



May 20, 2008

***CERTIFIED MAIL
RETURN RECEIPT REQUESTED***

Steven Dale Williams
SDW, Inc.
P.O. Box 71002
Tuscaloosa, Alabama 35407

Re: Notice of Intent to File Suit under the Clean Water Act for Violations of NPDES Permit No. ALR165846

Dear Mr. Williams:

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 SDW, Inc. for violations of NPDES Permit No. ALR165846 at the facility known as the Williamsburg Subdivision located at Mary Ford Boulevard in Tuscaloosa, Alabama.

The violations alleged include the following:

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 20 and 28, 2007, January 9, 10, 16, 17, 22, 29, 30, and 31, 2008, February 17 and 26, 2008, March 4, 7, and 11, 2008, and April 1 and 5, 2008 as depicted in photographs shown in Exhibit A attached hereto and as prohibited by Ala. Admin. Code R. 335-6-12-.33(1).

Failure to implement effective Best Management Practices on December 18, 23, and 28, 2007, January 9, 10, 17, 22, and 30, 2008, February 2, 7, 13, 18 and 26, 2008, March 4, 6, 7, 8, 11, 18, and 19, 2008, and April 1, 2008, as depicted in photographs shown in Exhibit B 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).

Failure to maintain effective Best Management Practices to the maximum extent practicable on December 18, 23, and 28, 2007, January 7, 9, 10, 16, 17, 22, 25, 30, and 31, 2008, February 2, 7, 13, 18, and 26, 2008, March 4, 6, 7, 8, 11, 17, and 19, 2008, and April 1 and 5, 2008, as depicted in photographs shown in Exhibit C 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 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 December 28, 30, 2007, January 9, 16, 30, 31, 2008, February 1, 7, 17, 18, 21, 26, 2008, March 4, 7, 18, and 19, 2008, April 1, 5, 12, and 19, 2008, and May 3, 15, and 16, 2008 as depicted in photographs shown in Exhibit D attached hereto and as prohibited by Ala. Admin. Code R. 335-6-12-.21(5)(d).

The Clean Water Act authorizes civil penalties up to \$32,500 per violation day per. 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
Attorney for Friends of Hurricane Creek
and John Wathen

cc:

SDW, Inc.
c/o Steven Dale Williams, Registered Agent
4440 Hargrove Road East
Tuscaloosa, Alabama 35405

Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
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J.I. Palmer, Jr., Regional Administrator
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Onis "Trey" Glenn, Director
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