

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

<b>IN THE MATTER OF:</b>	]	<b>ADMINISTRATIVE COMPLAINT</b>
<b>HERITAGE PARTNERS, LLC</b>	]	<b>AND NOTICE IF PROPOSED</b>
<b>HERITAGE PARK PHASE II</b>	]	<b>PENALTY ASSESSEMENT</b>
<b>MCCALLA, ALABAMA</b>	]	<b>DOCKET NO CWA-04-2007-4528</b>
<b>RESPONDENT.</b>	]	

RESPONSE TO ADMINISTRATIVE COMPLAINT

1. The respondent does not take any issue with EPA's paragraphs number 1 thru 22.
2. The respondent would agree that a CSWET was performed on or about March 16, 2006.
3. The respondent specifically denies or does not have particular knowledge of EPA's conclusions enumerated in paragraph 25 A thru F.
4. The respondent disputes every finding of the inspection and at the time of the so-called expansion of the footprint [the additional 18 acres] there was no intent to increase the area of the project.
5. The respondent further denies each finding with respect to any records violations and on best information and belief that all records were available for inspection at the time of the inspection.

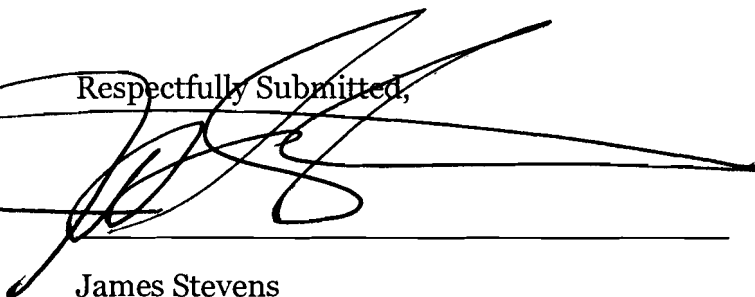
RECEIVED  
 EPA REGION IV  
 2007 JUL 24 PM 3:33  
 HEARINGS CLERK

6. The respondent has no information that any stabilization or cub side protection was or was not installed or in place at the time of the inspection.

7. The respondent contests the facts and any proposed civil penalty and in the alternative would say that the proposed civil penalty is excessive.

8. THE RESPONDENT HEREBY REQUESTS A HEARING IN THIS MATTER. IN ADDITION, THE RESPONDENT WOULD REQUEST AN INFORMAL CONFERENCE IN THIS MATTER.

Respectfully Submitted,

A large, stylized handwritten signature in black ink, appearing to read 'James Stevens', is written over a horizontal line. The signature is highly cursive and extends across the width of the page.

James Stevens

Attorney for THE RESPONDENT,  
1200 20<sup>th</sup> Street South, Suite 200  
Birmingham, Alabama 35205  
205-212-1000  
205-933-8354 (facsimile)

**Serve the Defendant at the following**

Regional Hearing Clerk

EPA Region 4

61 Forsyth Street SW

Atlanta, Ga 30303-8960

Judy Marshall, Esq.

Associate Regional Council

Office of Regional Accountability

EPA Region 4

61 Forsyth Street SW

Atlanta, Ga 30303-8960

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REGION 4**

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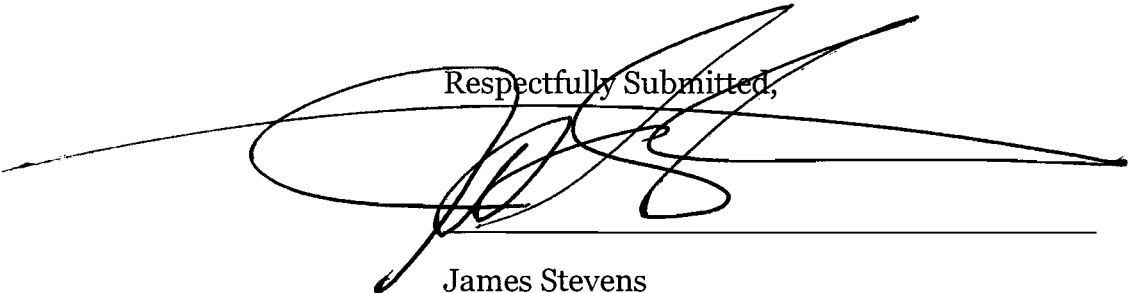
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

June 19, 2007

CERTIFIED MAIL 7004 1160 0000 8849 0697

RETURN RECEIPT REQUESTED

Mr. Steve Jenkins, Chief  
Field Operations Division  
Alabama Department of Environmental Management  
P. O. Box 301463  
Montgomery, AL 36130-1463

SUBJ: Administrative Complaint and Notice of Proposed Penalty Assessment  
Docket No. CWA-04-2007-4528  
Heritage Partners, LLC  
Heritage Park Phase 2  
McCalla, Alabama

Dear Mr. Jenkins:

Enclosed is a copy of the Administrative Complaint and Notice of Proposed Penalty Assessment (Complaint) which the U.S. Environmental Protection Agency (EPA) is issuing pursuant to Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. 1319(g), to Heritage Partners, LLC for violations at its development known as Heritage Park Phase 2. In the Complaint, EPA proposes to assess Class I administrative penalties of up to \$32,500 for violations of the CWA.

Because the violations have occurred in the State of Alabama, EPA is offering you an opportunity to confer with us regarding the proposed assessment. If you wish to request a conference, or if you have any comments or questions regarding the matter, you may call me at (404) 562-9328, or your staff may call Mr. Namon Mathews at (404) 562-9777. A request for a conference may be in person or by telephone and may cover any matters relevant to the proposed assessment.

Sincerely,

A handwritten signature in black ink that reads "Douglas F. Mundrick" followed by a stylized flourish.

Douglas F. Mundrick, P.E., Chief  
Water Programs Enforcement Branch  
Water Management Division

Enclosure