

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA, THE STATE)
OF COLORADO, THE STATE OF FLORIDA)
DEPARTMENT OF ENVIRONMENTAL)
PROTECTION, THE STATES OF INDIANA,)
MARYLAND, NEVADA, and TENNESSEE)
AND THE COMMONWEALTH OF VIRGINIA,)
)
Plaintiffs,)
)
v.)
)
BEAZER HOMES USA, INC.,)
)
Defendant.)
)

Civil Action No. _____

COMPLAINT

Plaintiff, the United States of America, by authority of the Attorney General of the United States, at the request of the Administrator of the United States Environmental Protection Agency (“EPA”), by and through their undersigned attorneys, with respect to claims under federal law; and Plaintiffs, the State of Colorado, by the authority of the Colorado Attorney General’s Office, at the request of the Colorado Department of Public Health and Environment; the State of Florida Department of Environmental Protection; the State of Indiana by the authority of its Attorney General and on behalf of the Indiana Department of Environmental Management; the State of Maryland by the authority of the Attorney General of Maryland, at the request of the Maryland Department of the Environment; the Department of Conservation and Natural Resources, Division of Environmental Protection, by and through the Attorney General of the State of Nevada; the

State of Tennessee by the authority of the Attorney General of the State of Tennessee; and the Commonwealth of Virginia, at the request of the Virginia Department of Conservation and Recreation and by the authority of the Attorney General of Virginia with approval of the Governor of Virginia (hereinafter “State Plaintiffs”), by and through their undersigned attorneys, with respect to their state law claims, allege as follows:

INTRODUCTION

1. This is a civil action for injunctive relief and civil penalties brought pursuant to Section 309(b) and (d) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(b) and (d), against Beazer Homes USA, Inc., a Delaware corporation, and its wholly-owned subsidiaries that engage in residential construction (“Beazer”), for the discharge of pollutants in storm water without a permit in violation of CWA Section 301, 33 U.S.C. § 1311; for failure to provide information to the Administrator in violation of CWA Section 308, 33 U.S.C. § 1318; and for failure to comply with the conditions of permits (including various state general permits) issued pursuant to CWA Section 402, 33 U.S.C. § 1342, for the discharge of pollutants in storm water from construction sites, in violation of CWA Section 301, 33 U.S.C. § 1311. This action also is brought pursuant to the Colorado Water Quality Control Act, C.R.S. §§ 25-8-607 and -608; the Florida Air and Water Pollution Control Act, Ch. 403, Fla. Stat.; the Indiana Water Pollution Control Act, Sections 13-30-4-1 and 13-14-2-6 of the Indiana Code; the Maryland Water Pollution Control Act, Sections 9-339 and 9-342 of the Environment Article, Annotated Code of Maryland; the Nevada Water Pollution Control Law, Nev. Rev. Stat. 445A.300 to 445A.730; the Tennessee Water Quality Control Act, Tenn. Code Ann. § 69-3-101 et seq., and the Virginia Stormwater Management Act,

Va. Code Ann. §§ 10.1-603.1 to -603.15, against Beazer for similar violations of State Plaintiffs' state laws (hereinafter referred to as State Plaintiffs' "analogous state laws").

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1345 and 1355 and 33 U.S.C. § 1319(b). This Court has jurisdiction over the State Plaintiffs' claims pursuant to 28 U.S.C. § 1367 (supplemental jurisdiction).

3. Venue is proper in this District pursuant to 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1391 and 1395, because certain of the violations occurred in this District, and because Beazer conducts homebuilding activities in this District.

4. Notice of the commencement of this action has been given to the States of Arizona, California, Colorado, Delaware, Florida, Georgia, Indiana, Maryland, Mississippi, Nevada, New Jersey, New Mexico, New York, North Carolina, South Carolina, Tennessee, and Texas, and the Commonwealths of Kentucky, Pennsylvania, and Virginia in accordance with 33 U.S.C. § 1319(b).

DEFENDANT

5. Beazer Homes USA Inc. is a corporation organized under the laws of Delaware and is a "person" as defined in CWA Section 502, 33 U.S.C. § 1362(5), 40 C.F.R. § 122.2.

6. Beazer is a corporation doing business in 19 states, including in this District. Beazer's principal place of business is in Atlanta, Georgia. Hereinafter, the term "Beazer" includes Beazer Homes USA Inc. and its wholly-owned subsidiaries that engage in residential construction.

7. Beazer has constructed and/or is currently constructing residential homes on various properties owned and/or operated by Beazer throughout the United States, including within this District. Beazer constructs hundreds of new homes each year.

STATUTORY AND REGULATORY AUTHORITY

8. The Clean Water Act is designed to restore and maintain the chemical, physical and biological integrity of the nation's waters. 33 U.S.C. § 1251(a).

9. To accomplish the objectives of the Act, CWA Section 301(a), 33 U.S.C. § 1311(a), prohibits the “discharge of any pollutant” by any person except in certain circumstances, including in compliance with a National Pollutant Discharge Elimination System (“NPDES”) permit issued by EPA pursuant to CWA Section 402, 33 U.S.C. § 1342.

10. CWA Section 502(12), 33 U.S.C. § 1362(12), defines the term “discharge of a pollutant” as, *inter alia*, “any addition of any pollutant to navigable waters from any point source.”

11. CWA Section 402(p), 33 U.S.C. § 1342(p), requires a permit for storm water discharges associated with industrial activity.

12. EPA regulations define the term “storm water discharge associated with industrial activity” to include storm water discharges from construction activities, including clearing, grading, and excavation activities, that result in a disturbance of five or more acres of total land area. 40 C.F.R. § 122.26(b)(14)(x). Construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five acres. *Id.*

13. EPA regulations also define the term “storm water discharge associated with small

construction activity” to include storm water discharges from construction activities, including clearing, grading, and excavation activities, that result in a disturbance of equal to or greater than one acre and less than five acres. 40 C.F.R. § 122.26(b)(15)(i). Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. Id.

14. State Plaintiffs’ analogous state laws require a permit for discharges of storm water associated with construction activities to state waters.

15. In 1992, EPA issued a Final NPDES General Permit for Storm Water Discharges from Construction Activities (“Federal CGP”). 57 Fed. Reg. 41176, 41209 (Sept. 9, 1992). EPA has, on various occasions, subsequently modified and reissued this general permit. See 63 Fed. Reg. 7858-7906 (Feb. 17, 1998); 63 Fed. Reg. 36490-36519 (July 6, 1998); 65 Fed. Reg. 25122-25145 (Apr. 28, 2000); 68 Fed. Reg. 39087-39091 (July 1, 2003). In 2008, EPA issued the most recent Federal CGP, which was scheduled to expire on June 30, 2010. 73 Fed. Reg. 40338 (July 14, 2008). On January 28, 2010, EPA extended the term of the 2008 Federal CGP by one year, so that it now expires on June 30, 2011. 75 Fed. Reg. 4554 (Jan. 28, 2010).

16. Pursuant to the CWA Section 402(b), 33 U.S.C. § 1342(b), states may issue their own storm water permits for discharges into navigable waters within their jurisdiction if they are authorized by EPA to do so. Most states, including State Plaintiffs, are so authorized and have issued their own NPDES general permits governing discharges of storm water associated with construction activities. See Colorado General Permit for Storm Water Discharges Associated

with Construction Activity, No. COR-030000; the Florida NPDES Generic Permit for Stormwater Discharge Associated with Large and Small Construction Activities; the Indiana NPDES General Permit for Storm Water Run-off Associated with Construction Activities; the Maryland General Permit for Stormwater Associated with Construction Activity, State Discharge Permit Number 09GP, General NPDES Permit Number MDR10; the Nevada NPDES Permit for Stormwater Discharges Associated with Construction Activity, NVR 100000; the Tennessee General NPDES Permit for Discharges of Storm Water Associated with Construction Activities; and the Virginia General Permit for Discharges of Stormwater from Construction Activities, General Permit No. VAR10. For states that have not been authorized, EPA remains the permitting authority for purposes of the CWA, and the Federal CGP applies. The United States may enforce the state-issued NPDES permit under the CWA, and State Plaintiffs may enforce their state-issued permits pursuant to their analogous state laws. The federal or state NPDES general permit for storm water discharges associated with construction activities that applies in a state is hereinafter referred to as the “Applicable Permit.”

