



March 5, 2008

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Brock L. Corder, Member and Registered Agent
Builders Group Development, LLC
3801 Mill Creek Lane
Tuscaloosa, Alabama 35401

Re: **Notice of Intent to File Suit under the Clean Water Act for Violations of NPDES Permit No. ALR16B471**

Dear Mr. Corder:

Pursuant to the Clean Water Act § 505, 33 U.S.C. § 1365, and 40 C.F.R. Part 135, Subpart A, you are hereby notified that after the expiration of 60 days following service of this notice, Friends of Hurricane Creek and John Wathen intend to file suit against Builders Group Development, LLC for violations of NPDES Permit No. ALR16B471 at the facility known as Camden Lake located at Mary Ford Boulevard in Tuscaloosa, Alabama. The violations alleged include the following:

Failure to maintain effective Best Management Practices to the maximum extent practicable on December 23, 2007, December 28, 2007, December 30, 2007, January 7, 2008, January 9, 2008, January 17, 2008, January 22, 2008, January 25, 2008, January 30, 2008, February 1, 2008, February 2, 2008, February 6, 2008, February 7, 2008, February 13, 2008, February 17, 2008, February 18, 2008, and February 21, 2008 as depicted in photographs A1 through A198 attached hereto and as required by Ala. Admin. Code R. 335-6-12-.05(2), 335-6-12-.21(4), 335-6-12-.21(5), and 335-6-12-.35(1).

Failure to implement effective Best Management Practices on December 20, 2007, December 23, 2007, December 28, 2007, December 30, 2007, January 7, 2008, January 9, 2008, January 13, 2008, January 17, 2008, January 22, 2008, January 25, 2008, January 31, 2008, February 2, 2008, February 7, 2008, February 13, 2008, February 17, 2008, February 18, 2008, and February 21, 2008, as depicted in photographs B1 through B167 attached hereto and as required by Ala. Admin. Code R. 335-6-12-.05(2), 335-6-12-.21(1), 335-6-12-.21(4), and 335-6-12-.21(5).

Discharge of pollutants from an NPDES construction site/activity not effectively treated to the maximum extent practicable by Best Management Practices implemented and maintained pursuant to Ala. Admin. Code Chap. 335-6-12 on December 28, 2007, December 30, 2007, January 9, 2008, January 10, 2008, January

1, 2008, February 1, 2008, February 13, 2008, February 17, 2008, and February 21, 2008, as depicted in photographs C1 through C65 attached hereto and as prohibited by Ala. Admin. Code R. 335-6-12-.33(1).

Failure to ensure that Best Management Practices (BMPs) do not cause or contribute to a violation of Ala. Admin. Code R. 335-6-10-.09(5)(e)9. (turbidity of other than natural origin that causes substantial visible contrast with the natural appearance of waters) on February 21, 2008, as depicted in photographs C66 through C79 attached hereto and prohibited by Ala. Admin. Code R. 335-6-12-.21(5)(d).

The Clean Water Act authorizes civil penalties up to \$32,500 per day per violation. Suit may be avoided if these violations have been permanently abated before the expiration of 60 days following service of this notice. Please advise the undersigned of any measures which you may undertake which you contend have permanently abated these violations before suit is filed.

Sincerely,

David A. Ludder

David A. Ludder
Attorney for Friends of Hurricane Creek
and John Wathen

cc: Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
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