



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

SEP 30 2014

CERTIFIED MAIL 7005 2570 0001 4886 9219
RETURN RECEIPT REQUESTED

Mr. Adam Sowatzka
King & Spalding LLP
1180 Peachtree Street, N.E.
Atlanta, Georgia 30309

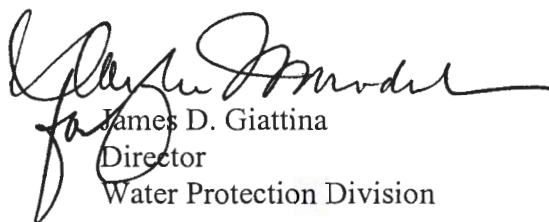
Re: Consent Agreement and Final Order
Docket No. CWA-04-2014-4511(b)
Cannon Place, LLC, Cumming, Georgia

Dear Mr. Sowatzka:

Enclosed please find a fully executed copy of the above-referenced Consent Agreement and Final Order that has been finalized by the U.S. Environmental Protection Agency Region 4 and the Regional Administrator. Please make note of the provisions under Paragraph IV Payment.

Should you have any questions or concerns, please contact Ms. Suzanne Armor, Associate Regional Counsel, (404) 562-9701 or via email at armor.suzanne@epa.gov.

Sincerely,


James D. Giattina
Director
Water Protection Division

Enclosure

cc: Ms. Jan Sammons
Georgia Environmental Protection Division

Mr. Scott Morgan
City of Cumming

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

RECEIVED
EPA REGION IV

2014 SEP 30 PM 2:43

HEARING CLERK

IN THE MATTER OF:)
CANNON PLACE, LLC)
BALD RIDGE MARINA ROAD ONSITE)
MASS GRADING)
BALD RIDGE MARINA ROAD OFFSITE)
MASS GRADING)
CUMMING, GEORGIA)
RESPONDENT.)
_____)

DOCKET NO. CWA-04-2014-4511(b)

CONSENT AGREEMENT

I. Statutory Authority

1. This is a civil penalty proceeding pursuant to Section 309(g)(2)(B) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(g)(2)(B), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits*, including Subpart I, published at 64 Fed. Reg. 40,176 (July 23, 1999) and codified at 40 Code of Federal Regulations ("C.F.R.") Part 22.

2. The authority to take action under Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), is vested in the Administrator of the United States Environmental Protection Agency. The Administrator has delegated this authority to the Regional Administrator, Region 4, who in turn has delegated this authority to the Director of the Water Protection Division of the EPA, Region 4 ("Complainant").

II. Allegations

3. At all times relevant to this action, Cannon Place, LLC ("Respondent"), was a limited liability corporation formed under the laws of the State of Georgia and is a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

4. At all times relevant to this action, Respondent owned and/or operated construction sites known as Bald Ridge Marina Road Onsite Mass Grading and Bald Ridge Marina Road Offsite Mass Grading (collectively, "Sites") located at 1211 Bald Ridge Marina

Road Cumming, Georgia 30040 and 1201 Bald Ridge Marina Road Cumming, Georgia 30040, respectively.

5. To accomplish the objective of the CWA, defined in Section 101(a) of the CWA, 33 U.S.C. § 1251(a), to restore and maintain the chemical, physical and biological integrity of the nation's waters, Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person into waters of the United States except as in compliance with a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

6. Section 402 of the CWA, 33 U.S.C. § 1342, establishes a NPDES Permit Program authorizing the EPA or authorized states to administer the NPDES Permit Program, including the issuance of NPDES permits allowing for the discharge of pollutants, including stormwater, into navigable waters subject to specific terms and conditions. EPA has granted the State of Georgia, through the Georgia Environmental Protection Division ("GAEPD"), approval to issue NPDES permits pursuant to Section 402(b) of the CWA.

