Act for proposed discharges of dredged and/or fill material in waters of the United States, including wetlands. The Walla Walla District Regulatory Division staff works diligently to review projects to avoid and minimize impacts to the aquatic environment and include permit conditions to compensate for all unavoidable losses. Part of our regulatory responsibility is to ensure that permittees comply with the conditions of their permits.

In the past, when permittees have not resolved instances of noncompliance, we have utilized measures such as cease and desist orders, suspension of the permit, and notices of violation appended to property deeds to bring about compliance. While the use of these options has resolved many cases, our regulations provide us with another option, namely administrative penalties. My authority to impose administrative penalties is contained in 33 CFR 326 and effective today, the Walla Walla District is implementing an administrative civil penalties process for noncompliance with the conditions of permits, issued under Section 404 of the Clean Water Act. This process involves preparing an assessment, issuance of a proposed administrative penalty order and a public notice, and issuance of a final administrative penalty order after evaluating comments received in response to the public notice.

My staff will continue to exercise good judgment to resolve issues of noncompliance in a cooperative manner. However, if they are unsuccessful, they may utilize this option to insure that permit conditions are met. If you have any questions, you may contact Mr. David A. Barrows, Chief Regulatory Division, at (509) 527-7151 or Mr. G. Leroy Phillips, Deputy Regulatory Division, at (208) 376-1832.

Michael J. Farrell
LTC, EN
Commanding