17. Section 308 of the Clean Water Act, 33 U.S.C. § 1318, requires owners and operators of point sources to submit information to the EPA Administrator as needed to carry out the objectives of the Clean Water Act, including the NPDES permit program of CWA Section 402, 33 U.S.C. § 1342.

18. Under EPA’s regulations, persons who discharge or who propose to discharge “storm water associated with industrial activity” are required to apply for an individual permit or to seek coverage under a promulgated storm water general permit. 40 C.F.R. §§ 122.21(a) & (c),

122.26(c), 122.28. In applying for coverage under a storm water individual or general permit, a potential permittee must provide the necessary information on the basis of which EPA (or the state permitting agency) may evaluate the appropriateness of the issuance of and the terms of any such permit.

19. Under 40 C.F.R. § 122.21(c), a discharger proposing a new discharge of storm water associated with construction activity covered by 40 C.F.R. § 122.26(b)(14)(x) and (15)(i) must submit an application 90 days before the date construction is to commence, or by the deadlines provided by the terms of any applicable general permit. See 40 C.F.R. § 122.28(b)(2).

20. State Plaintiffs' analogous state laws require persons proposing to discharge storm water associated with construction activity to submit information to the State as needed to carry out the objectives of State Plaintiffs' analogous state laws.

21. Though they differ in some of the details, in general, under the general permits, any person subject to a general permit is required to develop a storm water pollution prevention plan ("SWPPP"), which sets forth a plan to control and reduce pollutants in storm water discharges from construction activities. Federal CGP, Part 5.1. The SWPPP must meet specific requirements and include certain information, including a description of the control measures to meet the effluent limits in the Federal CGP. Federal CGP, Part 5.

22. A central requirement of the Federal CGP is the selection of best management practices ("BMPs"). BMPs are management practices implemented to prevent or reduce the discharge of pollutants to waters of the United States. Federal CGP, Appendix A. These practices include measures to prevent erosion (such as the scheduling of the project to minimize

the amount of land that is being graded at any particular time) and measures to capture sediment before it leaves the site (such as silt fences and sedimentation basins). Id.

23. The permits also require the permittee to properly operate and maintain the BMPs. Federal CGP, Part 3.6.

24. The permits impose additional requirements, including, inter alia: inspection of the site during construction, Federal CGP, Part 4; maintenance of the SWPPP and sometimes other records at the site, Federal CGP, Parts 5.10 and 5.11; and final stabilization of the site followed by termination of permit coverage, Federal CGP, Part 6.2.

25. CWA Section 309(b), 33 U.S.C. § 1319(b), authorizes the Administrator of EPA “to commence a civil action for appropriate relief, including a permanent or temporary injunction,” when any person is in violation of 33 U.S.C. §§ 1311, 1318, or of any permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342. State Plaintiffs are authorized to seek injunctive relief for such violations pursuant to their analogous state laws. See Colorado Rev. Stat. § 25-8-607; Florida Statutes §§ 403.131 and 403.141(1); Indiana Code §§ 13-30-4-1 and 13-14-2-6; §§ 4-116, 4-416, and 9-339 of the Environment Article, Annotated Code of Maryland; Nev. Rev. Stat. § 445A.695; Tenn. Code Ann. § 69-3-117; and Virginia Stormwater Management Act, Va. Code Ann. § 10.1-603.12:4.

26. CWA Section 309(d), 33 U.S.C. § 1319(d), provides, in part, that any person who violates 33 U.S.C. §§ 1311, 1318, or any permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342, shall be subject to a civil penalty not to exceed \$27,500 per day for each such violation occurring after January 29, 1997 through and including March 15, 2004; \$32,500 per day for each

violation occurring March 16, 2004 through and including January 12, 2009; and \$37,500 per day for each violation occurring after January 12, 2009. 33 U.S.C. § 1319(d); 40 C.F.R. § 19.4; 62 Fed. Reg. 7121-01 (Feb. 13, 2004) (codified at 40 C.F.R. pt. 19). State Plaintiffs are authorized to seek civil penalties for such violations pursuant to their analogous state laws. See Colorado Rev. Stat. § 25-08-608; Florida Statutes § 403.141(1); Indiana Code § 13-30-4-1; §§ 4-116, 4-417 and 9-342 of the Environment Article, Annotated Code of Maryland; Nev. Rev. Stat. § 445A.700; Tenn. Code Ann. § 69-3-115(a)(1); and Virginia Stormwater Management Act, Va. Code Ann. § 10.1-603.14.

GENERAL ALLEGATIONS

27. Based on inspections that EPA conducted at 50 Beazer construction sites from 2003 to 2005, EPA discovered a pattern of failures by Beazer to timely obtain coverage under Applicable Permits and a pattern of failures to comply with the requirements of Applicable Permits for the discharge of storm water from its construction sites. These sites are included in the list of sites attached as Appendix A. Additional site information was obtained from States and/or counties, and from Beazer's responses to information requests issued by EPA pursuant to CWA Section 308, 33 U.S.C. § 1318, which provided evidence of additional violations at Beazer sites that are also included in Appendix A. Appendix A also includes sites at which Beazer is currently engaged in construction activities. Based on the inspections, responses to information requests and other information, the United States alleges (and State Plaintiffs allege with respect to sites in their states) that Beazer has exhibited a pattern of failures to timely obtain coverage under Applicable Permits and a pattern of failures to comply with the requirements of Applicable

Permits for the discharge of storm water from some or all of the Beazer construction sites listed in Appendix A.

28. At each of the sites listed on Appendix A, Beazer engaged in construction activities that resulted in the disturbance of at least one acre, or were part of a plan of common development that will disturb equal to or greater than one acre.

29. Beazer's sites in Appendix A, themselves, as well as the storm sewers, ditches, or other conveyances referenced in Paragraph 30 below, constitute "point source[s]" within the meaning of CWA Section 502(14), 33 U.S.C. § 1362(14).

30. Beazer's construction activities resulted in the addition of "pollutants," including rock, sand, cellar dirt, industrial waste, solid waste, and other pollutants, to storm sewers, ditches, or other conveyances that discharge to streams, creeks, and other water bodies that are "waters of the United States," within the meaning of CWA Section 502(6) and (7), 33 U.S.C. § 1362(6), (7), and 40 C.F.R. § 122.2, and also resulted in the discharge of pollutants to state waters under State Plaintiffs' analogous state laws.

31. Beazer has discharged pollutants within the meanings of Sections 301 and 502(12) of the CWA, 33 U.S.C. §§ 1311 and 1362(12), and 40 C.F.R. § 122.2, without permit authorization.

32. Beazer is a person that proposed to discharge or who otherwise was required to timely apply for coverage under an Applicable Permit, pursuant to CWA Sections 308 and 402(p), 33 U.S.C. §§ 1318 and 1342(p), 40 C.F.R. §§ 122.21(a), (c), 122.26(c), and 122.28, and State Plaintiffs' analogous state laws.

33. Beazer failed to timely submit the information required to apply for or obtain coverage under the Applicable Permit, for at least the following 32 sites: Arlington - Phases 1-4 in Mt. Pleasant, SC; Brantley Place in Mooresville, NC; Brookfield in Brentwood, TN; Calabria Cove in Sanford, FL; Coldstream Station in Lexington, KY; Covil in Wilmington, NC; Creekside/Coulwood in Mecklenburg County, NC; Cumbrian Lakes in Kissimmee, FL; Glencroft in Wingate, NC; Grant Park at Atlanta, GA; Highlands Parkway in Smyrna, GA; Homestead Hills in Brighton, CO; Jervay Place in Wilmington, NC; Lake Park in Indian Trail, NC; LeMoyné Gardens in Memphis, TN; Liberty Crossing in Roswell, GA; Marehaven Phase III in Lexington, KY; Moores Chapel in Mecklenburg County, NC; Palma Vista in Orlando, FL; Riverside II in Indian River, FL; Sanctuary at West Haven in Davenport, FL; Shadow Glen in Nashville, TN; Southern Chase in Concord, NC; Stowe Creek in Mecklenburg County, NC; Stowe Creek II in Mecklenburg County, NC; Sullivan Run in Franklin, TN; Sunset Village in Mecklenburg County, NC; Villages at Duckers Lake in Frankfort, KY; Villages of Elkhorn Green in Georgetown, KY; Walnut Creek in Lexington, KY; Wyndfall in Brunswick County, NC; and Windsor Landing in Ocoee, FL.

