

September 26, 1995

Regulatory Branch (VIO) 199550548

Swiss Paradise Project LLC  
c/o Jeffrey L. Mowen  
808 East South Temple #250  
Salt Lake City, Utah 84102

Dear Mr. Mowen:

You are hereby ordered to cease and desist from discharging any additional fill or excavating in wetlands on lot 13 in the Swiss Paradise subdivision. The project is located within Section 35, Township 3 South, Range 4 East in Midway, Wasatch County, Utah.

Section 404 of the Clean Water Act requires that a Department of the Army permit be obtained prior to discharging dredged or fill material or excavation in waters of the United States, including wetlands. Based on an inspection by Ms. (b) (6) of this office, the house and driveway have been constructed in wetlands and additional fill has been placed in wetlands on the front, sides and back sections of the lot. Since a Department of the Army permit has not been issued authorizing this placement of material, the work is in violation of Section 404 of the Clean Water Act. We have enclosed an extract of the law for your reference.

We are currently conducting an investigation to determine the impact of this work on the public interest and the course of action that should be taken. To ensure that all pertinent information is available for our evaluation and included in the public record, you are invited to provide any information which you feel should be considered. Your plans for utilization of this work and your evaluation of the need for retention may be of particular significance in determining what actions are to be taken. Since the information provided will become a part of the public record, it may be presented in any court action that could result from this investigation. Any information you wish to provide should reach this office no later than October 13, 1995.

If you have questions, please contact (b) (6) at our Utah Regulatory Office, 1403 South 600 West, Suite A, Bountiful, Utah 84010, telephone (801) 295-8380.

Sincerely,

(b) (6)

Chief, Regulatory Branch

Enclosures

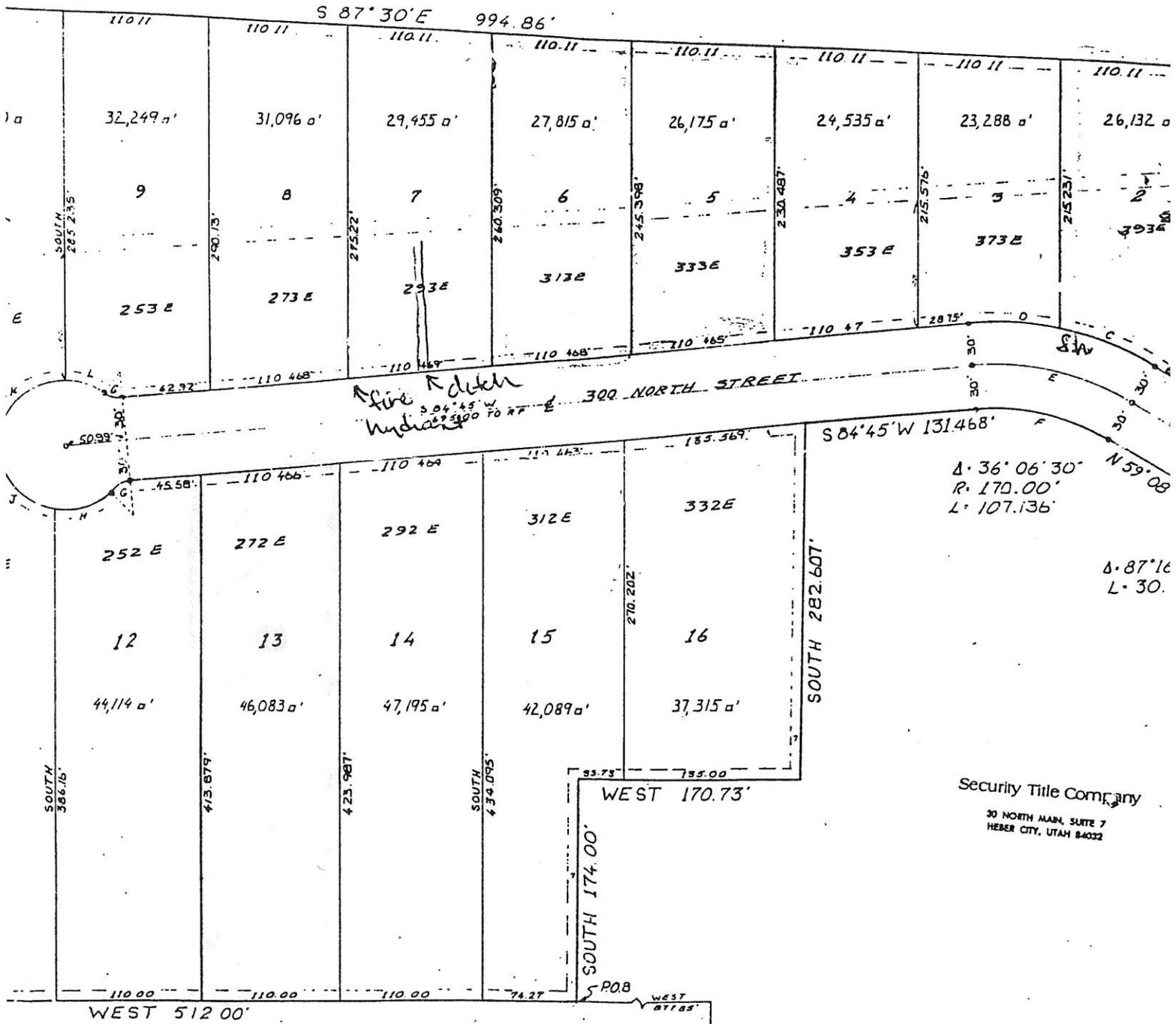
Copies Furnished:

