

# Couple fined for getting rid of weeds challenges EPA's authority

## Go to court to get hearing in front of neutral judge

A Colorado couple fined by the EPA for getting rid of invasive weeds on their own property is challenging the decision – because the agency proposed the fine which was then affirmed by one of its own employees.

The case cites the right to have an adjudication by a neutral court in such disputes – not merely a rubber stamp by an employee.

The lawsuit was filed by Thomas and Amy Villegas after the EPA wanted to fine them \$300,000 for removing debris and weeds from their own land.

The Pacific Legal Foundation explained the Villegases bought a piece of undeveloped land in Nebraska that they planned to use for hunting and other outdoor recreation.

“When they began the process of removing the downed trees and invasive Phragmite weeds, a neighbor reported them to the EPA. The EPA claimed that these activities discharged pollutants — namely dirt and other fill material — into protected waters, filed an administrative enforcement action against the Villegases, and hauled them in front of an agency administrative law judge to seek a \$300,000 fine,” the legal organization explained.

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