34. At sites for which Beazer did obtain permit coverage, either timely or untimely, Beazer violated the Applicable Permit for at least the following 56 sites: Aspen Creek in Broomfield, CO; Atlantic Station in Atlanta, GA; Autumn Park in Holly Springs, NC; Bloomsbury in Cary, NC; Brantley Place in Mooresville, NC; Bridges of Summerville Phases 1-3 in Summerville, SC; Bridges of Summerville Phases 4-5 in Summerville, SC; Brookfield in Brentwood, TN; Cardinal Lake in Durham, NC; Catawba River in Iredell County, NC;

Cherrywood in Thornton, CO; Cheswicke Farm in Franklin, TN; Colony West in Hillsborough, FL; Conroy Club in Orlando FL; Copper Springs in Oakwood, GA; Country Chase in Hillsborough, FL; Creekside/Coulwood in Mecklenburg County, NC; Creekview in Hillsborough, FL; Dilworth Chase in Charlotte, NC; Glen Abbey in Lee County, FL; Grant Park in Atlanta, GA; Green Croft in Mooresville, NC; Harrison Park in Union, NC; Highlands Parkway in Smyrna, GA; Homestead Hills in Brighton, CO; Jervay Place in Wilmington, NC; Ledgend Oaks 10 in Dorchester, SC; LeMoyné Gardens in Memphis, TN; Liberty Crossing in Roswell, GA; McKinley Mill in Raleigh, NC; Monteith Place in Mecklenburg County, NC; Moores Chapel in Mecklenburg County, NC; Nona Crest in Orlando, FL; Ocean Cay in Nassau, FL; Pine Forest in Nashville, TN; River Chase in Hillsborough, FL; River View in Lowell, NC; Sandpiper Bay in Brunswick County, NC; Sawyers Mill in Apex, NC; Shadow Glen in Davidson County, TN; Southern Chase in Concord, NC; St. Andrews in Horry, SC; Stowe Creek I in Mecklenburg County, NC; Stowe Creek II in Mecklenburg County, NC; Sugarloaf in Lawrenceville, GA; Summer Meadows Phase II in Durham, NC; Sunset Village in Mecklenburg County, NC; Tanyard Springs in Spring Hill, TN; Tibble Creek in Mecklenburg County, NC; Valencia Lakes in Collier, FL; Venetian Harbor in Pinellas, FL; Villages of Elkhorn Green in Georgetown, KY; Villages at Wesley Chapel in Monroe, NC; Woodridge at Nashboro Village in Nashville, TN; Wyndfall in Brunswick County, NC; and Wyndham in Alpharetta, GA. Violations of storm water requirements at these and other sites include, but are not necessarily limited to: failure to install and maintain storm water management practices (such as exit controls, basins, inlet protection, and silt fencing to minimize off-site sediment and erosion runoff); failure to properly design or

implement BMPs; failure to prepare an adequate SWPPP; failure to conduct inspections; and failure to conduct inspections in accordance with the Applicable Permit requirements.

FIRST CLAIM FOR RELIEF

BEAZER DISCHARGED POLLUTANTS IN
STORM WATER WITHOUT AN APPLICABLE PERMIT

35. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 34.

36. Beazer discharged pollutants in storm water to waters of the United States without coverage under an Applicable Permit in violation of CWA Section 301, 33 U.S.C. § 1311, and discharged pollutants in storm water to waters of one or more of the State Plaintiffs in violation of analogous state laws.

37. Unless enjoined, these violations will continue or will recur at other construction sites.

38. Pursuant to 33 U.S.C. § 1319, Beazer is liable for injunctive relief and civil penalties of up to \$27,500 per day for each such violation occurring after January 29, 1997 through and including March 15, 2004; \$32,500 per day for each violation occurring March 16, 2004 through and including January 12, 2009; and \$37,500 per day for each violation occurring after January 12, 2009.

39. Pursuant to State Plaintiffs' analogous state laws, Beazer is liable to each State Plaintiff for injunctive relief and civil penalties for each violation that occurred at a site in its state that is listed on Appendix A. See Colorado Rev. Stat. § 25-8-501(1); Fla. Stat. § 403.161(1)(b); 327 Indiana Admin. Code §§ 5-2-2; 15-5-2; §§ 4-116, 4-416, 4-417, 9-339, and 9-342 of the

Environment Article, Annotated Code of Maryland; Nev. Rev. Stat. §§ 445A.465; Tenn. Code Ann. §§ 69-3-108 and 69-3-114(b); and Virginia Stormwater Management Act, Va. Code Ann. §§ 10.1-603.12:4 and -603.14.

SECOND CLAIM FOR RELIEF

BEAZER FAILED TO TIMELY SUBMIT THE INFORMATION
REQUIRED TO OBTAIN COVERAGE UNDER AN APPLICABLE PERMIT

40. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 39.

41. Beazer failed to timely submit the information required to obtain coverage under an Applicable Permit for the discharge of storm water associated with its construction activities in violation of CWA Section 308, 33 U.S.C. § 1318, and failed to timely submit the information required to obtain coverage under an Applicable Permit for the discharge of storm water pursuant to one or more State Plaintiffs' analogous state laws.

42. Pursuant to 33 U.S.C. § 1319, Beazer is liable for injunctive relief and civil penalties of up to \$27,500 per day for each such violation occurring after January 29, 1997 through and including March 15, 2004; \$32,500 per day for each violation occurring March 16, 2004 through and including January 12, 2009; and \$37,500 per day for each violation occurring after January 12, 2009.

43. Pursuant to State Plaintiffs' analogous state laws, Beazer is liable to each State Plaintiff for injunctive relief and civil penalties for each violation that occurred at a site in its state that is listed on Appendix A. See 5 Col. Admin Code § 1002-61:61.4(3)(a)(i); Fla. Admin. Code R. 62-620.300(2); 327 Indiana Admin. Code Article 15, Rule 5; §§ 4-116, 4-416, 4-417, 9-339,

and 9-342 of the Environment Article, Annotated Code of Maryland; Nevada Admin. Code § 445A.266; Tenn. Code Ann. §§ 69-3-108(a) and 69-3-114(b); and Virginia Stormwater Management Act, Va. Code Ann. §§ 10.1-603.12:4 and -603.14.

THIRD CLAIM FOR RELIEF

BEAZER VIOLATED THE
REQUIREMENTS OF THE APPLICABLE PERMITS

44. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 43.

45. Beazer failed to comply with the terms and conditions of the Applicable Permits, in violation of CWA Section 301, 33 U.S.C. § 1311, and one or more State Plaintiffs' analogous state laws.

46. Unless enjoined, these violations will continue or will recur at other construction sites.

47. Pursuant to 33 U.S.C. § 1319, Beazer is liable for injunctive relief and civil penalties of up to \$27,500 per day for each such violation occurring after January 29, 1997 through and including March 15, 2004; \$32,500 per day for each violation occurring March 16, 2004 through and including January 12, 2009; and \$37,500 per day for each violation occurring after January 12, 2009.

48. Pursuant to State Plaintiffs' analogous state laws, Beazer is liable to each State Plaintiff for injunctive relief and civil penalties for each violation that occurred at a site in its state that is listed on Appendix A. See 5 Col. Admin. Code § 1002-61:61.8; Fla. Stat. § 403.161(1)(b) and Fla. Admin. Code R. 62-620.300(5); 327 Indiana Admin. Code Article 15, Rule 5; §§ 4-116,

4-416, 4-417, 9-339, and 9-342 of the Environment Article, Annotated Code of Maryland; Nev. Rev. Stat. § 445A.515; Tenn. Code Ann. § 69-3-114(b); and Virginia Stormwater Management Act, Va. Code Ann. §§ 10.1-603.12:4 and -603.14.

