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404/Wetland Enforcement: U.S. Environmental Protection Agency and Lee County, Georgia Site Operator Enter Into Consent Agreement Addressing Alleged Violations

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The United States Environmental Protection Agency ("EPA") and Pentahope Farms, LLC ("PF") entered into a May 19th Consent Agreement ("CA") addressing alleged violations of Section 404 of the Clean Water Act. See Docket No. CWA-04-2016-5503(b).

The CA states that PF owns and operates a site in Lee County, Georgia.

PF is alleged to have discharged dredged and/or fill material into wetlands on the Lee County site using earth moving machinery during unauthorized activities associated with the clearing and filling of wetlands during silviculture activities.

This discharge area is stated to include Clean Water Act jurisdictional waters including approximately 56.5 acres of wetlands that are adjacent to unnamed tributaries of Kinchafoonee Creek. The creek is stated to be a navigable-in-fact water of the United States.

PF's alleged placement of dredged and/or fill material in the previously referenced discharge area is alleged to have occurred without a permit under Section 404 of the Clean Water Act to authorize such activities. As a result, PF is stated to have violated Section 301 of the Clean Water Act due to its discharge of dredged and/or fill material without the required permit under Section 404 of the Clean Water Act.

The CA assesses an \$8,500 civil penalty to PF.

[Click here to download the CA.](#)