7. GAEPD issued the *Authorization to Discharge Under The National Pollutant Discharge Elimination System Stormwater Discharges Associated With Construction Activity For Stand Alone Construction Projects*, Permit No. GAR100001 ("Permit"), in accordance with the Georgia Water Quality Control Act (O.C.G.A. Code Sections 12-5-20 et seq., 1964), the Georgia Rules and Regulations for Water Quality Control, Chapter 391-3-6, and the CWA. The Permit was effective August 1, 2008, and expired on July 31, 2013. The Permit was administratively extended in accordance with Part V.B of the Permit and remained effective until the renewal became effective on September 24, 2013.¹ Coverage under the Permit is obtained by submitted a Notice of Intent ("NOI") to GAEPD.

8. The Permit is a Georgia statewide NPDES general permit governing stormwater point source discharges associated with construction activities including clearing, grading and excavation activities except operations that result in the disturbance equal to or greater than one acre of total land area which are not part of a larger common plan of development or sale.

9. On March 15, 2013, Respondent submitted to GAEPD two NOIs for the Sites to acquire authorization to discharge stormwater under the Permit.

10. Part II.A.3 of the Permit states that an enforcement action may be initiated for any unauthorized discharges of stormwater.

11. Part III.D.1 of the Permit requires best management practices ("BMPs") for all construction activities and requires implementation in accordance with the design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" ("Manual") published by the State Soil and Water Conservation Commission, as of January 1st of the year in which the land disturbing activity was permitted, to prevent or reduce the pollution of waters.

¹ Respondent submitted a timely re-issuance Notice of Intent on December 16, 2013 for coverage under the 2013 Permit, as required by Section II.A.2 of the 2013 Permit.

12. Part III.D.2 of the Permit states that the failure to properly design, install, or maintain BMPs shall constitute a violation of the Permit for each day on which such failure occurs.

13. Part III.D.4 of the Permit states that when the Permittee has elected to monitor outfalls, the discharge of stormwater runoff from disturbed areas where BMPs have not been properly designed, installed, and maintained shall constitute a separate violation for each day on which such condition results in the turbidity of the discharge which exceeds the applicable Appendix B value.

14. Part IV of the Permit requires that an Erosion, Sedimentation and Pollution Control Plan ("Plan") be designed, installed, and maintained for the entire construction activity covered by the Permit.

15. Part IV(iii) of the Permit states that a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed.

16. Part IV.C of the Permit requires the Plan to be amended whenever there is a change in design, construction, operation, or maintenance which has a significant effect on BMPs or if the Plan proves to be ineffective in eliminating or significantly minimizing pollutants.

17. Part IV.D.2.e of the Permit requires that the Plan indicate all locations where stormwater is discharged to a surface water.

18. Part IV.D.3.a(1) of the Permit requires stabilization measures be initiated as soon as practicable, but in no case more than fourteen (14) days after the construction activity in a portion of the site that has temporarily or permanently ceased.

19. Part IV.D.3.a(2) of the Permit requires the Plan to include a description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

20. Part IV.D.3.a(3) of the Permit requires the Plan to contain a temporary or permanent sedimentation basin for common drainage locations, providing at least sixty-seven (67) cubic yards of storage per acre drained, or equivalent control measures, until final stabilization of the site. When the sediment basin fills to a volume of at most twenty-two (22) cubic yards per acre for each acre of drainage area, the sediment shall be removed to restore the original design volume and the sediment must be properly disposed. Perennial and intermittent waters of the State shall not be used for temporary or permanent sediment detention.

21. Part IV.D.3.c(2) of the Permit requires the Plan to contain BMPs to minimize or eliminate to the maximum extent practicable off-site vehicle tracking of dirt, soils, and sediments and the generation of dust.

22. Part IV.D.4.a(1) of the Permit requires that for each day when any type of construction activity has taken place, until a Notice of Termination (“NOT”) is submitted, certified personnel shall inspect: (a) all areas where petroleum products are stored, used, or handled for spills and leaks from vehicles and equipment; (b) inspect all locations where vehicles enter or exit the site for evidence of off-site sediment tracking; and (c) measure rainfall once each twenty-four (24) hour period.