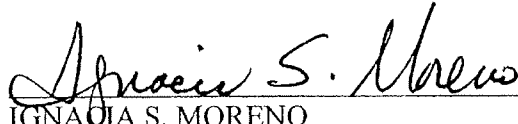
PRAAYER FOR RELIEF

WHEREFORE, the United States of America and the State Plaintiffs respectfully request that this Court:

- A. Order Beazer to comply with the terms of the Act and the conditions of Applicable Permits at its construction sites by requiring, among other things, the development and implementation of appropriate storm water pollution prevention plans, the application of BMPs to minimize or eliminate discharges of pollutants from its sites, and the implementation of corporate policies designed to achieve and assure compliance with the Applicable Permits and the Act;
- B. Assess civil penalties against Beazer of up to \$27,500 per day for each violation occurring after January 29, 1997 through and including March 15, 2004; \$32,500 per day for each violation occurring March 16, 2004 through and including January 12, 2009; and \$37,500 per day for each violation occurring after January 12, 2009.
- C. Award the United States its costs and disbursements in this action; and
- D. Grant any such further relief as this Court deems just and proper.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:



IGNACIA S. MORENO

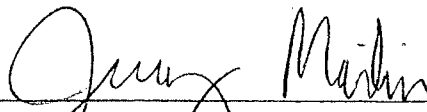
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice



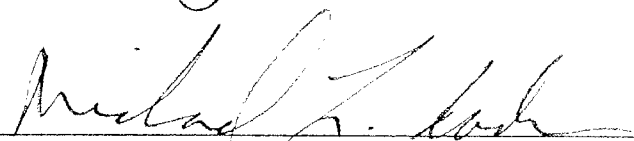
AMY R. GILLESPIE

Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice
Ben Franklin Station
P.O. Box 7611
Washington, DC 20044-7611
(202) 616-8754 (tel)
(202) 514-2583 (fax)
amy.gillespie@usdoj.gov
E.D.N.C. Bar No. 20511

FOR THE UNITED STATES OF AMERICA:



JERRY E. MARTIN
United States Attorney



MICHAEL L. RODEN
Assistant United States Attorney

Office of the United States Attorney
110 Ninth Avenue, South
Suite A961
Nashville, Tennessee 37203
(615) 736-5151 (tel)
(615) 736-5323 (fax)

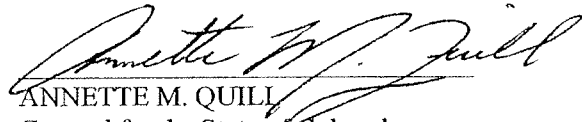
OF COUNSEL:

WILLIAM JONES
Assistant Regional Counsel
U.S. EPA Region 4
Atlanta, GA 30303

Kelly Brantner
Attorney-Advisor
U.S. EPA Headquarters
Office of Enforcement and Compliance Assurance
Washington, DC 20460

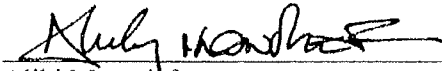
FOR THE STATE OF COLORADO

JOHN W. SUTHERS
Attorney General of Colorado

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ANNETTE M. QUILL
Counsel for the State of Colorado
Senior Assistant Attorney General
Environmental Quality Unit
Natural Resources and Environment Section
Colorado Office of the Attorney General
1525 Sherman Street, 5th Floor
Denver, Colorado 80203
(303) 866-4647 (tel)
(303) 866-3558 (fax)
annette.quill@state.co.us

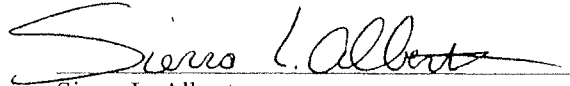
FOR THE STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Alik Moncrief
Deputy General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Blvd., MS 35
Tallahassee, Florida 32399-3000
850-245-2247

FOR THE STATE OF INDIANA

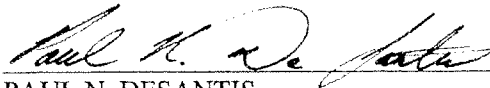
GREG ZOELLER
Attorney General of Indiana

A handwritten signature in black ink that reads "Sierra L. Alberts". The signature is written in a cursive style with a long horizontal flourish at the end.

Sierra L. Alberts
Deputy Attorney General
Office of the Attorney General
302 West Washington Street
IGCS, 5th Floor
Indianapolis, IN 46204
Phone: (317) 232-5663
Fax: (317) 232-7979
Email: Sierra.Alberts@atg.in.gov

FOR THE STATE OF MARYLAND:

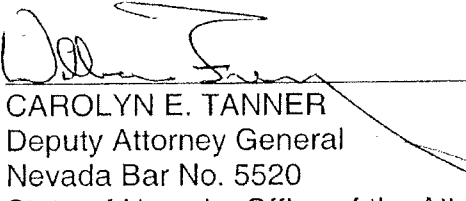
DOUGLAS F. GANSLER
Attorney General of Maryland

A handwritten signature in cursive script, appearing to read "Paul N. Desantis", is written over a horizontal line.

PAUL N. DESANTIS
Counsel for the State of Maryland
Assistant Attorney General
Maryland Department of the Environment
1800 Washington Boulevard, Suite 6048
Baltimore, MD 21230
410-537-3352
410-537-3943 (fax)
pdesantis@mde.state.md.us

FOR THE STATE OF NEVADA

CATHERINE CORTEZ MASTO
Attorney General

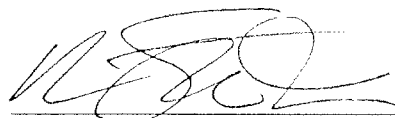
By: 
SoC CAROLYN E. TANNER
Deputy Attorney General
Nevada Bar No. 5520
State of Nevada, Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
775-684-1270 (Tele)
775-684-1108 (fax)
ctanner@ag.nv.gov

Attorneys for the Department of Conservation
and Natural Resources, Division of Environmental Protection

FOR THE STATE OF TENNESSEE



ROBERT E. COOPER, JR. (TN BPR# 10934)
Attorney General of Tennessee



R. Stephen Jobe (TN BPR# 17426)
Senior Counsel
Tennessee Attorney General's Office
P.O. Box 20207
Nashville, Tennessee 37202-0207
(615) 532-2583
(615) 741-8724 (fax)
steve.job@ag.tn.gov

FOR THE COMMONWEALTH OF VIRGINIA:

THE HONORABLE KENNETH T. CUCCINELLI II
Attorney General
Commonwealth of Virginia



ELIZABETH A. ANDREWS
Counsel for the Commonwealth of Virginia
Assistant Attorney General
900 E. Main Street
Richmond, VA 23219
804-786-8789 (tel)
804-786-2650 (fax)
eandrews@oag.state.va.us

