

Georgia Department of Natural Resources

Mountain District Office, 16 Center Road, Cartersville, Georgia 30121

Remit Correspondence to:
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Cartersville, Georgia 30120

Mark Williams, Commissioner
Environmental Protection Division
Judson H. Turner, Director
Phone: (770) 387-4900
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MAY 01 2012

Mr. David Ashburn
County Coordinator
Walker County
91 Industrial Dr.
Chickamauga, GA 30707

RE: NOTICE OF VIOLATION
Durham Trail Phase 3
Walker County

Dear Mr. Ashburn:

On August 01, 2008, the General Permit No. GAR100002 entitled "Authorization To Discharge Under the National Pollutant Discharge Elimination System Storm Water Discharges Associated With Construction Activity for Infrastructure Construction Projects" (Permit) was renewed and became effective. This Permit is applicable to all construction-related activities with a disturbed area of one (1) acre or larger.

On March 26 and April 19, 2012, representatives of the Georgia Department of Natural Resources, Environmental Protection Division (EPD), conducted site visits in response to citizen complaints. Based on information obtained during these site visits, and per the Notice of Intent (NOI) dated March 28, 2012, filed by Walker County, it was determined that Walker County is the responsible party for the construction activity. While Walker County's NOI only indicated responsibility for the project on the north side of Durham Road, based on further information EPD obtained during the April 19 site visit, EPD maintains the whole project must be treated as one for permitting purposes, including the construction performed by Walker County on the portion of the project on the south side of Durham Road on lands owned by the State of Georgia as part of Cloudland Canyon State Park.

This letter serves to document that based on the inspections, violations include:

- 1) Construction activity and stormwater discharge has occurred without permit coverage, and failure to design and implement an Erosion, Sediment, and Pollution Control Plan and Best Management Practices.
- 2) Construction activity has occurred within the 50-foot stream buffer without first being granted a stream buffer variance by the EPD Director as required.
- 3) Construction activity has resulted in significant sediment being deposited into state waters.

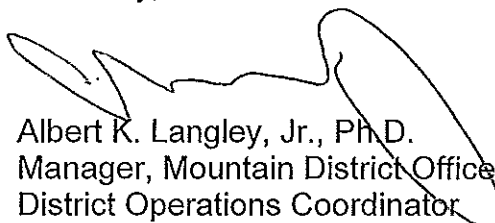
EPD's standard operating procedure considers all of these violations to be major violations, any one of which in and of itself requires an enforcement action. EPD requests a written response within fifteen (15) days of receipt of this letter which includes the following:

- 1) An explanation of how three major violations were allowed to occur given that, per the Erosion and Sedimentation Act 12-7-17(9) actual jurisdiction rests with EPD since the project is a transportation project undertaken by a county, Walker County is a certified Local Issuing Authority for Erosion & Sediment Control, and the project was undertaken after completion of a grant application process by Walker County that included assurances of full environmental compliance.
- 2) A description and timeline of what steps have been or will be taken to bring the project into full compliance.
- 3) A description of what procedures will be implemented to prevent any future storm water control violations on this or any other project undertaken by Walker County.

This Notice of Violation is issued by EPD with intent to document the violations which have occurred at this Site. The EPD is required to take additional enforcement action for the above mentioned permit violations.

We look forward to your response and working with you to resolve this matter. Please contact Mr. Kevin Dallmier at (770) 387-4953 to discuss any questions that you may have.

Sincerely,



Albert K. Langley, Jr., Ph.D.
Manager, Mountain District Office
District Operations Coordinator

AKL/kd