23. Part IV.D.4.a(2) of the Permit requires certified personnel to inspect the following areas at least once every seven (7) calendar days and within twenty-four (24) hours of the end of a storm of 0.5 inches rainfall or greater: (a) disturbed areas that have not undergone final stabilization; (b) areas used for storage of materials that are exposed to precipitation that have not undergone final stabilization; and (c) structural control measures. Erosion and sediment control measures identified in the Plan shall be observed to ensure that they are operating correctly. Accessible discharge locations or points shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters.

24. Part IV.D.4.a(4) of the Permit requires revision of the Plan as appropriate, but not later than seven (7) calendar days following each inspection. Implementation of such changes shall be made as soon as practical but in no case later than seven (7) calendar days following each inspection.

25. Part IV.D.4.a(5) of the Permit requires a report summarizing the scope of each inspection and the names of personnel making each inspection, the dates of each inspection, major observations relating to the implementation of the Plan and actions taken. Inspection reports shall be retained at the site or at a readily available designated alternate location until the entire site, or that portion of the construction site that has been phased, has undergone final stabilization and a NOT is submitted. Such reports shall identify any incidents of non-compliance. Where the report does not identify any incidents of non-compliance, the report shall contain a certification that the construction site is in compliance with the Plan and the Permit. The report shall be signed in accordance with Part V.G of the Permit.

26. Part IV.D.5 of the Permit requires the Plan to contain a description of procedures to ensure the timely maintenance of vegetation, erosion and sediment control measures and other protective measures.

27. Parts IV.D.6.d(1) and IV.D.6.d(2) of the Permit require that the Permittee sample in accordance with the Plan at least once for each rainfall event and that samples must be taken within forty-five (45) minutes of a qualifying event unless sampling is impossible or is beyond the Permittee’s control.

28. Part IV.D.6.d(3)(a) of the Permit requires samples for each area of the site that discharge to a receiving stream during the first rain event that reaches or exceeds 0.5 inches, and allows for monitoring during normal business hours that occurs after all clearing and grubbing operations have been completed in the drainage area of the location selected as the sampling location.

29. Part IV.D.6.d(3)(c) of the Permit requires at the time of sampling if BMPs in any area of the site that discharges to a receiving stream are not properly designed, installed, and maintained, corrective action shall be defined and implemented within two (2) business days, and turbidity samples shall be taken from discharges from that area of the site for each subsequent rain event that reaches or exceeds 0.5 inch during normal business hours, until the selected turbidity standard is attained, or until post-storm event inspections determine that BMPs are properly designed, installed and maintained.

30. Part V.D of the Permit requires the Permittee to take all reasonable steps to minimize or prevent any discharge which has a reasonable likelihood of adversely affecting human health or the environment.

31. Part V.L of the Permit requires the Permittee to properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the conditions of the Permit and the Plan.

32. On July 9, 2013, representatives of the EPA, in conjunction with GAEPD and the City of Cumming, performed a Compliance Stormwater Evaluation Inspection ("CSWEI") at Respondent's Sites to evaluate the treatment and disposal of stormwater in accordance with the CWA, the regulations promulgated thereunder at 40 C.F.R. § 122.26 and the Permit.

33. As a result of the CSWEI, the EPA determined that stormwater associated with construction activity was discharged from the Sites within the meaning of Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and its implementing regulations into an unnamed tributary that flows into Lake Lanier, an impoundment of the Chattahoochee River, a traditional navigable water of the United States.

34. During the CSWEI, the EPA inspectors observed the following:

- A. Three areas along the west side of the Sites and behind the building pad had silt fencing with sediment accumulation greater than one-half full in violation of Parts III.D.2 and V.L of the Permit.
- B. Silt fencing at the discharge points from Ponds B and C showed sediment overtopping the silt fences and accumulating both on-site and off-site in violation of Parts III.D.2, V.D, and V.L of the Permit.