Appendix A to Complaint

Beazer Homes USA Inc.
Residential Construction Sites

Site Name	Location	Municipality	Municipality/ County	State
Arroyo Verde	SEC of McCartney Rd & Weaver Rd	Casa Grand	Pinal	AZ
Canyon Trails	NEC of Lower Buckey Rd & Cotton Lane	Goodyear	Maricopa	AZ
Country Place	2215 South 99th Avenue	Tolleson	Maricopa	AZ
CW Ranch (aka Starlight Trail)	402 S 114th Lane	Avondale	Maricopa	AZ
Desert Rose	SW of 32nd ST & Baseline RD	Phoenix	Maricopa	AZ
Montelena	NEC of Hawes & Chandler Heights	Queen Creek	Maricopa	AZ
Morning Sun Farms	NWC Hunt Highway & Village Lane	Queen Creek	Pinal	AZ
Pueblo Verde (aka Glenmont)	SEC Yuma Rd & Sarival Ave	Goodyear	Maricopa	AZ
Seville	SWC Chandler Heights & Higley Rd	Gilbert	Maricopa	AZ
Sierra Colina	SWC 51st Ave & Southern Ave	Laveen	Maricopa	AZ
Sierra Montana	NE of 185th Drive & Lisbon Lane	Surprise	Maricopa	AZ
Silva Mountain	8121 South 23rd Dr	Phoenix	Maricopa	AZ
Surprise Farms	18327 W Carmen Drive	Surprise	Maricopa	AZ
Tessera	NWC of 75th Ave & Bethany Home RD	Glendale	Maricopa	AZ
Trianda Terrace	Falcon Dr & Indian School Rd	Goodyear	Maricopa	AZ
Villago	2890 N Blossom Lane	Casa Grand	Pinal	AZ
Villas at Toscana	BaselLine Rd & 32nd Street	Phoenix	Maricopa	AZ
Asheland Meadows	SW Corner Reina Rd & Old Farm Ave	Bakersfield	Kern Co	CA
Assemblage	34870 Leon Rd	Winchester	Riverside	CA
Barcelona	Ave 50 and Monroe ST	Indio	Riverside	CA
Bella Sol	30th st w and Lancaster Blvd	Lancaster	Los Angeles	CA
Capital Village	Zinfandel & International	Rancho Cordova	Sacramento	CA
Cobblestone	SW corner Eucalyptus Ave and Fir Ave	Moreno Valley	Riverside	CA
Copperleaf (Palmdale 66)	Southwest of Palmdale Blvd and 55th	Palmdale	Los Angeles	CA
Cottages	Fairway & Rancho Vista Blvd	Palmdale	LA Co	CA
Foothill Promenade	Foothill Ave. & Benson	Upland	San Bernardino	CA
Fox Hollow	Q st. & 6th Ave	Sacramento County	Sacramento	CA
Goldenfields	East of Nason between Euc & Dracaea	Moreno Valley	Riverside	CA
Groves at Sunnyside Point	Peach St and Church St	Fresno	Fresno	CA
Hampton Place	Stockton Blvd & Orange Ave.	Sacramento County	Sacramento	CA
Medallion	Windermere St & Panama La	Bakersfield	Kern Co	CA
Montage	Plum Canyon Road & Santa Clarita Road	Saugus	Los Angeles	CA
Natomas Field	Arena Blvd. & East Commerce Way	Sacramento	Sacramento	CA
Red Sky	SE corner Mesa View Dr & La Mesa Rd	Victorville	San Bernardino	CA
Rockcliffe	NW of Eucalyptus / Fir	Moreno Valley	Riverside	CA
Rolling Hills	Garbani Rd / Haleblian Rd	Meniffee	Riverside	CA

Sereno Heights	Kitching St. & Shalu Ave.	Moreno Valley	Riverside	CA
Silver Leaf	Ave S & Putney St	Palmdale	Los Angeles	CA
Silver Leaf 2	SE corner Ave S and Hillcrest Dr.	Palmdale	Los Angeles	CA
Somerset Creek	Ave P-8 West & Somerwinds Rd	Palmdale	Los Angeles	CA
Stoneridge	SW corner Eucalyptus Ave and Fir Ave	Moreno Valley	Riverside	CA
Terra Bella	Garbani Rd. and Palomar Rd	Menifee	Riverside	CA
The Arbours	600 E Bonita Ave	Pomona	San Bernardino	CA
Aspen Creek Filing 7	13825 Teal Creek Drive		Broomfield	CO
Canterbury Crossing	Main Street and Canterbury Parkway	Parker	Douglas	CO
Cherrywood Park Filing 1	136th Avenue & Colorado Blvd.		Thornton	CO
Copperleaf Filing A	E. Chenango and S. Picadilly		Arapahoe	CO
Fronterra Village/Fronterra Village Townhomes Fil. 2	10000 Chambers Road/96 Way & 96 Cir.		Commerce City	CO
Homestead Hills, Filing 3	136th Avenue & Colorado Blvd.		Thornton	CO
Spring Valley Ranch	County Rd 17-21 and So Augusta Ave	Elizabeth	Elbert	CO
Falcon Highland Fil 1,2 & 3	Meridian & Rolling Thunder, S of Woodmen Rd	Colorado Springs	El Paso	CO
Saddle Rock Subdivision 7	Arapahoe Rd & S Valdi Ct	Aurora	Arapahoe	CO
Asbury Chase	114 Asbury Loop	Middletown	New Castle	DE
Ashley Manor	SR 54 and SR 20	Selbyville	Sussex	DE
Crossland at the Canal	202 Ann Drive	Middletown,	New Castle	DE
North Beach	Rt 1 and Fred Hudson Road	Bethany Beach	Sussex	DE
Ridings	Beaver Dam Road and Highlands Way	Lewes	Sussex	DE
Willow Grove	103 Plymouth Place	Middletown,	New Castle	DE
Amelia View 5	Amelia Bluff Dr. & Starratt Rd	Jacksonville	Duval	FL
Calabria Cove	Calabria Springs Cove Drive		City of Sanford	FL
Colony West	Montegue & Old Memorial/Tampa		Hillsborough	FL
Conroy Club	Conroy Club Drive		Orlando	FL
Country Chase	Old Memorial Blvd.		Hillsborough	FL
Country View	Henderson Road		Tampa	FL
Creekview	Balm-Riverview Road		Hillsborough	FL
Cumbrian Lakes	Cumbrian Lakes Dr.		Kissimmee	FL
Danforth	Daniels Pkwy & Palamino Rd. (Mid-Florida)		Lee	FL
Deerwood Pl	4464 Southside Blvd	Jacksonville	Duval	FL
Dupree Lakes	6153 Everlasting Pl.	Land O' Lakes	Pasco	FL
Durbin Crossing	CR-223 (North Durbin Pkwy) Huntston Way	Jacksonville	St Johns	FL
East Bay Lakes	East Bay Road/Gibsonton		Hillsborough	FL
Enclave at Moss Park	Moss Park Rd.	Orlando	Orange	FL
Fish Hawk Ranch	16020 Starling Crossing Dr., Lithia	Hillsborough	Hillsborough	FL
Glen Abbey	Daniels Pkwy & Palamino Rd. (Mid-Florida)		Lee	FL

Gulfwinds	1301 Blue Marlin Blvd., Holiday	Pasco	Pasco	FL
Hamilton Park	Hamilton Avenue		Hillsborough	FL
Hampton Lakes	Racetrack Rd & Nine Eagles Rd, Tampa	Hillsborough	Hillsborough	FL
Hawks Landing	2807 Hawks landing Blvd	Lynn Haven	Bay	FL
Heritage Commons	Dodd Rd.	Winter Springs	Seminole	FL
Las Calinas	Los Congress road and US1	St Augustine	St Johns	FL
Legacy	Holden Ave.	Orlando	Orange	FL
NEC Beach Blvd & Kernan		Jacksonville	Duval	FL
Nona Crest	9001 Narcoossee Road		Orlando	FL
Oak Park	66th Avenue		Pinellas	FL
Ocean Cay	A1A		Nassau	FL
Palma Vista	Saint Stevens Court		Orlando	FL
River Chase	North River Road		Hillsborough	FL
Riverside II	Jungle Trail & SSR 510 (Vero)		Indian River	FL
Royal Oaks	Nonastone Run		Seminole County	FL
Sanctuary at West Haven			Davenport	FL
Sawgrass	Weatherbee Rd. & Boggy Creek Rd.	Orlando	Orange	FL
Sawgrass Village	4734 68th Terrace, Penellas Park	Pinellas Park	Pinellas	FL
Somerset	19601 Cypress View Drive	Ft. Myers	Lee	FL
Southwood	Merchants Row Blvd and Four Oaks Blvd	Tallahassee	Leon	FL
Stonehurst 1C/1F/2A	C.R. 210 west of I-95		St. Johns	FL
Tamaya Pods G & H	Beach Blvd & Kernan Blvd	Jacksonville	Duval	FL
Valencia Lakes	Immokalee Rd. & Randall Blvd. (Mid-Florida)		Collier	FL
Venetian Harbor	Gandy Blvd./Snug Harbor		Pinellas	FL
Verano	Verano at Bartram Park Blvd.	Jacksonville	Duval	FL
Victoria Park	Orange Camp Rd. & S. Blue Lake Ave.	Deland	Volusia	FL
Villages of Westport	Braddock Rd & Mabley Rd W	Jacksonville	Duval	FL
Whisper Dunes	101 Sand Oak Blvd	Panama City Beach	Bay	FL
Windsor Landing	205 Calliope Street		Ocoee	FL
Ashely Manor	Ashley Manor & Coleman Road	Roswell	Fulton	GA
Atkinson	Atkinson Park Circle	Lawrenceville	Gwinnett	GA
Atlantic Station	16th St./1217 Mecaslin St.		Fulton	GA
Bismark Place Phase 1	2039 Rockledge Rd.	Atlanta	Fulton	GA
Cobblestone Creek	Veterans Memorial Pkwy. & Kitchens Rd.	Cobb	Cobb	GA
Copper Springs	Plum Frost Ct.	Oakwood	Gwinnett	GA
Cove at Mill Creek	Mill Springs Circle	Buford	Gwinnett	GA
Dillard St. Crossing	Dillard Crossing	Tucker	Dekalb	GA
Gates at Johns Creek	Technology Circle & New Boyd Rd	Johns Creek	Fulton	GA

