

SOUTH & ASSOCIATES

TRANSMITTAL

2867 Acton Road
Birmingham, AL 35243
Phone: (205) 979-4026
Fax: (205) 979-4023

TO: **ADEM-CONSTRUCTION STORMWATER**
1400 COLISEUM BLVD
MONTGOMERY, ALABAMA 36110

JOB#: **1002**
DATE: **04/19/10**
PROJECT: **COTSWALD SUBDIVISION**
JEFFERSON CO, AL

ATTENTION: **HEATHER GRIFFIN**
PHONE: **334.394.4321**

SUBJECT: **CBMPP as required by
CONSENT ORDER 10-094-CWP**

WE ARE SENDING THE FOLLOWING:

VIA:

- | | | |
|--|---|--|
| <input type="checkbox"/> PROGRESS DRAWINGS | <input type="checkbox"/> HAND DELIVERY | <input type="checkbox"/> PRIORITY |
| <input type="checkbox"/> CONSTRUCTION DOCUMENTS | <input type="checkbox"/> PICK UP | <input checked="" type="checkbox"/> STANDARD |
| <input type="checkbox"/> TRACINGS | <input type="checkbox"/> U.S. MAIL | <input type="checkbox"/> 2nd DAY |
| <input type="checkbox"/> PRINTS | <input type="checkbox"/> UPS | <input type="checkbox"/> SATURDAY |
| <input type="checkbox"/> SHOP DRAWINGS | <input checked="" type="checkbox"/> FEDERAL EXPRESS | <input type="checkbox"/> OTHER |
| <input checked="" type="checkbox"/> OTHER: _____ | | |

DWG. NO.	COPIES	DESCRIPTION
N/A	1	CONSENT ORDER 10-094-CWP
N/A	1	CBMPP to include DOCUMENT and ESC DWGS (4)

THESE DOCUMENTS ARE SENT FOR THE PURPOSE CHECKED BELOW:

- | | | |
|---|---|---|
| <input type="checkbox"/> FOR REVIEW 1 2 3 | <input type="checkbox"/> FOR APPROVAL | <input type="checkbox"/> FOR BID |
| <input type="checkbox"/> REVISE AND SUBMIT | <input type="checkbox"/> FOR COMPLETION | <input checked="" type="checkbox"/> SUBMITTAL |
| <input type="checkbox"/> REVISED PER COMMENTS | <input type="checkbox"/> FOR YOUR SIGNATURE | <input type="checkbox"/> OTHER |

REMARKS: Heather -
Please find enclosed for your review and approval the revised CBMPP plan for the
Cotswald Sub-Division as required by ITEM E of the Order. Please let us know if you require
anything further. The Owner is taking steps to fulfill ITEM F of the Order in the prescribed
time.

APR 21 2010

SINCERELY,
SOUTH & ASSOCIATES, INC.
Thom Anderson

Thomas L. Anderson, II - Project Manager

JOHN P. HAGOOD
DIRECTOR



BOB RILEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov
1400 Coliseum Blvd. 36110-2059 • Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700
FAX (334) 271-7950

APR - 5 2010

CERTIFIED MAIL # 91 7108 2133 3936 5739 1045

Ingram Tynes
Cotswald Development, Ltd.
820 Shades Creek Parkway, Suite 2300
Birmingham, AL 35209

RE: Final Consent Order
NPDES Registration No. ALR16D930
Cotswald Subdivision
Jefferson County (073)

Dear Mr. Tynes:

Please find the enclosed Special Order by Consent Order which requires you to take certain actions in regard to alleged violations of the Alabama Water Pollution Control Act. This Consent Order has been issued with the consent of Cotswald Development, Ltd.

The draft order was made available for public review for a period of 30 days beginning on January 28, 2010. Public comments were received. Response to the comments received is attached for your reference.

The enclosed Special Order by Consent is effective immediately. Please note that the assessed civil penalty is due in full within 45 days.

Should you have any questions concerning this matter, please contact Heather Griffin at (334) 394-4321.

Sincerely,

James E. McIndoe, Chief
Water Division

JEM/jk File: ECO/34623

Enclosure: Copy of Final Consent Order

cc: Olivia Rowell, ADEM
Vernon H. Crockett, ADEM
Jennfier Klepac, ADEM
Heather Griffin, ADEM

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6108
(205) 941-1603 (Fax)

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

Mobile Branch
2104 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) 432-6198 (Fax)

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF)	
)	
COTSWALD DEVELOPMENT LTD)	CONSENT ORDER 10-094-CWP
COTSWALD SUBDIVISION)	
BIRMINGHAM, T18S, R1W, S18)	
JEFFERSON COUNTY, ALABAMA)	
EXPIRED NPDES ALR16D930)	

PREAMBLE

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (hereinafter "Department" or "ADEM"), and Cotswald Development Ltd. (hereinafter "Operator") pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-16 (2006 Rplc. Vol.), the Alabama Water Pollution Control Act (hereinafter "AWPCA"), Ala. Code §§ 22-22-1 to 22-22-14 (2006 Rplc. Vol.) and the regulations promulgated pursuant thereto, and § 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342.

STIPULATIONS

1. The Operator is an Alabama Limited Liability Partnership constructing the residential subdivision Cotswald Subdivision (hereinafter "Facility") located in T18, R1W, S18, Sicard Hollow Road in Birmingham, Jefferson County, Alabama. Sediment and other pollutants in stormwater runoff from the Facility have the potential to discharge and/or have discharged to Coal Branch, and an unnamed tributary to Little Cahaba River, waters of the State, classified for Fish & Wildlife, and Public Water Supply.

2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-16 (2006 Rplc. Vol.).

3. Pursuant to Ala. Code § 22-22A-4(n) (2006 Rplc. Vol.), the Department is the state agency responsible for the promulgation and enforcement of water pollution control regulations in accordance with the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 to 1387. In addition,

the Department is authorized to administer and enforce the provisions of the Alabama Water Pollution Control Act, Ala. Code §§ 22-22-1 through 22-22A-16 (2006 Rplc. Vol.).

4. The following acronyms are used in this Order and, when used, shall have the meaning of the name or title referenced below.

BMPs	Best Management Practices
CBMPP	Construction Best Management Practices Plan
NOR	Notice of Registration
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
QCP	ADEM-recognized Qualified Credentialed Professional
NTUs	Nephelometric Turbidity Units
UT	Unnamed Tributary

5. Pursuant to ADEM Admin. Code rs. 335-6-12-.05(1) and 335-6-12-.11(1), the Operator is required to submit to the Department an NOR in order to register for and obtain NPDES coverage prior to commencing and/or continuing regulated disturbance activities.

6. ADEM Admin. Code r. 335-6-12-.21(1), provides that “[c]ommencement and/or continuation of NPDES construction activity is prohibited after March 1, 2003, or the effective date of this Chapter, whichever date occurs later, unless effective BMPs are implemented and maintained in accordance with a CBMPP prepared/certified by a QCP as adequate to meet the requirements of this Chapter and applicable requirements of ADEM Administrative Code Division 335-6. The CBMPP and any BMPs shall meet or exceed following the technical standards and guidelines: (a) The Alabama Handbook; and (b) In accordance with the requirements of this Chapter.”