- C. Silt fences on the southern portion of the Sites were not shown on the Plan in violation of Part IV.C of the Permit.
- D. Sediment accumulation in Ponds A and C caused their respective storage volume to be reduced by more than one-third in violation of Parts III.D.2, IV.D.3.a(3), and V.L of the Permit.
- E. Ponds A, B, and C had rill erosion along the banks, did not have the required clean-out elevation markers, and the risers were not constructed to the design standards specified in the Plan as required by the Manual and Parts III.D.2 and V.L of the Permit.
- F. Sediment traps located up-gradient from Pond A were not in the Plan and need outlet protection in violation of Part IV.C of the Permit.
- G. The rock apron on the east side of Pond A, receiving stormwater from off-site, was not installed in violation of Parts III.D.2 and V.L of the Permit.
- H. The check dams in the area of Pond C had accumulated sediment to more than one-half the original dam height in violation of Parts III.D.2 and V.L of the Permit.
- I. Diversion structures on the west side of the Sites were ineffective at directing stormwater to Ponds B and C due to concentrated flow reaching the perimeter silt fence in violation of Parts III.D.2 and V.L of the Permit.
- J. The diversion structure leading to the northeast corner of Pond B was not installed in accordance with the Plan in violation of Parts III.D.2 and IV.D.3.a(2) of the Permit.
- K. The diversion structures that were installed on the southern end of the Sites were not shown on the Plan in violation of Parts IV.C of the Permit.
- L. The construction exit did not have adequate gravel and off-site vehicle tracking of dirt was observed on Bald Ridge Acres Drive in violation of Parts III.D.2, IV.D.3.c(2), and V.L of the Permit.
- M. The stone riprap flume to the northwest of Pond B was in need of maintenance and the stone riprap flume to the northeast was not installed in accordance with the Plan in violation of Parts III.D.2 and V.L of the Permit.
- N. Three stock piles were located on the Sites that were not shown on the Plan and need to have appropriate BMPs, one to the northeast of the Sites

and two uphill from Pond B, in violation of Parts III.D.2, IV.C, and IV.D.5 of the Permit.

- O. Several areas throughout the Sites did not have adequate vegetation coverage in accordance with the Plan and had caused gullies to form in many areas in violation of Parts III.D.2, IV.D.3.a(1), and V.L of the Permit.
- P. Soil with slopes steeper than 2.5:1 and with heights of ten feet or greater were not stabilized with appropriate erosion control matting or blankets, as required by Part III.D.1 and the Manual.
- Q. Machinery surface-roughening grooves were not perpendicular to the slope in some areas in violation of Parts III.D.2 and V.L of the Permit.
- R. There was an unauthorized discharge point to an unnamed tributary to Lake Lanier that was not sampled or identified in the Plan and was caused by stormwater ponding in the southwest corner of the Sites in violation of Section 301 of the CWA and Parts IV.D.2.e and IV.D.6.d(3)(a) of the Permit.
- S. Sediment migrated off-site and extended beyond the perimeter silt fences, throughout the state stream buffer, and into an unnamed tributary that flows into Lake Lanier in violation of Parts III.D.2, IV(iii), V.D, and V.L of the Permit. This occurred in three distinct locations: northwest of Pond C; between Pond C and Pond B; and outside the northwest edge of Pond B.
- T. Pond C and Pond B discharged sediment off-site, throughout the state stream buffer and into an unnamed tributary that flows into Lake Lanier in violation of Parts III.D.2, IV(iii), V.D, and V.L of the Permit.
- U. Pond A discharged turbid effluent from the pond riser into an unnamed tributary that flows into Lake Lanier in violation of Parts III.D.2, V.D, and V.L of the Permit.
- V. Inspection reports were not kept on site or made readily available in violation of Part IV.D.4.a(5) of the Permit.

35. The following observations regarding the Sites' inspection reports, records, and sampling are based upon the EPA's assessment of Respondent's response received by the EPA on August 8, 2013, in response to the EPA's 308 Information Request:

