



DEPARTMENT OF THE ARMY
FORT WORTH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 17300
FORT WORTH, TEXAS 76102-0300

October 20, 2011

CERTIFIED MAIL — RETURN RECEIPT REQUESTED

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project Number SWF-2011-00485, CEASE AND DESIST ORDER

Mr. R.K. Tyson
615 Degrummond Way
Salado, Texas 76571

Dear Mr. Tyson:

Information received in this office disclosed that an unauthorized discharge of dredged or fill material has occurred into Salado Creek just east of the Main Street bridge. The discharge of these materials into waters of the United States, including wetlands, is a violation of Section 301(a) of the Clean Water Act unless authorized by a Department of the Army permit issued under Section 404 of that Act. This project has been assigned Project Number SWF-2011-00485. Please include the project number in all future correspondence concerning this matter.

The work referred to above has occurred in waters subject to Section 404 statutory requirements without the requisite permit. We have received information in this office that indicates that you are a responsible party for this work, either as a property owner or person performing or causing the performance of this work. By regulation, the U.S. Army Corps of Engineers (USACE) is required to issue you this cease and desist order and you must halt any further unauthorized work in waters of the United States, including wetlands.

Legislation provides for administrative fines as well as civil or criminal penalties for violations of the Clean Water Act. These penalties, which are usually reserved for uncooperative, recalcitrant, or repeat violators, can result in significant fines and/or imprisonment. If further work is performed after receipt of this cease and desist order, the USACE may seek immediate legal action to halt such activity.

We request that you acknowledge receipt of this letter by November 4, 2011, comply with its terms, and provide information concerning the need for this work and the history of your activity. Your submittal must include information on the timing, method of placement, composition, quantity, dimensions, locations of the discharge and associated work, and any interim corrective measures. You may include any other information you deem pertinent. In addition, we may solicit comments from appropriate federal and state agencies in order to better evaluate this activity. Failure to comply with the above requests will result in continued enforcement actions

with possible referral of the case to the U.S. Attorney or the U.S. Environmental Protection Agency.

We look forward to your cooperation in this matter and hope to reach a resolution of your case in the near future. If you have any questions concerning this matter, please contact Ms. Lisa Gomez at the address above or telephone (817) 886-1735.

Sincerely,


For Stephen L Brooks
Chief, Regulatory Branch

Copies Furnished:

Mr. Tom Heger
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

Mr. Adam Zerrenner
Supervisor
U.S. Fish and Wildlife Service
10711 Burnet Road, Suite 200
Austin, Texas 78758

Ms. Sharon Parish
Chief, Wetlands Section (6WQ-EM)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, Texas 75202