7. The Department inspected the Facility on August 11, 2009, and documented that the Operator had not properly implemented and maintained effective BMPs meeting required standards resulting in discharges of sediment and other pollutants in stormwater runoff to Coal Branch and a UT to Little Cahaba River, which is a violation of ADEM Admin. Code r. 335-6-12-.21(1).

8. The Operator also violated ADEM Admin. Code r. 335-6-6-.03(1), by allowing the unpermitted release of sediment to a UT to Little Cahaba River.

9. On September 15, 2009, a NOV was sent to the Operator by the Department as a result of the August 11, 2009, inspection. The NOV notified the Operator of deficiencies documented at the Facility, and requested the Operator to submit to the Department certification by a QCP that all deficiencies at the Facility had been corrected within fifteen days of receipt of the NOV.

10. The Operator neither admits nor denies the Department's allegations regarding this matter but consents to abide by the terms of the following Consent Order and to pay the civil penalty assessed herein.

11. The Department has agreed to the terms of this Consent Order in an effort to resolve the violations cited herein without the unwarranted expenditure of State resources in further prosecuting the above alleged violations. The Department has determined that the terms contemplated in this Consent Order are in the best interests of the citizens of Alabama.

CONTENTIONS

12. Pursuant to Ala. Code § 22-22A-5(18)c. (2006 Rplc. Vol.), in determining the amount of any penalty, the Department must give consideration to the seriousness of the violations, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent and degree of success of such person's efforts to minimize or mitigate the effects of such violations upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not be less than \$100.00 or exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000.00. Each day such violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

A. SERIOUSNESS OF THE VIOLATIONS: The Department noted two violations of ADEM Admin. Code chap. 335-6 and the AWPCA. Considering the general nature of each violation, the magnitude and duration of each non-compliant discharge, their effects, if any, on impaired

waters, and any available evidence of irreparable harm to the environment or threat to the public, the Department determined the base penalty to be \$10,000.00.

B. THE STANDARD OF CARE: In consideration of this factor, the Department noted that the standard of care taken by the Operator was not commensurate with the applicable regulatory requirements. However, the Department believes the base penalty noted above is sufficient to address this factor.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Operator avoided certain costs associated with proper implementation and maintenance of BMPs, inspections, and recordkeeping, however, the magnitude of these cost savings and resulting economic benefit, if any, is unknown.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATIONS UPON THE ENVIRONMENT: The Department is unaware of any efforts by the Operator to minimize or mitigate the effects of the violations upon the environment.

E. HISTORY OF PREVIOUS VIOLATIONS: In consideration of the Operator's history of previous violations, the Department enhanced the penalty by an additional \$5,000.00

F. THE ABILITY TO PAY: The Operator has not alleged an inability to pay the civil penalty.

G. OTHER FACTORS: This Special Order by Consent is a negotiated settlement and, therefore, the Department has compromised the amount of the penalty the Department believes is warranted in this matter in the spirit of cooperation and desire to resolve this matter amicably, without incurring the unwarranted expense of litigation.

H. The civil penalty is summarized in Attachment 1.

ORDER

Therefore, the Operator, along with the Department, desires to resolve and settle the compliance issues cited above. The Department has carefully considered the facts available to the Department and has considered the six penalty factors enumerated in Ala. Code § 22-22A-5(18)c. (2006 Rplc. Vol.), as well as the need for timely and effective enforcement, and the Department believes that the following conditions are appropriate to address the violations

alleged herein. Therefore, the Department and the Operator agree to enter into this Consent Order with the following terms and conditions:

A. The Operator agrees to pay to the Department a civil penalty in the amount of \$10,000.00 in settlement of the violations alleged herein within forty-five days from the effective date of this Consent Order. Failure to pay the civil penalty within forty-five days from the effective date may result in the Department's filing a civil action in the Circuit Court of Montgomery County to recover the civil penalty.

B. The Operator agrees that all penalties due pursuant to this Consent Order shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check and shall be remitted to:

Office of General Counsel
Alabama Department of Environmental Management
PO Box 301463
Montgomery, Alabama 36130-1463

C. The Operator agrees to take immediate action to prevent, to the maximum extent practicable, sediment and other pollutants in stormwater leaving the Facility and prevent noncompliant and/or unpermitted discharges of pollutants to waters of the State.

D. The Operator agrees that, within five days of the effective date of this Consent Order, the Operator shall have a QCP perform a comprehensive inspection of the Facility, offsite conveyances, and affected State waters.

E. The Operator agrees that, within ten days of the effective date of this Consent Order, the Operator shall submit to the Department a CBMPP, prepared/certified by a QCP, detailing effective BMPs that meet or exceed the technical standards outlined in ADEM Admin. Code chap. 335-6-12 and the Alabama Handbook.

F. That, within thirty days of the effective date of this Order, the Operator shall fully implement effective BMPs, designed by a QCP, that meet or exceed the technical standards outlined in the Alabama Handbook, the site CBMPP plan, and ADEM Admin. Code chap. 335-6-12, and correct all deficiencies at the Facility and offsite conveyances, including sediment removal or remediation.

G. The Operator agrees that, within seven days of the completion of the activities required in F above, the Operator shall submit to the Department a certification signed by the QCP stating that effective BMPs meet or exceed the technical standards outlined in the Alabama Handbook, the site CBMPP plan, ADEM Admin. Code chap. 335-6-12 have been implemented, all deficiencies have been corrected, and full compliance with the requirements of ADEM Admin Code chap. 335-6-12 has been achieved at the Facility, offsite conveyances, and affected State waters.

H. The Operator agrees that, after the effective date of this Consent Order, it shall pay stipulated penalties for each day it fails to meet any of the milestone dates or to satisfy any of the requirements set forth in or established by paragraphs A, C, D, E, F, and G contained herein or any other requirement date, except for *Force Majeure* acts as hereinafter defined, shall be as follows:

Period of Noncompliance	Penalty per Day per Violation
1 st to 30 th day	\$100
31 st to 60 th day	\$200
After 60 days	\$300

If the Operator fails to meet any milestone or any assigned date for a period of ninety days after any required date described in paragraphs A, C, D, E, F, and G then the Department reserves the right to file a new action against the Operator.

I. The Department and the Operator (hereinafter collectively "the Parties") agree that the cumulative stipulated penalties described in Paragraph H above shall under no circumstances exceed \$12,000.00. Once stipulated penalties of \$12,000.00 are due to the Department and violations continue to occur, then the Department shall be free to issue additional orders or to file suit against the Operator in the Circuit Court of Montgomery County or in another court of competent jurisdiction to enforce compliance of this Consent Order.