Grant Park	Coggins Drive & Confederate Ave.	Atlanta	Fulton	GA
Hampton Station	400 North Hampton Station Trail	Cherokee	Cherokee	GA
Highlands Pkwy	Highlands View Dr.	Smyrna	Cobb	GA
Hunt Club	855 Jimmy Deloach Pkwy	Pooler	Chatham	GA
Lakes at Sugarloaf	Old Peachtree Rd & Sugarloaf Pkwy.	Duluth	Gwinnett	GA
Liberty Crossing	Independence Way	Roswell	Fulton	GA
Mill Street Park	Creek View Ln.	Roswell	Fulton	GA
Mountain View/Mountain View Glens	Rachel's Ridge/Anna Ruby Lane	Kennesaw	Cobb	GA
Old Norcross	Whistle Stop Dr. - Norcross	Norcross	Gwinnett	GA
Old Town Bethelview	Old Towne Ln.	Cumming	Forsyth	GA
Olde Union Preserve	Union Hill Rd & Fowler Rd	Forsyth	Forsyth	GA
Paden Cove	Paden Cove Trail	Lawrenceville	Gwinnett	GA
Redwood Cove	Redwood Drive	Norcross	Gwinnett	GA
Sugarloaf	Arbor Gate Drive	Lawrenceville	Gwinnett	GA
Thorngate	Kelly Mill Rd & Thorngate Dr.	Forsyth	Forsyth	GA
Westchase	3224 Westchase Dr.	Gwinnett	Gwinnett	GA
Wyndham	Yacht Terrace		Alpharetta	GA
Andover	Moontown Rd and East 191 St	Noblesville	Hamilton	IN
Clermont Lakes	S of CR 450 N on Westside of Raceway Rd	Indianapolis	Hendricks	IN
Deer Path	800 ft East of Wolf Run and Dry Creek Rd	Noblesville	Hamilton	IN
Eagles Nest	6236 Eagles Nest Blvd	Whitestown	Boone	IN
Edgewood Trace	Thompson Rd and Franklin	Indianapolis	Marion	IN
Fairways At Prairie Crossing	N. E. corner of Lakeview Dr and Prairie Crossing Dr	Noblesville	Hamilton	IN
Greens at Prairie Crossing	18690 Round Lake Road	Noblesville	Hamilton	IN
Lochaven	15029 Midland Lane	Nobleville	Hamilton	IN
Logan's Pointe	156th st west of Boden Rd.	Nobleville	Hamilton	IN
Oaks at Windridge	6498 Southern Oak	Brownsburg	Hendricks	IN
Orchard Valley Farms	N German Church Rd and E 42nd Street	Indianapolis	Marion	IN
River Run	Mann Rd and Epler	Indianapolis	Marion	IN
Shadow Creek Farms	S. W. corner of CR 200 S And CR 150 W	Columbus	Bartholomew	IN
South Avalon Estates	14503 E. 126th Street	Fishers	Hamilton	IN
Spring Run At Winding Ridge	5612 High Timber Ln	Indianapolis	Marion	IN
Springs at Deer Crossing	CR 700W approx 1/4mi S of CR 900N	McCordsville	Hancock	IN
Stonechase	ST RD 48 and Stonechase Crossing	Bloomington	Monroe	IN
Sunchase Vista	CR 100 S 1 mile west of Raceway Rd	Avon	Hendricks	IN
The Groves At Beechwood Farms	W of Dan Jones Rd and N of US 36	Avon	Hendricks	IN
The Groves at Camby Village	Trotter Rd and Sansa Street	Camby	Marion	IN
The Highlands	Hennessy and S Rockport Rd	Bloomington	Monroe	IN

The Ridge at Prairie Crossing	Hague Rd and Lakeview Dr	Noblesville	Hamilton	IN
Treyburn Manor	9631 E. Rawles Ave	Indianapolis	Marion	IN
Tuscany Village	1317 Tuscany Dr.	Greenwood	Johnson	IN
Walker Farms	N.W. corner of CR 400 S and CR 650 E	Whitestown	Boone	IN
West Village At West Clay	12775 Horseferry Rd	Carmel	Hamilton	IN
Westbourne	N. W. corner of Marsh Rd and 71st	Indianapolis	Marion	IN
Wildcat Park	Five Points and Kidwell	Indianapolis	Marion	IN
Williamsburg Village	Approx 1/4mi S of CR 600 N and Raceway Rd	Indianapolis	Hendricks	IN
Yorktown Woods	1/4 mile west of Carey Rd. on Jeremy Dr. in the back of Foster Estates	Carmel	Hamilton	IN
Coldstream Station	Sandersville Road	Lexington	Fayette	KY
Elkhorn Green	Route 460	Georgetown	Scott	KY
Marehaven - Phase III	Alexandria Drive	Lexington	Fayette	KY
Villages at Duckers Lake	Village Drive and Highway 121, Leestown Rd		Frankfort	KY
Villages of Elkhorn Green	Route 460		Georgetown	KY
Walnut Creek - Phase I, II, III	Richmond Road	Lexington	Fayette	KY
Adamstown	Tracey Bruce Drive & Moutvale Road	Adamstown	Frederick	MD
Ballinger Creek	Ballenger Center Dr and Cawley Dr	Frederick	Frederick	MD
Bonnie View Estates - Parke	Smith Ave and Pebble Brooke Rd	Baltimore	Baltimore	MD
Brighton Place	Central Avenue	Prince Georges	Prince Georges	MD
Cedar 2 - Forest Glen	New Waugh Chaple Rd and Old Waugh Chapel Rd	Odenton	Anne Arundel	MD
Collegiate Acres - Greenfield	Route 58 and Terps Blvd	Hagerstown	Washington	MD
Deep Harbour	Route 50 and Maryland Ave	Cambridge	Dorchester	MD
Dove Barrington	Burbage and Windmill Road	Millville	Sussex	MD
Greenspring Quarry	Quarry Lake Dr and Greenspring Ave	Baltimore	Baltimore	MD
Greenway Village - Arora Hills	Ridge Road and Skylark Road	Clarksburg	Montgomery	MD
Jefferson Place	Montgomery Road and Bosley Road	Ellicott City	Howard	MD
Linton at Ballenger	Elmer Derr Road & Christian Kemp Dr	Frederick	Frederick	MD
Alexander Crossing	Goodman Rd. and Alexander Rd.		Olive Branch	MS
Ashton Hall	Sherron Road & Mineral Springs Road	Durham	Durham	NC
Austin Creek - 56' series	Austin View Blvd & Longmont Drive	Wake Forest	Wake	NC
Austin Creek - 70' series	Austin View Blvd & Longmont Drive	Wake Forest	Wake	NC
Autumn Park	Avent Ferry	Holly Springs	Wake	NC
Barbee Meadows	Barbee	Durham	Durham	NC
Bloomsbury	5045 Cary Glen Blvd	Cary	Wake	NC
Brantley Place	Hwy 21		Mooreville	NC
Cardinal Lake	Fletchers Chapel	Durham	Durham	NC
Carthage Colonies/Reserve	Carthage St./Duke of Gloucester & Chownings Dr	Sanford	Lee	NC

