



DEPARTMENT OF THE ARMY  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
100 W. OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31401-3640

REPLY TO  
ATTENTION OF:

JANUARY 09 2014

Regulatory Division  
SAS-2006-00115

**PUBLIC NOTICE**

1. **TO WHOM IT MAY CONCERN:** The District Commander, Savannah District, proposes to issue an Order assessing a Class I Administrative Penalty against Mr. William (Bill) L. Nutting of the Georgia Coastal Land Company for an alleged violation of a permit granted under the Clean Water Act.

2. **PERMIT INVOLVED AND ALLEGED VIOLATION:** A Department of the Army permit, number SAS-2006-00115, was issued to Mr. William (Bill) L. Nutting of the Georgia Coastal Land Company on July 16, 2008. The permit authorized 0.2 acre of impacts to waters of the United States and 3.55 acres of isolated wetland for a road crossing (i.e., Madison Avenue) and lot fills associated with the development of "Crawford Subdivision" on a 382.92 acre tract.

The project is located north of Georgia Highway 84 and west of DeLoach Road, in Long County, Georgia (Latitude 31.7393, Longitude -81.7159), on wetlands abutting Doctors Creek that drain directly to the Altamaha River in the Altamaha River Basin (8-Digit Cataloging Unit 03070106).

The permit was violated as follows: Fill material was placed in 3 separate road crossing locations (i.e., Madison Avenue, Coleman Pass, and Johnston Street) and lot fills impacting approximately 2.25 acres of jurisdictional wetland and 3.13 acres of isolated wetland associated with this residential development. No compensatory mitigation has been provided for any impacts to waters of the United States.

3. **AUTHORITY FOR PROCEEDING:** This administrative penalty proceeding is initiated under the authority of Section 1319(g) of Title 33 of the United States Code and Part 326.6 of Title 33 of the Code of Federal Regulations. The procedure for assessing administrative penalties in cases such as this is set out in the statute and the regulation. Following the discovery and investigation of a violation of a permit, notice is given to the Permittee, the appropriate state agency, and the public. The Permittee, the state, or any member of the public may file comments within 30 days. If requested by the Permittee, a hearing will be held before a Presiding Officer who will submit a report and recommend a decision to the District Commander. The District Commander will issue a Final Order on the case to the Permittee.

4. PENALTY PROPOSED: The amount of the penalty proposed in this case is \$32,500. However, this proposal is subject to revision in the interests of justice after all evidence and comments have been received and reviewed. The amount of the penalty that the District Commander is authorized to assess as a Class I penalty is \$11,000 per violation and not more than \$32,500 total. In a case involving multiple violators, each violator is subject to a separate, not joint, penalty.

5. REQUEST FOR HEARING: The Permittee has 30 days following receipt of this formal notice of proposed penalty to request a hearing. Written request, by the Permittee, for a hearing should be directed to the District Commander within this designated comment period and must state the specific reasons for requesting a hearing. The request should specify, in summary form, the factual and legal issues in dispute and the specific grounds for defense. The Permittee has a right to present evidence at the hearing; however, he may not challenge the permit condition(s) or limitation(s), which is the subject matter of this Order.

6. COMMENTS/ADMINISTRATIVE RECORD: During the 30-day comment period, any person may submit written comments on the Proposed Order. These comments should be sent to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Mr. Shaun Blocker, 100 W. Oglethorpe Avenue, Savannah, Georgia 31401-3640 within this designated comment period. Any submitted comments will be included in the administrative record relating to the Proposed Order. All information submitted by the Permittee and persons commenting on the Proposed Order will be placed in the administrative record, which will be available for inspection during regular business hours at the Savannah District, U.S. Army Corps of Engineers, Regulatory Division, 100 W. Oglethorpe Avenue, Savannah, Georgia 31401-3640. (The administrative record is subject to provisions of law restricting the disclosure of confidential information.)

7. HEARING: The Permittee and all persons who file comments will be given notice of any hearing held on this case. The Permittee and all commenters will have a reasonable opportunity to be heard and to present evidence at such hearing, if a hearing is held.

8. FINAL DECISION: If the Permittee does not request a hearing, the District Commander may issue the Final Order on this violation on or after 30 calendar days following receipt of this formal notice by the Permittee.

9. POST DECISION HEARING/APPEAL: Any Final Order issued under these procedures shall become effective 30 calendar days following its issuance unless (1) a petition to set aside the Order and to hold a hearing is filed by any person who commented on the Proposed Order and the petition is granted, or (2) an appeal to the United States District Court is taken under Title 33 U.S.C. §1319(g) (8).