J. The Operator agrees to submit payment of stipulated penalties, as described in Paragraph K, to the Department so that they are received by the Department no later than thirty

days following the completion of the milestone or requirement. Notification to the Operator by the Department of the assessment of any stipulated penalty is not required.

K. The Parties agree that this Consent Order shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented, and to legally bind such party.

L. The Parties agree that, subject to the terms of these presents and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations which are cited in this Consent Order.

M. The Operator agrees that the Operator is not relieved from any liability if the Operator fails to comply with any provision of this Consent Order.

N. For purposes of this Consent Order only, the Operator agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County. The Operator also agrees that in any action brought by the Department to compel compliance with the terms of this Agreement, the Operator shall be limited to the defenses of *Force Majeure*, compliance with this Agreement and physical impossibility. A *Force Majeure* is defined as any event arising from causes that are not foreseeable and are beyond the reasonable control of the Operator, including the Operator's contractors and consultants, which could not be overcome by due diligence (i.e., causes which could have been overcome or avoided by the exercise of due diligence will not be considered to have been beyond the reasonable control of the Operator) and which delays or prevents performance by a date required by the Consent Order. Events such as unanticipated or increased costs of performance, changed economic circumstances, normal precipitation events, or failure to obtain federal, state, or local permits shall not constitute *Force Majeure*. Any request for a modification of a deadline must be accompanied by the reasons (including documentation) for each extension and the proposed extension time. This information shall be submitted to the Department a minimum of ten working days prior to the original anticipated completion date. If

the Department, after review of the extension request, finds the work was delayed because of conditions beyond the control and without the fault of the Operator, the Department may extend the time as justified by the circumstances. The Department may also grant any other additional time extension as justified by the circumstances, but the Department is not obligated to do so.

O. The Department and the Operator agree that the sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future concerning the Facility which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed in Orders as may be issued by the Director, litigation initiated by the Department, or such other enforcement action as may be appropriate, and the Operator shall not object to such future Orders, litigation or enforcement action based on the issuance of this Consent Order if future orders, litigation or other enforcement action address new matters not raised in this Consent Order.

P. The Department and the Operator agree that this Consent Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and the Operator does hereby waive any hearing on the terms and conditions of same.

Q. The Department and the Operator agree that this Consent Order shall not affect the Operator's obligation to comply with any Federal, State, or local laws or regulations.

R. The Department and the Operator agree that final approval and entry into this Consent Order are subject to the requirements that the Department give notice of proposed penalty Orders to the public, and that the public have at least thirty days within which to comment on the Consent Order.

S. The Department and the Operator agree that, should any provision of this Consent Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and therefore unenforceable, the remaining provisions herein shall remain in full force and effect.

T. The Department and the Operator agree that any modifications of this Consent Order must be agreed to in writing and signed by both parties.

U. The Department and the Operator agree that, except as otherwise set forth herein, this Consent Order is not and shall not be interpreted to be a permit or modification of an existing permit under Federal, State or local law, and shall not be construed to waive or relieve the Operator of the Operator's obligations to comply in the future with any permit.

Executed in duplicate with each part being an original.

COTSWALD DEVELOPMENT LTD
BY: Sterling Manager, LLC - DTS
General Partner

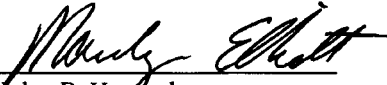

(Signature of Authorized Representative)

Ingram P. Tynes
(Print Name of Authorized Representative)

Managing Member of Sterling Manager LLC
Title

Date Signed: January 15, 2010

ENVIRONMENTAL MANAGEMENT


John P. Hagood
Director

Date Signed: April 5, 2010

Attachment 1

Penalty Calculation Worksheet

Violation*	Number of Violations*	Seriousness of Violation & Base Penalty*	Standard of Care*	History of Previous Violations*
ADEM Admin. Code r. 335-6-12-.21(1); Failure to implement and maintain effective BMPs.	1	\$5,000.00		\$2,500.00
ADEM Admin. Code r. 335-6-6-.03(1); Unpermitted release of sediment to a UT to Little Cahaba River.	1	\$5,000.00		\$2,500.00
Totals:	2	\$10,000.00		\$5000.00

Economic Benefit: Unknown

Mitigating Factors: none

Ability to Pay: \$0

Other Factors (\$5000.00)

Civil Penalty: \$10,000.00

Construction Best Management Practices Plan

for:

**Cotswald Sub-Division
Sicard Hollow Road
Birmingham, Alabama 35242
(205) 877-3199**

Operator

***Cotswald Development, Ltd.
Contact: Ingram Tynes
820 Shades Creek Parkway, Suite 2300
Birmingham, Alabama 35209
(205) 877-3199
tynesingram@mindspring.com***

CBMPP Contact(s) / QCP

***South & Associates, Inc.
Contact: Jerry South, P.E., P.L.S.
2867 Acton Road
Birmingham, Alabama 35243
T: (205) 979-4026
F: (205) 979-4023
jerry@southassociates.com***

CBMPP Preparation Date:

04/15/2010

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SECTION 1: SITE EVALUATION, ASSESSMENT, AND PLANNING

1.0 BMP Narrative and Project Description

Cotswald Sub-Division is a residential development that is currently in the "Post-Site-Construction" and "Final Stabilization" stage. Under its two-year NOR ALR16D930, all mass earthmoving and construction activities related to the overall development are complete. All roadways have been paved and curb and gutter installed on all streets. All graded areas and all constructed slopes have been grassed and are stabilized. All utilities and storm sewer pipes and inlet structures have been installed.

Future construction activities will be limited to single lot home construction and sediment and erosion control will be the responsibility of the individual home builders.

The purpose of this Construction Best Management Practices Plan (CBMPP) is to update the erosion and sediment control plan originally prepared in 2005 by others.

1.1 Project/Site Information

Project/Site Name: Cotswald Sub-Division

Project Street/Location: Sicard Hollow Road

City: Birmingham State: AL ZIP Code: 35242

County or Similar Subdivision: Jefferson County

Latitude/Longitude of the Project Site (front gate). [Use one of three possible formats, and specify method]

Latitude:

Longitude:

33 ° 28 ' 10" N

86 ° 40 ' 39" W

Method for determining latitude/longitude:

USGS topographic map (specify scale): 1:24,000 EPA Web site GPS

Other (please specify): _____

1.2 Contact Information/Responsible Parties

Operator:

Cotswald Development, Ltd.

Contact: Ingram Tynes

820 Shades Creek Parkway, Suite 2300

Birmingham, Alabama 35209

(205) 877-3199

Cotswald Development, Ltd. Controls 41.8 total acres of the overall Cotswald Sub-Division development that contains approximately 130 home lots and 8 stormwater detention ponds.

Project Manager(s) or Site Supervisor(s):

Cotswald Development, Ltd.

Contact: Kevin Hilbun

820 Shades Creek Parkway, Suite 2300

Birmingham, Alabama 35209

(205) 877-3199

Cotswald Development, Ltd. Controls 41.8 total acres of the overall Cotswald Sub-Division development that contains approximately 130 home lots and 8 stormwater detention ponds.