Churton Grove/Churton Grove SF	Churton Grove Blvd & Berryman Blvd/Ainsworth Blvd	Hillsborough	Orange	NC
Covil	Broad Street & Covil Street	Wilmington	New Hanover	NC
Creekside/Coulwood	Valleydale Road		Mecklenburg	NC
Dilworth Chase	101 Garrison Road	Charlotte	Mecklenburg	NC
Dove Meadows	Southern Street & Adams Street - Wilmington		New Hanover	NC
Glencroft	501 Glencroft Drive		Wingate	NC
Greenecroft	Hwy 21		Mooresville	NC
Harrison Park	Hwy 16		Union	NC
Holly Glen	Evergreen View Trace & Magnolia Meadow Way	Holly Springs	Wake	NC
Jervay Place	Dawson Street & 10th Street	Wilmington	New Hanover	NC
Lake Park	6046 Crest Circle		Indian Trail	NC
Little Hampton			Mecklenburg	NC
Mitchell Mill (McKinley Mill)	Mitchell Mill & Forestville Rd.	Raleigh	Wake	NC
Monteith Pl.	Hwy 115		Mecklenburg	NC
Moores Chapel	Eastfield Road		Mecklenburg	NC
Morehead Commons	South Clarkston and West Morehead Street	Charlotte	Mecklenburg	NC
Park at Auburn	Woodcroft Pkwy	Durham	Durham	NC
River View	River View Subdivision		Lowell	NC
Samuels Keep	W. Chatham Street & High House Road	Cary	Wake	NC
Sandpiper Bay	Old Georgetown Road		Brunswick	NC
Sawyers Mill	Bells Lake	Apex	Wake	NC
Southern Chase	Zion Church Road		Concord	NC
Springfield	Mitchell Mill & Forestville Rd.	Raleigh	Wake	NC
Stewarts Crossing	Camp Stewarts Road		Mecklenburg	NC
Stonehill Estates	Mineral Springs Rd.	Durham	Durham	NC
Stowe Creek/Stowe Creek II	Shopton Road/Shopton Road West		Mecklenburg	NC
Summer Meadows	Hebron Rd/Danube Ln/Denfield St./Winding Brook L	Durham	Durham	NC
Sunset Village	Sunset Road		Mecklenburg	NC
Tennyson Place	Light Brigade Lane & West Millbrook Road	Raleigh	Wake	NC
Tibble Creek			Mecklenburg	NC
Villages at Wesley Chapel	Airport Road		Monroe	NC
Westgate	Westgate Rd. & Ebenezer Ch Rd.	Raleigh	Wake	NC
Willow Creek	Old Honeycut Rd.	Fuquay-Varina	Wake	NC
Wyndfall	Old Georgetown Road		Brunswick	NC
Wyndmoor at the Park	S. Alston Avenue & Ed Cook Road	Durham	Durham	NC
Wynterfield/Wynterfield Continuation	Courtney Creek Blvd./Contravest Pkwy	Durham	Durham	NC
Arbor Ridge			Charlotte	NC
Auburn Chase	71 Buckeye Road	Woolwich	Gloucester	NJ

Garrison Estates	1386 Carmel Ave.	Vineland	Cumberland	NJ
Gatherings at Cape May	5 Lochalsh Lane , NJ	Rio Grande	Cape May	NJ
Gatherings at Haledon	1305 Gatherings Drive	Haledon	Passaic	NJ
Richwood Crossing	475 Aura Road	Glassboro	Gloucester	NJ
Gatherings at East Greenwich	330 Friendship Rd	Clarksboro	Gloucester	NJ
Kings Gate East	800 Castleton Drive	Mickleton	Gloucester	NJ
Parkside at Mountain View	451 Pleasant View Road	Hillsborough	Somerset	NJ
Entrada Del Bosque	Mountain and Ladera	Albuquerque	Bernalillo	NM
High Range	40th and Inca Rd NE	Rio Rancho	Sandoval	NM
Mesa Encantadas	Lincoln Ave and Camino Encantada	Rio Rancho	Sandoval	NM
Centennial	Centennial Parkway and Hualapai Way	Las Vegas	Clark	NV
Dover Place	Craig Rd. and W. Nellis Blvd.	Las Vegas	Clark	NV
Mountains Edge (Mesa, Valla and Stonehurst)	Mountains Edge Parkway and Pollock Dr.	Las Vegas	Clark	NV
Northstar	Martin Luther King Blvd / Alexander Rd	Las Vegas	Clark	NV
Saratoga	Farm and Shaumber	Las Vegas	Clark	NV
Tesora at Burson Ranch	Heritage Dr. / Malibou Ave	Pahrump	Nye	NV
Weston Hills	Galleria Dr. & McCormick Rd	Henderson	Clark	NV
Westwind	Decatur Blvd / Grand Teton Dr.	Las Vegas	Clark	NV
Windriver	Warm Springs and Race Track	Henderson	Clark	NV
Enclave at Hamptonburgh	93 Sarah Wells Trail	Campbell Hall	Orange	NY
Glenview Hills	34 Hill View Drive	Florida	Orange	NY
Riverside at Walden	2 Hidden View Drive	Walden	Orange	NY
Kingston Square	2552 Castor Ave	Philadelphia	Philadelphia	PA
Arlington - Phases 1-4	Parkwest		Town of Mt. Pleasant	SC
Avalon	Carolina Forest Blvd.		Horry	SC
Bolton's Landing	Bees Ferry Rd and Savannah Hwy	Charleston	Charleston	SC
Bridges of Summerville Phases 1-5	Midland Pkwy and Burton Ave.		Summerville	SC
Cameron Village	US 707 near Bay Rd	Myrtle Beach	Horry	SC
Drakesborough	Hwy 78 and Orangeburg Rd	Summerville	Dorchester	SC
Fox Horn	Forestbrook Rd. near Halyard Way	Myrtle Beach	Horry	SC
Grand Oaks - Phases 1-8	Bee's Ferry Rd.		Charleston	SC
Hardin at Tanner Plantation	In Tanner Plantation at rear of Ibis Glade	Hanahan	Berkeley	SC
Hillsborough	On Hwy 90 6mi noth or intersection with US Hwy 501, Conway	Conway	Horry	SC
Inverness	Connamara Drive		Horry	SC
Lafayette Park	Little River Rd. near state Hwy 50	Little River	Horry	SC
Ledgend Oaks 7 & 10	Ashley River Road		Dorchester	SC

Moss Grove	Just south of Moncks Corner on US 51	Moncks Corner	Berkeley	SC
Reminisce	W. Butternut Rd near Summerset Ln	Summerville	Dorchester	SC
River Oaks	River Oaks Drive		Horry	SC
Royal Oaks	Montague Plantation Road	Goose Creek	Berkeley	SC
Spring Mill	Calabash Rd. just south of Mineloa Ave	Calabash	Brunswick	SC
St. Andrews	Connemara Drive		Horry	SC
True Blue	Blue Stem Rd.		Georgetown	SC
Turtle Cove	Forestbrook Road	Myrtle Beach	Horry	SC
Walkers Woods	Carolina Forest Blvd near Southgate Pkwy	Myrtle Beach	Horry	SC
Abbingdon Park	Longfellow Drive	Nashville	Davidson County	TN
Adelaide Park	Lee Victory Parkway and Callaway Farms Drive	Smyrna	Rutherford	TN
Asheford Crossing	Asheford Trace	Antioch	Davidson County	TN
Avondale Park	1028 Nunnery Lane	Nashville	Davidson	TN
Ballenger Farms	Creekside Drive and Cowan Drive	Nolensville	Williamson	TN
Barry Farms P.D. Ph. 5	Hacks Crossing & Marsha Woods		Shelby	TN
Bradburn Village	Pin Hook Road at Murfreesboro Road	Nashville	Davidson	TN
Bradford Park aka Providence Subdivision	Mt. Juliet Road at I-40	Mt. Juliet	Wilson	TN
Bridgemore Village	Critz Lane and Pantall Road	Thompsons Station	Williamson	TN
Brookfield	Brookfield Drive		Brentwood	TN
Cambridge Forest	Bridgecrest Drive	Antioch	Davidson County	TN
Cheswicke Farm	Liberty Hills Drive	Franklin	Franklin	TN
Hampton Hall	Hampton Hall Way	Hermitage	Davidson County	TN
Hampton Woods Subd.	Egypt Central & Hampton Manor Ln.		Shelby	TN
Hidden Creek	Hidden Creek Drive	Antioch	Davidson County	TN
LeMoyné Gardens (College Park)	Mississippi St. & Neptune St.	Memphis	Shelby	TN
Lexington Point	Lexington Point Drive	Nashville	Davidson County	TN
McKay's Mill - Classic/Premier	Market Street	Franklin	Franklin	TN
Merritt Downs	Wyntergrace Farm Rd.	Old Hickory	Davidson County	TN
Oaks Pointe	Lebanon Road and Prowell Lake Road	Lebanon	Wilson	TN
Pine Forest	Pine Forest Drive	Nashville	Davidson County	TN
Richland Hills Subd.	Gainsville Dr. & Richland Rd.		Tipton	TN
River Bridge/Community	Harpeth Springs Drive/8100 Coley Davis Road	Nashville	Davidson County	TN
Riverwalk	Rivervalley Drive	Nashville	Davidson County	TN
Royal Oaks Subd.	Egypt Central & Northwood Hills Drive		Shelby	TN
Shadow Creek aka Providence	Sunnymeade Drive and Rutland Road	Mt. Juliet	Wilson	TN
Shadow Glen	Nashville	Nashville	Davidson County	TN
Stanford Village	Stanford Village Drive		Davidson County	TN
Sullivan Run	Wisteria Drive	Franklin	Franklin	TN

