

ONIS "TREY" GLENN, III
DIRECTOR



Alabama Department of Environmental Management
adem.alabama.gov

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Montgomery, Alabama 36130-1463
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BOB RILEY
GOVERNOR

March 17, 2008

CERTIFIED MAIL

INGRAM TYNES
COTSWALD DEVELOPMENT, LTD.
820 SHADES CREEK PARKWAY
BIRMINGHAM AL 35209

RE: NOTICE OF VIOLATION - Written Reply Required
Construction & Land Disturbance
Registration ALR16D930
ADEM Admin. Code Ch. 335-6-12
Cotswald Subdivision
Jefferson County (073)

Dear Mr. Tynes:

Attached please find a report prepared as a result of an inspection conducted at the above-referenced facility on February 22, 2008. During the inspection the following deficiency(s) or violation(s), detailed on the inspection report, were noted:

1. Appropriate, effective Best Management Practices (BMPs) for the control of pollutants in stormwater run-off have not been fully implemented and regularly maintained to the maximum extent practicable resulting in the potential for uncontrolled discharges of sediment and other pollutants to an unnamed tributary to Little Cahaba River, a water of the State of Alabama.
2. Analyses of water samples collected by the Department on February 22, 2008, from an unnamed tributary to Little Cahaba River, indicated a turbidity of 11.6 NTUs upstream from the discharge and a turbidity of 134 NTUs downstream from the discharge, resulting in an increase of 122.4 NTUs. In addition, stormwater discharges from the Facility were causing substantial visible contrast in instream turbidity downstream of the Facility, causing a violation of State Water Quality Standards for turbidity.
3. BMPs had been installed in a water of the State, a practice that had not been previously approved for this site.

The deficiency(s) constitute(s) violation(s) of the Alabama Water Pollution Control Act Code of Alabama, 1975, §§22-22-1 through 22-22-14, as amended, and ADEM Admin. Code Ch. 335-6-12.

In order to achieve compliance with applicable regulatory requirements, upon receipt of this letter all necessary measures should immediately be implemented to the maximum extent practicable to prevent/minimize sediment and other pollutants in water used in the regulated disturbance activity/process or stormwater run-off from disturbed/unstabilized areas, from leaving the site or associated areas. Follow-up inspections will be performed as needed in the near future to determine if the proper pollution control measures have been fully implemented and maintained to correct observed deficiencies. While disturbance activity is ongoing or until such time as all disturbed areas are stabilized and revegetated, periodic inspections will be made to determine if these pollution control measures are adequate and if they are being maintained on a daily basis.

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (Fax)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (Fax)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (Fax)

Mobile - Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (Fax)

Within **seven (7) days** of receipt of this notice, unless extended in writing by the Department, the operator/owner is required to file with the Department a full report signed by the operator/owner detailing the immediate and long-term corrective actions that have been taken and will be taken to adequately correct noted deficiency(s). This report should be prepared and certified by a qualified credentialed professional (QCP) and should be submitted to the Department, Attention:

Amanda L. Farrell
Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209

In order to comply with applicable regulatory requirements the report, at a minimum, must include or provide for:

1. An updated, comprehensive construction best management practices plan (CBMPP) detailing the temporary/permanent, effective structural/nonstructural BMPs to be implemented and maintained to the maximum extent practicable that meet or exceed the requirements of the *Alabama Handbook For Erosion Control, Sediment Control, And Stormwater Management On Construction Sites And Urban Areas*, as amended, Alabama Soil and Water Conservation Committee (ASWCC). After completion of the project, the operator/owner is required to implement and maintain effective measures to ensure permanent revegetation or cover of all disturbed areas.
2. A detailed plan for the temporary revegetation or cover of all disturbed areas not undergoing active disturbance or active construction and progressive construction for longer than thirteen (13) days to prevent/minimize erosion and ensure timely temporary vegetative cover, and permanent revegetation or cover of all disturbed areas when disturbance is complete.
3. Proposed, detailed compliance schedule, with all work to be completed no later than **ten (10) days** after receipt of this notice unless extended in writing by the Department.
4. Submission of certification by a QCP no later than **fifteen (15) days** after receipt of this notice unless extended in writing by the Department, that all deficiencies have been corrected and full compliance with ADEM Admin. Code Ch. 335-6-12 has been achieved.

This letter is intended to identify deficiencies that must be corrected to ensure compliance with the Department's regulatory program. These deficiencies should be corrected within the time frame set out above. Be advised that the Department retains the option to take further action including imposition of monetary penalties pursuant to the Alabama Environmental Management Act, Code of Alabama, 1975, §22-22A-5(17), (18) and (19), as amended, for the noted violations as well as for failure to comply with the requirements of this letter. Failure to file a report as required by this letter is a violation of the Alabama Water Pollution Control Act, Code of Alabama, 1975, §22-22-9(e), as amended, for which civil penalties may be imposed. In addition, any false statement, representation, or certification knowingly made in such report is a criminal offense.

The determination to pursue further enforcement action will be dependent on the timeliness and content of your response to this letter.

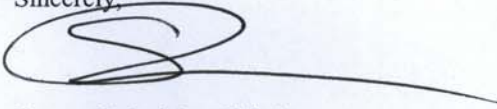
The Department encourages you to voluntarily consider additional pollution prevention practices/alternatives to assist in complying with applicable regulatory requirements and possible reduction/elimination of pollutant discharges.

Information regarding construction and small noncoal, nonmetallic mining and mineral dry processing sites (ADEM Admin. Code Ch. 335-6-12, forms, and other helpful information) is available for download in WORD or PDF format on the ADEM webpage at www.adem.state.al.us/FieldOps/Permitting/Construction/Construction.htm

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Cotswald Development, Ltd.
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If you have any questions concerning this inspection, stormwater permitting, compliance issues, or Departmental procedures, please contact **Amanda L. Farrell, Birmingham Branch**, by email at afarrell@adem.state.al.us or by phone at (205) 942-6168.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. O. Jenkins', with a long horizontal line extending to the right.

Steven O. Jenkins, Chief
Field Operations Division

SOJ/alf File: /0000034623

Enclosure: Inspection Report
 Photographs

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