CBMPP Contact(s) / QCP:

South & Associates, Inc.

Contact: Jerry South, P.E., P.L.S.

2867 Acton Road

Birmingham, Alabama 35243

T: (205) 979-4026

F: (205) 979-4023

E-mail: jerry@southassociates.com

QCI or Qualified Person(s):

Terracon (formerly Gallett & Associates, Inc.)

Contact: Daniel Gossett

110 12th Street North

Birmingham, Alabama 35203

T: (205) 942-1289

Direct: (205) 443-5250

F: (205) 942-1266

This CBMPP was Prepared by:

South & Associates, Inc.
Contact: Jerry South, P.E., P.L.S.
2867 Acton Road
Birmingham, Alabama 35243
T: (205) 979-4026
F: (205) 979-4023

Emergency 24-Hour Contact:

Cotswald Development, Ltd.
Contact: Ingram Tynes
T: (205) 877-3199

1.3 Nature and Sequence of Construction Activity

Describe the general scope of the work for the project, major phases of construction, etc:

The project site is a residential sub-division consisting of single-family dwellings and townhouse dwellings. All major site work has been completed and a majority of the home sites have been completed and stabilized with site specific landscaping.

Proposed Activity(ies) to be Conducted:

Residential Commercial Industrial Road Construction Linear Utility
 Other (please specify): _____

If Non-Coal, Non-Metallic Mining, Recovery, or Construction Material Management Site:

Dirt-Chert Sand-Gravel Shale-Clay Crushed-Dimension Stone

Other (please specify): _____

Other (please specify): _____

Other (please specify): _____

Primary SIC Code: **1522 (Residential Construction)**

Primary NAICS Code: _____

Brief Description of Construction, Non-coal Mining, or Materials Management Activity:

Construction of a residential housing community that will be comprised of both single-family dwellings and town house home sites. Multiple permanent detention ponds were constructed during the mass excavation work to assist in controlling the stormwater runoff. These facilities remain to date and will be maintained by Cotswald Development, Ltd..

1.4 Soils, Slopes, Vegetation, and Current Drainage Patterns

Soil type(s): **Nauvoo-Montevallo association, steep**

Information Source(s): **Soil Survey of Jefferson County, AL (USDA Soil Conservation Service)**

Slopes (describe current slopes and note any changes due to grading or fill activities):

Within the construction limits of the project, the native slopes have been graded to produce residential home lots. Existing slopes typically range from 10% to 40% and are classified as slight to severely erodibility. The new slopes constructed by grading activities are 2:1 and tie into existing native slopes and have been grassed and stabilized. The individual home lots have been graded to produce pad sites with a typical 1%-2% slope to allow stormwater to drain from the lots. The home lots have been grassed and stabilized.

Drainage Patterns describe or provide map(s) of current drainage patterns and note any changes due to grading or fill activities):

Eight (8) stormwater detention ponds and a series of underground storm pipes have been constructed to control stormwater that falls onto the site. Five (5) of the detention ponds discharge into Coal Branch and the other three (3) discharge into an unnamed tributary of the Little Cahaba River. BMPs (such as storm inlet protection and silt fence) have been maintained during construction and the amount of silt fence that is required is minimal. All slopes and graded areas have been grassed.

Vegetation:

Vegetation on native slopes includes pines and hardwoods. All new slopes and graded areas have been grassed. Completed home sites have been sodded and received additional landscaping of trees and shrubs.

Other:

1.5 Pre- and Post- Construction Site Estimates

NOTE: Site areas estimates of acreages and impervious areas were determined for the original NOR application and BMP plans (circa 2005). The stabilization measures, detention ponds and controlled water releases are in place.

1.6 Receiving Waters

Description of receiving waters:

Stormwater detention ponds 1, 2, 3, 4 & 5 discharges to Coal Branch that has a "Fish & Wildlife (F&W)" use classification. Coal Branch is not an ONRW or Tier 1 waterbody.

Stormwater detention ponds 6, 7 & 8 discharges to an unnamed tributary of the Little Cahaba River that has a "Fish & Wildlife (F&W)" use classification. This unnamed tributary is not an ONRW or Tier 1 waterbody.

Description of storm sewer systems:

The stormwater system that was constructed as part of the overall development was designed (by others) to accommodate the full residential build-out of the sub-division. To our knowledge, the system was designed, sized and constructed per governing authority requirements.

Description of impaired waters or waters subject to TMDLs:

No known impaired waters

Other:

N/A

1.7 Site Features and Sensitive Areas to be Protected

Describe measures to protect these features:

Three conservation areas were created as part of the overall development and total approximately 52.5 acres. These areas were not disturbed during construction activities and remain in their native state.

1.8 Potential Sources of Pollution

Potential sources of sediment to stormwater runoff:

The stormwater detention ponds and the stormwater pipes have been installed and all mass graded areas of the development have been grassed or received stabilizing BMPs, therefore there should be no known sources of pollution to receiving waters. However, ineffective BMPs that have been installed may result in minimal and localized areas of potential sediment runoff. These areas will be addressed in the revised BMP plan that is attached to this CBMPP.

Potential pollutants and known sources, other than sediment, to stormwater runoff:

There are no known sources of potential pollution, other than sediment.

1.9 Endangered Species

Are there any known endangered or threatened species and critical habitats on or near the project area?

Yes No

If yes, ADEM strongly recommends that the site operator work closely with the appropriate field office of the U.S. Fish and Wildlife Service www.fws.gov/daphne [Daphne, AL (251) 441-5181] and the Alabama Department of Conservation and Natural Resources Wildlife & Freshwater Fisheries [(334) 242-3465].

1.10 Historic Preservation

Are there any known historic sites on or near the construction site?

Yes No

If yes, ADEM strongly recommends that the site operator work closely with the Alabama Historical Commission's Historic Preservation office [(334) 230-2667].

1.11 Applicable Federal, State or Local Programs

No other programs known of at this time.

1.12 Maps

Maps and plans attached or enclosed as part of this CBMPP include the following:

- ***General Site Location Map (Appendix A)***
- ***7.5 Minute Series USGS Quad Map of Development (Appendix B-1)***
- ***Development Ownership Map (Appendix B-2)***
- ***Erosion and Sedimentation Control Plans (revised for this CBMPP – see enclosed in this section)***

SECTION 2: EROSION AND SEDIMENT CONTROL BMPS

2.1 Minimize Disturbed Area

All areas that were disturbed during the construction of the sub-division have been grassed and stabilized. The areas set aside as conservation easements have not been disturbed and remain in their native state.