Tanyard Springs (Wilkes Creek)	Tanyard Springs Drive	Spring Hill	Spring Hill	TN
The Grove at Oakland Subd.	Highway 64 & Pine Wood Drive		Oakland	TN
Traemoor Village	North side of Charlotte Pike, east of Sawyer Brown Road	Nashville	Davidson	TN
Trails of Arlington P.D.	Airline Road & Arlington Trail		Arlington	TN
Truxton Park	Remington Park Rd.	Hermitage	Davidson County	TN
Tuscan Gardens	Graystone Road and Benders Ferry Road	Mt. Juliet	Wilson	TN
Villages of Riverwood	Hoggett Ford Road and Dodson Chapel Road	Hermitage	Davidson	TN
Willoughby Station/Classic/Premier	South Green Hills Road/Willoughby Station Blvd	Mt. Juliet	Wilson	TN
Willowvale at Harvey Springs	Duplex Road and Hwy. 31	Spring Hill	Williamson	TN
Woodridge at Nashboro Village	Flintlock Ct.	Nashville	Davidson County	TN
Andover Farms	4700 Blk of South Post Oak	Fresno	Fort Bend	TX
Ashford Place	16231 Latticebine Dr. (off site)	Tomball	Harris	TX
Blackhorse Ranch	11414 Columbia Pines	Cypress	Harris	TX
BonBrook	514 Dovecraft Ln	Rosenburg	Fort Bend	TX
Cardiff Ranch	27422 Canyon Ranch Drive	Katy	Fort Bend	TX
Cinco Ranch Southwest	11515 East Lake Gables (off site)	Katy	Fort Bend	TX
Cobb Farms	Eldorado Pkwy & Legacy Drive	Frisco	Denton	TX
Creekside Park West	21738 Colter Stine Dr (off site)	Tomball	Harris	TX
Creekview Addition	US 380 & Creekview Drive	Princeton	Collin	TX
Cypress Trails	11626 Brentcross Drive	Tomball	Harris	TX
Durham Park	Kessway Lane	Houston	Harris	TX
Eagle Springs	17402 Dutch Harbor	Humble	Harris	TX
Heathstone Addition	Branchwood Dr. and Beltline Rd	Lancaster	Dallas	TX
Inverness	21738 Colter Stine Dr (off site)	Tomball	Harris	TX
Jamison Landing	Little Rock Court	Pearland	Brazoria	TX
Lake Parks	Bee Drive south of Camp Wisdom Rd	Grand Prairie	Tarrant	TX
Lakes of Highland Glen	1725 and 1/2 Brighton Brook	Pearland	Bazoria	TX
Lakes of Pine Forest	Grand Chateau	Houston	Harris	TX
Legends Ranch	21738 Colter Stine Dr (off site)	Spring	Mongomery	TX
Mountain Creek	Sheridan Drive and Hardy Road	Dallas	Dallas	TX
Northcrest Village	21738 Colter Stine Dr	Spring	Harris	TX
Paloma Creek South	US 380 and Navo Road	Little Elm	Denton	TX
Park Lakes	9811 Layton Ridge Drive	Humble	Harris	TX
Pine Creek at Canyon Lakes West	8506 Drango Valley	Cypress	Harris	TX
Preserves at Pecan Creek	Smoketree Trail and Lakeview Blvd.	Denton	Denton	TX
Regal Oaks	4118 Juniper Meadows	Houston	Harris	TX
Remington Grove	19002 Walbrook Ln	Houston	Harris	TX

Rolling Meadows	NE cor. Park Vista & Keller/Haslet	Fort Worth	Tarrant	TX
Settlement at Craig Ranch	1/4 mile W of intx Stacy & Alma	McKinney	Collin	TX
Spring Meadow	O'day Road and Hickory Hollow Dr.	Pearland	Brazoria	TX
Stoneridge at Blackhorse Ranch	26842 Trinity Trail	Cypress	Harris	TX
Stoney Creek	Collins Road & Stoney Creek Blvd.	Sunnyvale	Dallas	TX
Summerlyn	4118 Juniper Meadows	Houston	Harris	TX
Sunset Pointe Phs. 8, 9 & 10	E. of intx of Hart & Walker	Little Elm	Denton	TX
Sunset Ridge	17402 Dutch Harbor (off site)	Humble	Harris	TX
Telfair	6819 Lavington Way	Sugarland	Fort Bend	TX
The Park at Arbordale	16231 Latticebine Dr.	Cypress	Harris	TX
Village of Indian Trails	Pawnee Bend Drive & Cheyene Bend	Cypress	Harris	TX
Villas at Chishom Ridge	Blue Mound Rd & Grand Central Pkwy	Fort Worth	Tarrant	TX
Waterstone	3226 Sabine Spring	Houston	Harris	TX
Waterview Estates	5035 Beechfern Drive	Houston	Harris	TX
Wentworth Villas	Valley Ridge Blvd. & Barksdale Drive	Lewisville	Denton	TX
Westheimer Lakes North	26919 Harwood Heights Drive	Katy	Fort Bend	TX
Westheimer Lakes	11515 East Lake Gables	Richmond	Fort Bend	TX
Wheatland Meadows	E. Wheatland and IH 35	Dallas	Dallas	TX
Austins Landing	101 Macon Drive	Stafford	Stafford	VA
Brambleton	19297 Winmeade Drive	Loudoun	Loudoun	VA
Fawn Lake	Fawn Lake PUD	Spotsylvania	Spotsylvania	VA
Lansdowne	101 Macon Drive	Loudoun	Loudoun	VA
Market Center	6299 Aster Haven Circle	Haymarket	Prince William	VA
New Bristow	10605 Poagues Battery Drive	Bristow	Prince William	VA
Somerset Farms	35109 Chesterfield Road	Locust Grove	Spotsylvania	VA
Village Green	43168 Alex Street	Leesburg	Loudoun	VA
Colonial Hills	31 Swearingen Way	Shepherdstown	Jefferson	WVA

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS</p> <p>United States of America, the State of Colorado, the State of Florida Department of Environmental Protection, the States of Indiana, Maryland, Nevada, and Tennessee and the Commonwealth of Virginia</p> <p>(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number)</p> <p>Michael L. Roden, Assistant United States Attorney Office of the United States Attorney, Middle District of Tennessee 110 9th Avenue South, Suite A-961 Nashville, Tennessee 37203 (615) 736-5151</p>	<p>DEFENDANTS</p> <p>Beazer Homes USA, Inc.</p> <p>County of Residence of First Listed Defendant <u>Davidson</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)</p> <p>Kenneth Khoury, General Counsel Beazer Homes USA, Inc. 1000 Abemathy Road, Suite 1200 Atlanta, Georgia 30328</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input checked="" type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p>(For Diversity Cases Only)</p> <table style="width: 100%;"> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

IV. NATURE OF SUIT (Place an "X" in One Box Only)				
<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p>PERSONAL INJURY - Med. Malpractice</p> <p><input type="checkbox"/> 362 Personal Injury - Med. Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. & Truck</p> <p><input type="checkbox"/> 650 Airline Regs.</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Security Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input type="checkbox"/> 440 Other Civil Rights</p>	<p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p>Habeas Corpus:</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p>		

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Section 309(b) & (d) of the Clean Water Act: 33 U.S.C. § 1319(b) & (d)

Brief description of cause:

Discharge of pollutants in storm water w/o permit

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ _____

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: December 2, 2010

SIGNATURE OF ATTORNEY OF RECORD

Michael L. Roden ^{By MHR}

Michael L. Roden

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

