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**U.S. FILES CIVIL SUIT AGAINST GALVESTON RESIDENT FOR VIOLATING
CLEAN WATER ACT AND RIVER AND HARBORS ACT**

GALVESTON, Texas – A civil suit was filed against Galveston resident Charles K. Scruggs seeking injunctive relief and civil penalties of \$25,000 a day per violation for allegedly causing the discharge of dredged or fill material and altering or modifying the navigable waters of the U.S. without the necessary permits in violation of the Clean Water Act and the River and Harbors Act, U.S. Attorney Don DeGabrielle announced today. The civil complaint was filed Dec. 12, 2006, in the Galveston Division of the Southern District of Texas.

The discharge of dredged or fill material into a navigable water of the U.S. without the necessary permits or in violation of an approved permit constitutes a violation of the Clean Water Act. The altering or modification of a navigable water of the U.S. without the necessary permits is in violation of the River and Harbors Act.

According to allegations contained in the civil complaint, the alleged violations occurred in Offatts Bayou in Galveston, Texas, and adjacent wetlands, on a site where Charles K. Scruggs was building a residential structure, and stemmed from Department of the Army Permit 21011, which was issued by the U.S. Army Corps of Engineers (Corps) on April 22, 1998. Although the permit authorized some work on the top of an existing rock groin, Scruggs allegedly extended the rock groin approximately 123 feet beyond the permitted length, which filled approximately 0.08 acres of Offatts Bayou. Additionally, Scruggs undertook unauthorized dredging of Offatts Bayou, according to the complaint, and filled approximately 0.06 acres of wetlands adjacent to Offatts Bayou.

In 2002, the Corps sent Scruggs Cease and Desist letters concerning these alleged violations. However, despite the demand, Scruggs filled an additional 0.14 acres of wetlands adjacent to Offatts Bayou, in the same area as the above-described violations, and without an authorizing permit, according to the complaint.

In an attempt to resolve the case, the Corps and Scruggs signed a voluntary settlement agreement in 2003. By the terms of the agreement, Scruggs was required to remove unauthorized fill and restore wetlands filled without authorization on portions of the site. The agreement also permitted Scruggs to submit an after-the-fact permit application to seek authorization to retain the 123-foot unpermitted extension of the rock groin.

Scruggs submitted his after-the-fact application for a permit to authorize his unpermitted extension of the rock groin in August 2004. After a public interest review and careful evaluation, the Corps notified Scruggs in April 2005 that his application had been denied and further demanded he submit a plan to remove the 123-foot extension of the rock groin and to restore the site so that it was in compliance with the previously-authorized permit.

According to the complaint, Scruggs continued to violate federal law and placed additional fill into wetlands adjacent to Offatts Bayou, in the same area as the previous alleged violations, which constituted yet another alleged violation of the Clean Water Act.

The U.S. alleges that Scruggs' unauthorized actions constitute ongoing violations of the Clean Water Act and the River and Harbors Act and have caused an adverse impact to the aquatic habitat, the general aquatic ecosystem of the Offatts Bayou and the water quality functions of the wetlands, and have impacted the course, location, condition and/or capacity of the channel of a navigable water of the U.S.

The U.S. is seeking an injunction to prohibit Scruggs from any further unauthorized placement of fill, material, pollutants, and structures into the waters and wetlands of the U.S. and a second injunction to require Scruggs to remove the unauthorized fill at his own expense and at the direction of the U.S. Additionally, the suit seeks civil penalties in the amount of \$25,000 per violation per day, costs and interest on any money judgment entered.

This case will be litigated by Special Assistant U.S. Attorney Alex Petty.