2.2 Phase Construction Activity

- Phase I
 - *PHASE I OF THE 2005 BMP PLANS HAVE BEEN COMPLETED*
- Phase II
 - *PHASE II OF THE 2005 BMP PLANS HAVE BEEN COMPLETED*
- Post-Construction Phase and Final Stabilization
 - *Removal of BMP controls in stabilized areas as needed*
 - *General housekeeping of existing BMP controls*
 - *Re-grassing of areas of potential concern*
 - *Continue maintenance of detention facilities*
 - *Removal of stormwater inlet protection on paved streets to allow detention ponds to perform as designed*

2.3 Control Stormwater flowing onto and through the Project

- *Repair rills or erosion areas created by off-site water*
- *Repair new erosion areas on completed slopes and/or completed building pads or lots*

2.4 Protect Storm Drain Inlets

- *Remove storm drain inlet protection where upstream areas are stabilized*
- *Re-install inlet protection on paved streets as construction of new home sites begin*
- *Maintain controls on home sites to assist with inlet protection*

2.5 Maintenance of Perimeter Controls

- *Monitor previously graded areas for new pollutants along the perimeter*
- *Remove silt from controls to ensure the integrity and performance of perimeter controls*
- *Correct, reinforce or replace any failed controls*

- ***Add perimeter controls to any potential areas of concern that originally were not thought to be areas of concern***

2.6 Construction Access

- ***All roads are currently paved so construction access roads are not required***
- ***If new construction that is not anticipated at this time begins, add a construction entrance and road as required***

SECTION 3: GOOD HOUSEKEEPING (GROUNDS KEEPING) BMPS

3.1 Material Handling and Waste Management

- *Any construction expected on-site is for individual home sites. Each lot will be required to maintain its own sediment controls*
- *Building materials are provided on an as-needed basis therefore no segregated material handling areas are required*

3.2 Designate Washout Areas

- *Designated containers will be provided for concrete truck washout. Containers are to be watertight and material to be disposed of in an approved landfill when the container reaches 75% of its capacity. Site supervisor is responsible to notify drivers and suppliers of this requirement and the location(s) of the containers.*

3.3 Spill Prevention, Control and Management

EMERGENCY CONTACT:
Kevin Hilbun, Site Supervisor
Cotswald Development, Ltd.
820 Shades Creek Parkway, Suite 2300
Birmingham, Alabama 35209
T: (205) 877-3199
Cell: (205) 283-9250

- *The Spill Prevention, Control and Countermeasures (SPCC) plan is required for petroleum products or any product, which in the vent of a release, has the potential to impact waters of the state of the collection system of publicly or privately owned treatment works.*
- *No containment structure will be provided as it is no longer necessary to store petroleum products on the project site.*
- *If a spill should occur from the periodic refueling of equipment, then the contaminated soil shall be excavated and transported along with unusable fuels and oils to the nearest permitted landfill for disposal.*
- *A written record shall be maintained by the project manager/site supervisor of any spill which occurs and the actions taken to clean and dispose of all spilled materials.*
- *All personnel who are in any way connected with the use of fuel or soil clean-up or anyone who has responsibilities for storm water drainage maintenance will be made familiar of this plan.*
- *Fuel suppliers and contractors shall periodically inspect vehicles and hoses and repair aged or potentially failing equipment.*
- *For diesel fuel, a "reportable spill quantity" is 45 gallons or greater.*

- **Emergency Contacts –**
 - **Alabama Department of Environmental Management (ADEM)**
T: (334) 271-7700
 - **Cahaba Valley Fire District**
Rex Lake Fire Department
 - **T: (205) 956-5253**
 - **Jefferson County Emergency Management Agency (EMA)**
T: (205) 254-2039
- **The following information shall be recorded and provided to the appropriate agencies:**
 - **Name, address and telephone number of person reporting spill**
 - **Exact location of facility and spill**
 - **Company name, telephone number and location**
 - **Material spilled**
 - **Estimated quantity spilled**
 - **Source of spill**
 - **Cause of spill**
 - **Nearest downstream body of water to receive spill**
 - **Request action to take for containment and clean-up**

SECTION 4: SELECTING POST-CONSTRUCTION BMPs

4.1 Post-Construction BMPs

- *Post-construction stormwater management measures are in place and have existed since mass excavation activities were completed.*
- *Controlling the stormwater velocities at the pond discharges and other stormwater structures.*
- *Install sod on lawns and in drainage swells as residential construction is completed.*
- *Re-seed areas of concern where the previous application of seeding did not succeed. Place netting on newly seeded areas.*
- *QCI/QCIP will continue to inspect and monitor site and BMPs in accordance with the NPDES permit requirements.*

SECTION 5: INSPECTIONS

5.1 Inspections

1. Inspection Personnel:

QCI / QCIP:

Terracon (formerly Gallet & Associates, Inc.)

Contact: Daniel Gossett

110 12th Street North

Birmingham, Alabama 35203

Direct: (205) 443-5250

- QCI has received certification through training and work experience

2. Inspection Schedule and Procedures:

Describe the inspection schedules and procedures you have developed for your site:
QCI / QCIP shall inspect the site in accordance with the requirements of the NPDES permit or, at a minimum, once per month and after a rain event of 3/4". QCI /QCIP shall also perform spot inspections of residential sites as home building commences and continues.

Describe the general procedures for correcting problems when they are identified. Include responsible staff and time frames for making corrections:

QCI / QCIP shall perform the inspections and record any findings on ADEM Form 500. He shall then send copies to the Site Supervisor and keep copies for his records to submit to ADEM at the NPDES permit required intervals See Appendix D for sample of ADEM Form 500). QCI / QCIP shall contact the supervisor directly should any corrective actions be required. It shall then be the site supervisor's responsibility to ensure that the corrective actions are taken and that the corrective actions satisfy the permit requirements. Corrective actions, such as silt removal and/or BMP repair and replacements, shall be completed in a timely manner and if possible, prior to the next rain event.

5.2 Delegation of Authority

---SEE APPENDIX G for SAMPLE FORM ---

5.3 Corrective Action Log

--- SEE APPENDIX E for SAMPLE FORM ---

SECTION 6: RECORDKEEPING AND TRAINING

6.1 Recordkeeping

- *This CBMPP shall be maintained and updated by the QCI /QCIP. All inspection reports, logs, forms and correspondence with ADEM, the Owner and governing agencies shall be maintained with the CBMPP for a minimum period of three (3) years after the NPDES permit for this site is terminated.*
- *Appendix D contains ADEM Form 500 – Site Inspection Report*
- *Appendix E contains a sample “Corrective Action Log”*
- *Appendix F contains a sample “CBMPP Amendment Log”*

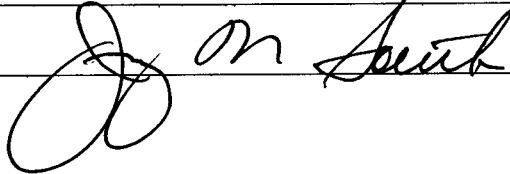
6.2 Changes to the CBMPP

- *Any changes to the Erosion and Sediment Control Plan drawings made in the field by the site supervisor or the QCP shall be noted on the plans contained in Section 1.12 and in the “CBMPP Amendment Log”*