- A. Daily inspection reports did not regularly include observations made at all areas where petroleum products are stored, all construction exits, and failed to include measurements of rainfall once each 24 hours as required by Part IV.D.4.a(1) of the Permit.
- B. On several occasions, inspections were not conducted weekly and after post-storm events, as required by Part IV.D.4.a(2) of the Permit. In addition, the rainfall amount recorded on some inspections was not always accurate and, in some instances, failed to state what, if any, previous compliance issues had been corrected, as required by Parts IV.A.6, IV.D.4.a(4), and IV.D.4.a(5) of the Permit.
- C. The Plan was not revised in response to the Sites' weekly and post-storm event inspection observations within seven calendar days in violation of Part IV.D.4.a(4) of the Permit.
- D. The daily, weekly, and post-storm event inspections did not contain the necessary certification statement that each of the Sites are in compliance with the Plan and the Permit where such inspection reports did not identify any incidents of non-compliance nor did the reports comply with the signatory requirements of Part V.G of the Permit in violation of Part IV.D.4.a(5) of the Permit.
- E. In the southwest corner of the Sites, there was an unauthorized discharge point that was not identified in the Plan and was not being sampled, in violation of Parts IV.C and IV.D.6.c(1) of the Permit.
- F. Documentation was not provided in response to the EPA's Information Request to indicate that sampling had been conducted within forty-five (45) minutes of a qualifying event, as required by Part IV.D.6.d(1) of the Permit, or justification this was impossible in accordance with Part IV.D.6.d(2) of the Permit.
- G. All sample results collected for discharges from Ponds A, B, and C exceeded turbidity limits in violation of Appendix B of the Permit.
- H. Continued turbidity sampling in response to exceeding turbidity limits was not conducted after all qualifying rain events in violation of Part IV.D.6.d(3)(c) of the Permit.

36. Therefore, Respondent has violated Sections 301 and 402(p) of the CWA, 33 U.S.C. §§ 1311 and 1342(p), for unauthorized discharges of stormwater to waters of the United States and by failing to comply with conditions of the Permit.

III. Stipulations and Findings

37. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (“CA/FO”) will simultaneously commence and conclude this matter.

38. For the purposes of this CA/FO, Respondent admits the jurisdictional allegations set out above, but neither admits nor denies the factual allegations set out above.

39. Respondent hereby waives its right to contest the allegations set out above and its right to appeal the Final Order accompanying this Consent Agreement.

40. Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CA/FO and consents to the other conditions set forth in this CA/FO.

41. By signing this CA/FO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate and complete for each such submission, response and statement. Respondent realizes that there are significant penalties for submitting false or misleading information, including the possibility of fines and/or imprisonment for knowing submission of such information.

42. The EPA reserves the right to assess and collect any and all civil penalties for any violation described herein to the extent that any information or certification provided by the Respondent was materially false or inaccurate at the time such information or certification was provided to the EPA.

43. Complainant and Respondent agree to settle this matter by their execution of this CA/FO. The parties agree that the settlement of this matter is in the public interest and that this CA/FO is consistent with the applicable requirements of the CWA.

IV. Payment

44. Pursuant to Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), and 40 C.F.R. Part 19, and considering the nature of the violations and other relevant factors, the EPA has determined that one-hundred and ten thousand, two-hundred and fifty-three dollars (\$110,253) is an appropriate civil penalty to settle this action.

45. Respondent shall submit payment of the penalty specified in the preceding paragraph within thirty (30) days of the effective date of this CA/FO via a cashier’s or certified check, payable to the order of “Treasurer, United States of America.” The check shall reference

on its face the name of Respondent and the Docket Number of this CA/FO. Such payment shall be tendered to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

46. At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CA/FO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

and

Ms. Mary Mattox
U.S. Environmental Protection Agency, Region 4
Water Protection Division
Clean Water Enforcement Branch
Municipal and Industrial Enforcement Section
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

47. The penalty amount specified above shall represent civil penalties assessed by the EPA and shall not be deductible for purposes of federal taxes.

48. Pursuant to Section 309(g)(9) of the CWA, 33 U.S.C. § 1319(g)(9), failure by the Respondent to pay the penalty assessed by the CA/FO in full by its due date may subject Respondent to a civil action to collect the assessed penalty plus interest (at currently prevailing rates from the effective date of this CA/FO), attorney's fees, costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent (20%) of the aggregate amount of such penalty and nonpayment penalty which are unpaid as of the beginning of such quarter. In any such collection action, the validity, amount and appropriateness of the penalty and of this CA/FO shall not be subject to review.

V. General Provisions

49. This CA/FO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit. Other than as expressed herein, compliance with this CA/FO shall not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by the EPA.

