



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

RECEIVED

MAY 23 2025
Hand provided
BY: by Mark Reynolds PE
for Property Owner

April 23, 2025

Regulatory Division
File No. CENAE-R-2025-00730

VIA FEDEX
CERTIFIED MAIL, RETURN RECEIPT REQUESTED

LETTER OF INQUIRY

Jeffrey Phillips
193 Noble Hill Road
Oakdale, Connecticut 06370

Dear Mr. Phillips

This letter references work that may have been conducted at Noble Hill Road (Parcel ID: 061-002-000) in Oakdale, Connecticut. It appears the work involved the discharge of dredged or fill material in wetlands along Trading Cove Brook under the jurisdiction of the U.S. Army Corps of Engineers (USACE). Information received in this office indicates that you are a party associated with this activity, either as a property owner or as a person performing or causing the performance of this work.

The USACE regulates these waters under Section 404 of the Clean Water Act (CWA). A review of our records indicated USACE has not issued a Department of the Army permit authorizing this activity. A fact sheet that includes a summary of our authority, jurisdiction, definitions, and permit requirements is enclosed.

Section 301 of the CWA, 33 U.S.C. § 1311, prohibits the discharge of dredged or fill material into waters of the United States unless such discharge has been properly authorized by a Department of the Army permit issued under Section 404 of the CWA, 33 U.S.C. § 1344. Pursuant to 33 U.S.C. § 1319, 33 C.F.R. Part 326, and 40 C.F.R. Part 19, violations of the CWA can result in civil penalties up to a maximum of \$66,712 per day of violation, administrative penalties, criminal fines, or imprisonment. Every day unauthorized fill remains in place is a separate day of violation. Restoration of the area to its pre-violation condition may also be required.

An investigation is ongoing to determine the extent of the potential violation, whether there are any mitigating factors, and the appropriate resolution. You are required to submit the following additional information at this time for the District Engineer to determine what course of action he should pursue in resolving any violation. Further information may be requested, as needed, in the future.

1. Inform us whether you intend to voluntarily cease work in the area described above.
2. Explain how you believe the work was authorized by USACE pursuant to Section 404 of the Clean Water Act. If the work was performed without a Department of the Army permit, provide your reason for performing the work and why the work was performed without Department of the Army authorization.
3. Provide the name of all persons or entities that have ownership interest in the parcel(s) identified above and when that ownership was attained.
4. Provide the name, address, and telephone number of any contractor(s) who performed the work and any owners of the property in question. You are also requested to provide the name and address of any consultant or engineer who designed, directed, or oversaw the work.
5. Submit a description of the work that you have undertaken (e.g., land clearing, discharge of fill in wetlands and in named waters and unnamed tributaries) in areas subject to federal jurisdiction (e.g., wetlands, waters below ordinary high water). Include any drawings showing the dimensions and areas where work was conducted and any other site plans for the work.
6. For each one of the activities identified above, identify the footprint (area in square feet or acres) of impact to waters/wetlands. This should include those areas grubbed (removal of stumps), graded or covered with fill material, and/or otherwise altered through modification of drainage patterns.
7. Identify the timeframe (e.g. days, months, years) that the work was undertaken. Be as specific as possible, giving the starting and ending dates for each area or type of activity under USACE jurisdiction.
8. Provide copies of all correspondence including, but not limited to, any permits or applications for permits with any local, state, or federal agency pertaining to the placement, retention, or removal of dredged or fill material and/or work/structures occurring in wetlands or waterways at the site.
9. Identify the types of equipment used to excavate or move soil material within waters or wetlands.
10. Identify, where feasible, pre-construction characteristics and habitat type of wetlands and waters filled or altered and/or provide any environmental or ecological assessment reports or survey of the resources already completed on the parcel(s).

11. Identify any alternatives that would accomplish the project purpose while avoiding impact to wetlands or waters, and why these alternatives were not undertaken.

Except for restoration performed in accordance with a mutually agreed upon plan, no additional regulated work within our jurisdiction may be started or allowed to continue until you receive a permit signed by the District Engineer or his authorized representative. Any such future work without a permit may be considered willful, repeated, or flagrant per 33 CFR Part 326.5(a) warranting legal action.

You must respond to our request for information within **fifteen (15) days** of the date of this letter. If you fail to respond to this notification or to provide the requested information within the specified time frame, we may seek immediate legal action to halt any ongoing activity and take enforcement action as allowed by federal law. Our action may include referral to the U.S. Environmental Protection Agency, the U.S. Attorney's Office, or the Environment and Natural Resources Division of the U.S. Department of Justice. This letter will not foreclose our options to initiate appropriate legal action or to later require a submission of a permit application.

Please contact Andrea Williams of my staff at Andrea.N.Williams@usace.army.mil or (978) 318-8494 if you have any questions or wish to arrange a meeting to discuss this matter. Refer to the Regulatory file number at the beginning of this letter in any correspondence or inquiries.

Sincerely,

Kevin R Kotelly

Kevin R. Kotelly, P.E.
Chief, CT/RI Section
Regulatory Division

Enclosure

cc:

Brian Golembiewski, DEEP; brian.golembiewski@ct.gov
Stacy Radford, Town of Montville; stadford@montville-ct.org
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