SECTION 7: FINAL STABILIZATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: JERRY M. SOUTH Title: PRESIDENT
QCP Designation/Description: PE / CPESC Registration/Certification: 13215 / 4545
Address: SOUTH & ASSOCIATES, INC. Phone Number: (205) 979-4026
2867 ACTON ROAD
BIRMINGHAM, ALABAMA 35243

Signature:  Date: 4/15/10

CBMPP APPENDICES

Attach the following documentation to the CBMPP:

Appendix A – General Location Map

Appendix B – Site Maps

Appendix C – NOR and Acknowledgement Letter from ADEM

Appendix D – Inspection Reports

Appendix E - Corrective Action Log

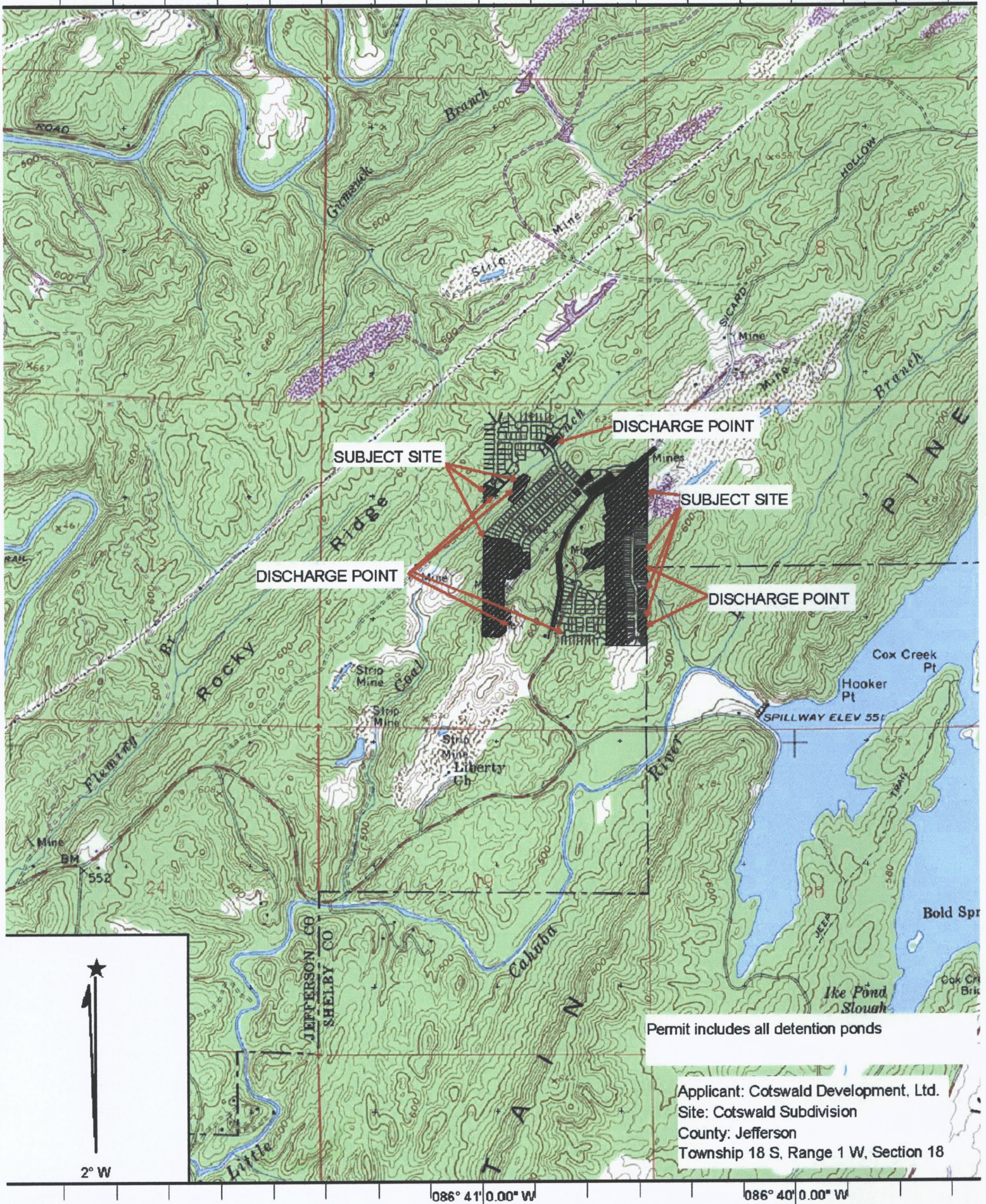
Appendix F – CBMPP Amendment Log

Appendix G – Delegation of Authority

Appendix A – General Location Map



Appendix B – Site Maps



Permit includes all detention ponds

Applicant: Cotswald Development, Ltd.
 Site: Cotswald Subdivision
 County: Jefferson
 Township 18 S, Range 1 W, Section 18

Appendix C – NOR and Acknowledgement Letter from ADEM



Alabama Department of Environmental Management
adem.alabama.gov
1400 Coliseum Blvd. 36110-2059 ♦ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700
FAX (334) 271-7950

March 26, 2010

NOTICE OF RE-REGISTRATION (NOR) RECEIVED

NOR Rec: September 30, 2009

NOR Complete: March 11, 2010

By: Darby Clark *DC*

County: Jefferson (073)

NPDES #: ALR16D930

Expiration Date: August 29, 2011

Disturbed Acres Registered: 41.8

Registrant: Cotswald Development, Ltd.

Facility/Site: Cotswald Subdivision

This is to acknowledge receipt of the Notice of Registration (NOR) requesting National Pollutant Discharge Elimination System (NPDES) re-registration under ADEM Admin. Code Ch. 335-6-12 for discharge of treated stormwater from regulated construction, nonmetallic, noncoal mining, dry processing, and related activity, for the above-referenced facility which was received by ADEM on the date indicated above.

It remains the responsibility of the operator to ensure that information submitted in the NOR, including any attachments, is true, complete, and accurate in order for the re-registration to remain in effect. Failure to ensure that the site/activity remains in full compliance with all provisions of the rules may result in suspension, termination, and/or subsequent denial of the request for re-registration. Please be advised that the registrant, operator, owner, developer, home builder(s), property owners association, etc., separately or collectively, must retain registration until all regulated disturbance activity is complete. The rules, forms 498, 499, 500, & 501, re-registration fee schedule, the *Alabama Handbook* BMP document, example site identification sign, qualified credentialed inspection program (QCIP) description, and other helpful information can be viewed or downloaded from the ADEM WebPage at <http://www.adem.state.al.us/programs/water/constructionstormwater.cnt>

Re-registration does not authorize the discharge of any pollutant or wastewater to a receiving water not specifically identified in the rules or in the submitted NOR. Should a need for the registration of an additional discharge(s) or increased acreage under the rules occur, the registrant must submit a complete NOR to ADEM requesting modification of the registration prior to the commencement of additional disturbance or discharge(s). Required inspections must begin immediately following commencement of activity authorized under this re-registration and continue until registration is properly terminated. Results from the required inspections should be reported on ADEM Form 500. A copy of Form 500 is attached for your convenience.