50. Issuance of this CA/FO shall not be deemed as prohibiting, altering, or in any way limiting the ability of the EPA to pursue any other enforcement actions available to it under law. Such actions may include, without limitation, any administrative, civil, or criminal action to seek penalties, fines, injunctive, or other appropriate relief, or to initiate an action for imminent and substantial endangerment, under the CWA or any other federal or state statute, regulation, or permit.

51. Except as otherwise set forth herein, this CA/FO constitutes a settlement by Complainant and Respondent of all claims for civil penalties pursuant to the CWA with respect to only those violations alleged in this CA/FO. Except as otherwise set forth herein, compliance with this CA/FO shall resolve the allegations of violations contained herein.

52. Nothing in this CA/FO is intended to nor shall be construed to operate in any way to resolve any criminal liability of the Respondent, or other liability resulting from violations that were not alleged in this CA/FO.

53. Each undersigned representative of the parties to this CA/FO certifies that he or she is fully authorized to enter into the terms and conditions of this CA/FO and to execute and legally bind that party to it.

54. This CA/FO applies to and is binding upon Respondent and its officers, directors, employees, agents, successors and assigns.

55. Any change in the legal status of Respondent, including but not limited to any transfer of assets of real or personal property, shall not alter Respondent's responsibilities under this CA/FO.

56. Each party shall bear its own costs and attorneys' fees in connection with the action resolved by this CA/FO.

57. In accordance with 40 C.F.R. § 22.5, the individuals below are authorized to receive service related to this proceeding:

For Complainant:

Suzanne K. Armor
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9701

For Respondent:

Adam Sowatzka
King & Spalding LLP
1180 Peachtree Street, N.E.
Atlanta, Georgia 30309
(404) 572-3508

58. The parties acknowledge and agree that this CA/FO is subject to the requirements of 40 C.F.R. § 22.45(c)(4), which provides a right to petition to set aside a proposed CA/FO based on comments received during the public comment period.

59. Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and 40 C.F.R. § 22.38(b), Complainant represents that the State of Georgia was provided a prior opportunity to consult with Complainant regarding this matter.

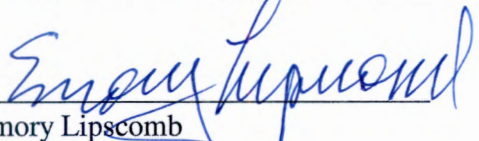
60. Effective upon signature of this CA/FO by Respondent, Respondent agrees that the time period commencing on the date of its signature and ending on the date the EPA receives from Respondent the payment required by this CA/FO shall not be included in computing the running of any statute of limitations potentially applicable to any action brought by the EPA related to the matters addressed in this CA/FO and that, in any action brought by the EPA related to the matters addressed, Respondent will not assert, and may not maintain, any defense or claim based upon principles of statute of limitations, waiver, laches, estoppel, or other defense based on the passage of time during such period. If the EPA gives notice to Respondent that it will not make this CA/FO effective, the statute of limitations shall begin to run again commencing ninety days after the date such notice is sent by the EPA.

VI. Effective Date

61. The effective date of this CA/FO shall be the date on which the CA/FO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

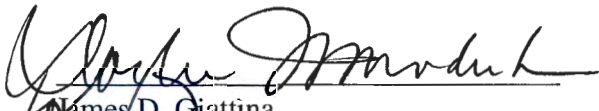
For RESPONDENT, CANNON PLACE, LLC:



Emory Lipscomb
Managing Member

Date: 8/19/14

For COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 4:



James D. Giattina
Director
Water Protection Division
U.S. EPA, Region 4

Date: SEP 30 2014

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

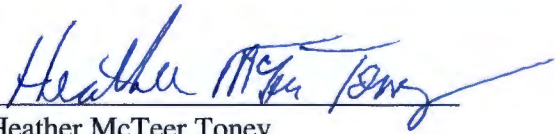
IN THE MATTER OF:)	
)	CONSENT AGREEMENT AND
CANNON PLACE, LLC)	FINAL ORDER
BALD RIDGE MARINA ROAD ONSITE)	
MASS GRADING)	
BALD RIDGE MARINA ROAD OFFSITE)	DOCKET NO. CWA-04-2014-4511(b)
MASS GRADING)	
CUMMING, GEORGIA)	
)	
RESPONDENT.)	
_____)	

FINAL ORDER

In accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits*, including Subpart I, 40 C.F.R. Part 22, and authorities delegated to me, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Pursuant to Section 309(g)(2)(B) of the CWA, 33 U.S.C. § 1319(g)(2)(B), the Respondent is hereby ordered to comply with the terms of the foregoing Consent Agreement.

