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San Francisco Bay Regional Water Board Levies \$2.8 Million Fine for Illegal Discharges in Suisun Marsh

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The San Francisco Bay Regional Water Quality Control Board Wednesday imposed an Administrative Civil Liability in the amount of \$2,828,000 against John D. Sweeney and Point Buckler Club LLC, for discharging fill material into Suisun Marsh and failing to obtain a water quality certification for the discharge. The unpermitted work resulted in the diking and loss of about 30 acres of tidal marsh, including impacts to habitat for endangered species, to support the operation of a kiteboarding club.

The activities are violations of the Regional Water Board's San Francisco Bay Water Quality Basin Plan and the federal Clean Water Act.

Point Buckler Island is a 39-acre property in the Suisun Marsh that was once operated as a managed wetland for duck hunting. Due to lack of maintenance, the island reverted to tidal marsh. The island had not been a managed wetland or used as a duck club for more than 20 years when Sweeney purchased it in 2011.

Starting in 2012, Sweeney began unauthorized activities. In 2014, he constructed a new 4,710-foot-long levee around the Island. Subsequent to being notified of the need to obtain permits and halt the unpermitted work, he continued to fill the interior tidal marsh with structures including helicopter pads and kiteboarding facilities. Sweeney transferred title of the island to Point Buckler Club LLC in 2014.

The unauthorized activities directly filled three acres of tidal marsh, drained or cut off tidal circulation to an additional 27 acres, destroyed or degraded marsh habitat, impacted water quality, and damaged or killed wetland vegetation. Until tidal wetlands are restored, there is ongoing harm to sensitive species in the Bay-Delta ecosystem that includes destroyed or degraded critical habitat for salmonids and longfin smelt, decreased nutrient cycling important to Delta smelt, and the loss of habitat and feeding opportunities for several listed bird species.

A Cleanup and Abatement Order was issued by the Regional Water Board in August 2016, with the goal of restoring the tidal marsh and requiring Sweeney and the Club to provide necessary compensation, such as additional restored wetlands, for the unpermitted impacts.

The \$2,828,000 civil liability amount is based on the volume of the discharge and the number of days of violation. The Regional Water Board considered a variety of factors in arriving at the



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penalty, including the nature, circumstances, extent and gravity of the violations, the history of the violator, and ability to pay.

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