Compliance with all provisions of ADEM Admin. Code Ch. 335-6-12 and this re-registration is required, including but not limited to, the full implementation and regular maintenance of effective Best Management Practices (BMPs), prior to and concurrent with the commencement of regulated activities, the submittal of required reports, and the preparation and implementation of a construction best management practices plan (CBMPP) and any other plans as may be required. The required, comprehensive CBMPP shall comply with ADEM Admin. Code r. 335-6-12-.21. An example CBMPP template is located on the ADEM webpage at <http://www.adem.state.al.us/programs/water/constructionstormwater.cnt> for your convenience.

This re-registration neither precludes nor negates an operator's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals. **Disturbance activity is not authorized by this registration for sites/projects in the Coastal Zone of Baldwin and Mobile counties until coastal consistency certification or permit coverage is obtained, if required by ADEM Admin. Code Div. 335-8.**

If the disturbance activity is/will be located on Indian/historically significant lands, the registrant should contact the Alabama Historical Commission to ascertain applicable requirements.

The Department encourages you to voluntarily consider additional pollution prevention practices/alternatives as part of your implemented best management practices (BMPs) which may assist you to possibly reduce or eliminate pollutant discharges.

If you have any questions concerning your registration, please contact the Montgomery office at (334) 271-7700.

File: NOR/0000034623

Attachment: ADEM Form 500

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)

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
FIELD OPERATIONS DIVISION NPDES STORMWATER PROGRAM**

NOTICE OF REGISTRATION (NOR)

THIS FORM IS TO BE USED FOR ADEM ADMINISTRATIVE CODE CHAPTER 335-6-12 - NPDES CONSTRUCTION, NONCOAL/NONMETALLIC MINING AND DRY PROCESSING LESS THAN FIVE ACRES, OTHER LAND DISTURBANCE ACTIVITIES, AND AREAS ASSOCIATED WITH THESE ACTIVITIES

PLEASE READ THE INSTRUCTIONS BEGINNING ON PAGE 3 OF THIS FORM CAREFULLY BEFORE COMPLETING. COMPLETE ALL QUESTIONS. RESPOND WITH "N/A" AS APPROPRIATE. INCOMPLETE OR INCORRECT ANSWERS, OR MISSING SIGNATURES WILL DELAY ACCEPTANCE OF REGISTRATION. IF SPACE IS INSUFFICIENT, CONTINUE ON AN ATTACHED SHEET(S) AS NECESSARY. ATTACH CBMPP AND OTHER INFORMATION AS NEEDED. PLEASE TYPE OR PRINT LEGIBLY IN INK.

I. REGISTRANT INFORMATION Registration: Modification: Transfer: Re-Registration: AL R16D930

Registrant Name Cotswold Development, Ltd.			Facility/Site Name Cotswold Subdivision			# of Years Coverage Requested: 2				
Responsible Owner/Operator or Official, and Title Ingram Tynes, Managing Member <i>the General Partner of Cotswold Development Ltd</i>				Site Contact and Title Ingram Tynes, Managing Member <i>of Sterling Manager LLC</i>						
Mailing Address of Registrant 820 Shades Creek Parkway				Site Street Address or Location Description Sicard Hollow Road just south of Liberty Park Sports Complex						
City Birmingham		State AL		Zip 35209		City Birmingham		State AL		Zip 35242
Business Phone Number (205) 877-3199			Site Phone Number (205) 877-3199			Fax Number (205) 877-3198				
Responsible Official (RO) Street/Physical Address 820 Shades Creek Parkway, Birmingham, AL 35219				RO Phone Number (205) 877-3199		Email Address tynesingram@mindspring.com				
(If applicable) Registered Agent Name, Address, & Phone Number										

II. LEGAL STRUCTURE OF REGISTRANT

Corporation Individual Single Proprietorship Partnership LLC LLP Government Agency Other LTD

Yes No If not an Individual or Single Proprietorship, registrant is properly registered and in good standing with the Alabama Secretary of State's office. If "No", please explain:

III. ACTIVITY DESCRIPTION & INFORMATION

County(s) Jefferson Township(s), Range(s), Section(s) T 18 S, R 1 W, Section 18

Directions To Site Highway 280 east to Blue Lake Parkway. Go approximately 1 mile north to Sicard Hollow Road, Go approximately 3 miles north to project site located just south of Liberty Park Sports Complex

Yes No Is/will this facility:

(a) an existing site which currently discharges to State waters? (b) discharge to waters of or be located in the Coastal Zone?

(c) a proposed site which will result in a discharge to State waters? (d) be located on Indian/ historically significant lands?

IV. PROPOSED SCHEDULE - Used to determine potential registration duration & applicable fee amount, considering responses to Item VIII.

Anticipated Activity schedule: Commencement date: 8/2007 Completion date: 8/2009

Area of the Registered site: Total site area in acres: 217.0 Total disturbed area in acres: 41.8

V. VIOLATION HISTORY

Identify every Notice of Violation (NOV), Administrative Order, Directive, or Litigation filed by ADEM or EPA during the three year (36 months) period preceding the date on which this form is signed issued to the operator, owner, registrant, partner, parent corporation, subsidiary, LLP, or LLC Member. Indicate the date of issuance, briefly describe alleged violations, list actions (if any) to abate alleged violations, and indicate date of final resolution:

NOV dated 3/17/09 and 9/19/09 for inspection deficiencies. Corrective actions taken per report by QCP.

MAR 17

VI. MAP SUBMITTAL

Yes No A 7.5 minute series USGS topographic map(s) or equivalent map(s) is attached according to the instructions beginning on Page 3. If "No", explain:

VII. PROPOSED ACTIVITY(S) TO BE CONDUCTED

If Non-Coal, Non-Metallic Mining, Recovery, or Construction Material Management Site: Dirt-Chert Sand-Gravel Shale-Clay
 Crushed-Dimension Stone Other _____ Other _____ Other _____

Primary SIC Code 1522 (Residential Construction) Brief Description Construction, Noncoal Mining, or Materials Management Activity:

Construction of Single Family Homes and Townhouse

VIII. RECEIVING WATERS

List name of receiving water(s), latitude & longitude (decimal or deg.min.sec) of location(s) that run-off enters the receiving water, total number of disturbed acres, the total number of drainage acres which will drain through each treatment system or BMP, and the waterbody classification. If receiving water is designated as ONRW and/or Tier 1 waterbody, attach/submit copy of CBMPP.