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: SEP 30 2014



Heather McTeer Toney
Regional Administrator

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the attached **CONSENT**

AGREEMENT AND FINAL ORDER in the matter of Cannon Place, LLC, Docket No. CWA-

04-2014-4511(b) (filed with the Regional Hearing Clerk on 9-30, 2014) was served on

9-30, 2014, in the manner specified to each of the persons listed below.

By hand-delivery:

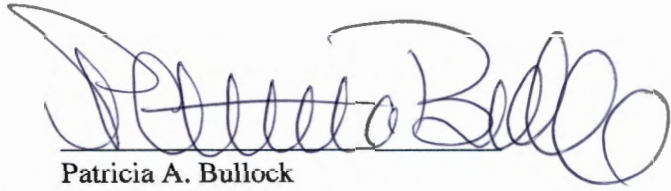
Suzanne K. Armor
Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

By certified mail,
return receipt requested:

Adam Sowatzka
King & Spalding LLP
1180 Peachtree Street, N.E.
Atlanta, Georgia 30309

James A. Capp, Branch Chief
Watershed Protection Branch
ATTN: Jan Sammons, Unit Manager
Erosion and Sedimentation Unit
Georgia Environmental Protection Division
420 International Parkway
Suite 101
Atlanta, Georgia 30354

Scott Morgan
City of Cumming
Engineering and Stormwater Division
100 Main Street
Cumming, Georgia 30040

A handwritten signature in black ink, appearing to read "Patricia A. Bullock". The signature is written in a cursive style with a large initial "P" and "B".

Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-9511

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM
=====

TO BE COMPLETE BY ORIGINATING OFFICE:

(attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Mary Mattox 9/30/14
[Name] [Date]
in the WPD/CWEB/Municipal and Industrial Section at 404-562-9733
[Office] [Telephone Number]

- | | |
|--|--|
| <input type="checkbox"/> Non-SF Judicial Order/Consent Decree.
USAO COLLECTS. | <input checked="" type="checkbox"/> Administrative Order/Consent Agreement.
FMS COLLECTS PAYMENT. |
| <input type="checkbox"/> SF Judicial Order/Consent Decree.
FMS COLLECTS. | <input type="checkbox"/> Other Receivables |
| <input type="checkbox"/> This is an original debt. | <input type="checkbox"/> This is a modification. |

PAYEE: Cannon Place, LLC, Cumming, GA
[Name of person and/or Company/Municipality making the Payment]

The Total Dollar Amount of Receivable: \$ 110,253
[If in installments, attach schedule of amounts and respective due dates]

The Case Docket Number: CWA-04-2014-4511 (b)

The Site-Specific Superfund (SF) Account Number: _____

The Designated Regional/Headquarters Program Office: Region 4 Water Protection Division
=====

TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT SECTION:

The IFMS Accounts Receivable Control Number is: _____
If you have any questions call: _____ in the Financial Management Section,
Telephone Number: _____
=====

DISTRIBUTION:

A. JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the FINAL JUDICIAL ORDER should be mailed to:

- | | |
|--|---|
| 1. Debt Tracking Officer
Environmental Enforcement Section
Department of Justice/RH 1647
P.O. BOX 7611, Benjamin Franklin Station
Washington, DC 20044 | 2. Originating Office (ORC)
3. Designated Program Office |
|--|---|

B. ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the ADMINISTRATIVE ORDER should be sent to:

- | | |
|--|---|
| 1. Originating Office
3. Regional Hearing Clerk | 2. Designated Program Office
4. Regional Counsel |
|--|---|