Mr. John Brink, U.S. Environmental Protection Agency  
Mr. Bob Winkleman, U.S. Fish and Wildlife Service  
Mr. John Fairchild, Utah Division of Wildlife Resources  
Utah Division of Water Rights, Attention: Dam Safety  
Mr. Bob Mathis, Wasatch County Planning Department

(b) (6)

CC: REG SECTION  
→ UTAH REG





6. T PUBLIC UTILITIES IRRIGATION & DRAINAGE EASEMENT ON ALL FRONT & REAR LOT LINES

• 8°42'39"  
 • 1093.00'  
 • 166.17'  
 • 83.25'  
 • 166.01'

C  
 Δ• 15°39'03"  
 R• 230.00'  
 L• 62.83'  
 T• 31.61'  
 CH• 62.63'

D  
 Δ• 20°27'27"  
 R• 230.00'  
 L• 82.12'  
 T• 41.50'  
 CH• 81.69'

G  
 Δ• 42°50'00"

H  
 Δ• 60°53'41"

#199550548  
 Swiss Paradise Lot 13

encl. 2 of 3

Security Title Company  
 30 NORTH MAIN, SUITE 7  
 HEBER CITY, UTAH 84032

SS PA  
 1 RT

LAWS FOR PROTECTION AND PRESERVATION OF  
NAVIGABLE WATERS OF THE UNITED STATES  
AND  
WATER OF THE UNITED STATES  
EXTRACTED FROM  
THE CLEAN WATER ACT

Section 404\* as codified in 33 U.S.C. 1344 states in part:

"(a) The . . . Chief of Engineers, may issue permits, . . .  
for the discharge of dredged or fill material into the  
navigable waters . . ."

Section 301\* as codified in 33 U.S.C. 1311 states in part:

"(a) Except as in compliance with this section and sections  
. . . 1344 . . . the discharge of any pollutant [dredged or  
fill material is a pollutant] by any person shall be unlawful."

Section 309\* as codified in 33 U.S.C. 1319 states in part:

"(c)(1) Any person who willfully or negligently violates  
Section 1311 . . . shall be punished by a fine of not less  
than \$2,500 nor more than \$25,000 per day of violation or  
by imprisonment for not more than one year, or by both . . ."

\* \* \*

"(d) Any person who violates Section 1311 . . . and any person  
who violates any order issued by the Administrator . . . shall  
be subject to a civil penalty not to exceed \$10,000 per day of  
such violation."