Receiving Water	Latitude	Longitude	Disturbed Acres	Drainage Acres	Waterbody Classification	ONRW Y or N	TIER 1 Y or N
Coal Branch (2)	33°28'18"	86°40'45"	4.9	17.6	F&W	N	N
Coal Branch (1)	33°28'12"	86°40'56"	0.9	10.5	F&W	N	N
Coal Branch (3)	33°28'12"	86°40'54"	0.7	27.3	F&W	N	N
Coal Branch (5)	33°27'50"	86°40'55"	4.7	23.0	F&W	N	N
UT of Little Cahaba River (8)	33°27'59"	86°40'28"	22.7	62.0	F&W	N	N
Coal Branch (4)	33°28'11"	86°40'58"	0.9	25.0	F&W	N	N
UT of Little Cahaba River (6)	33°27'49"	86°40'45"	7.0	25.0	F&W	N	N

IX. MODIFICATION & RE-REGISTRATION - CONTINUING EDUCATION & INSPECTION INFORMATION

Yes No Required inspections/monitoring by QCP/QCI have been performed and records retained. If "No", explain:

List name(s) and designation/certification #s of QCPs/QCIs that performed required inspections/monitoring:
Scott Bruce, Spreadrite Organics

X. QUALIFIED CREDENTIALLED PROFESSIONAL (QCP) CERTIFICATION

"I certify under penalty of law that a comprehensive Construction Best Management Practices Plan (CBMPP) for the prevention and minimization of all sources of pollution in stormwater and authorized related process wastewater runoff has been prepared under my supervision for this site/activity, and associated regulated areas/activities, utilizing effective BMPs from the Alabama Handbook For Erosion Control, Sediment Control, And Stormwater Management On Construction Sites And Urban Areas, Alabama Soil and Water Conservation Committee, as amended (ASWCC). If the CBMPP is properly implemented and maintained by the registrant, discharges of pollutants in stormwater runoff can reasonably be expected to be effectively minimized to the maximum extent practicable according to the requirements of ADEM Administrative Code Chapter 3356-12. The CBMPP describes the pollution abatement/prevention management and effective structural & nonstructural BMPs that must be fully implemented and regularly maintained as needed at the registered site in accordance with sound sediment and erosion practices to ensure the protection of water quality."

QCP Designation/Description: Professional Engineer / CPESC

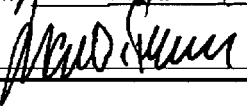
Address 2867 Acton Road, Birmingham, AL 35243 Registration/Certification 13215 / 4545

Name and Title (type or print) Jerry South, P.E. Phone Number (205) 979-4026

Signature  Date Signed 3/8/2010

XI. OPERATOR - RESPONSIBLE OFFICIAL SIGNATURE

Pursuant to ADEM Administrative Code Rule 335-6-6-.09, this NOR must be signed by a Responsible Official of the registrant who is the operator, owner, the sole proprietor of a sole proprietorship, a general/controlling member or partner, a ranking elected official or other duly authorized representative for a unit of government; or an executive officer of at least the level of vice-president for a corporation, having overall responsibility and decision making for the site/activity. "I certify under penalty of law that this form, the CBMPP, and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the qualified credentialed professional (QCP) and other person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, correct, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations. I certify that this form has not been altered, and if copied or reproduced, is consistent in format and identical in content to the ADEM approved form. I further certify that the proposed discharges described in this registration have been evaluated for the presence of any non-construction and/or coal/mineral mining stormwater, or process wastewaters have been fully identified."

Name (type or print) Ingram Tynes Official Title Managing Member of Sterling Manag
LLC, the General Partner of
Development LLC
Signature  Date Signed 9-10-10

Appendix D – Inspection Reports

ADEM FIELD OPERATIONS DIVISION – NPDES CONSTRUCTION, AND NONCOAL MINING LESS THAN 5 ACRES STORMWATER INSPECTION REPORT AND BMP CERTIFICATION

RESPOND WITH "N/A" AS APPROPRIATE. FORMS WITH INCOMPLETE OR INCORRECT ANSWERS, OR MISSING SIGNATURES WILL BE RETURNED AND MAY RESULT IN APPROPRIATE COMPLIANCE ACTION BY THE DEPARTMENT. IF SPACE IS INSUFFICIENT, CONTINUE ON AN ATTACHED SHEET(S) AS NECESSARY. PLEASE TYPE OR PRINT IN INK.

Complete this form, attach additional information as necessary, and send report to the nearest ADEM office.

Item I.

Registrant Name COTSWALD DEVELOPMENT, LTD.		Facility/Site Name COTSWALD SUB-DIVISION	
NPDES AL 16D930	County JEFFERSON	Facility Contact and Title INGRAM TYNES, MANAGING PARTNER	
Facility Latitude & Longitude (decimal or deg,min,sec) 33d28'10N, 89d40'39"W		Facility Street Address or Location Description SICARD HOLLOW ROAD	
Township(s), Range(s), Section(s) T18S, R1W, SECTION 18		City BIRMINGHAM	State AL Zip 35242
Phone Number 205.877.3199	Fax Number 205.877.3198	E-Mail Address tynesingram@mindspring.com	

Item II.

List name of current ultimate receiving water(s) (indicate if through MS4) and the number of disturbed acres which drain through each treatment system or BMP:

Receiving Water	Disturbed Acres	Receiving Water	Disturbed Acres
COAL BRANCH		UT of LITTLE CAHABA RIVER	

Item III.

Any Discharge Sampling Data Attached. Any Instream Sampling Data Attached. Any Photographs attached.

Based on this site evaluation which a QCI, QCP, or a qualified person under the direct supervision of a QCP conducted, discharge and/or instream sampling is not necessary to properly evaluate the effectiveness of BMP implementation to ensure compliance with this registration. I understand that it is the responsibility of the registrant to know and effectively evaluate the quality of the stormwater being discharged. Lack of knowledge regarding the requirements of ADEM Administrative Code Chapter 335-6-12, stormwater discharge or instream water quality, shall not constitute a valid defense with regard to deficiencies in BMP implementation and maintenance, or negative impacts to water quality.

Item IV.

INSPECTION RESULTS: (Describe current activities, deficiencies, proposed corrective action(s) and compliance schedule, etc.)

“Based upon the inspection of (date & time) _____ by the QCP, QCI, or a qualified person (list: _____) under the direct supervision of the QCP identified below conducted, the QCI or QCP identified below certifies that effective structural and non-structural BMPs have been fully implemented and regularly maintained to the maximum extent practicable for the prevention and minimization of all sources of pollution in stormwater and authorized related process wastewater runoff, **except for those deficiencies noted above**, in accordance with the facility’s CBMPP, good sediment, erosion, and other pollution control practices, and the requirements of ADEM Administrative Code Chapter 335-6-12. I certify that discharges have been tested or evaluated for the presence of non-stormwater and non-authorized process wastewaters. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that this form has not been altered, and if copied or reproduced, is consistent in format and identical in content to the ADEM approved form. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

Name & Designation of QCI or QCP	Signature	Date
Name & Title of Registrant Responsible Official	Signature	Date

Appendix G – Delegation of Authority Form

Delegation of Authority

I, _____, hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including ADEM Admin. Code chap. 335-6-12, at the _____ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

_____ (name of person or position)
_____ (company)
_____ (address)
_____ (city, state, zip)
_____ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in ADEM Admin. Code r. 335-6-6-.09.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____