

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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UNITED STATES OF AMERICA, and )  
 )  
DISTRICT OF COLUMBIA, )  
STATE OF MARYLAND, )  
COMMONWEALTH OF VIRGINIA, and )  
STATE OF WEST VIRGINIA, )  
 )  
Plaintiffs, )  
 )  
 )  
vs. ) Civil Action No.  
 )  
 )  
HOVNANIAN ENTERPRISES, INC., )  
Defendant. )  

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CONSENT DECREE

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Whereas, the United States of America, on behalf of the United States Environmental Protection Agency (“EPA”), has filed the Complaint in this matter alleging that Hovnanian Enterprises, Inc. has violated the Clean Water Act, 33 U.S.C. §§ 1251-1331 and the regulations promulgated pursuant to that statute, including the conditions and limitations of the Federal General Permit, the District of Columbia NPDES Construction General Permit No. DCR10000, the Virginia General Permit for Discharges of Stormwater from Construction Activities, the Maryland General Permit for Stormwater Associated with Construction Activity, and the West Virginia General NPDES/Water Pollution Control Permit No. WV0115924 for Stormwater Associated with Construction Activities, as well as individual permits for stormwater discharges from construction activities issued by some of these States.

Whereas, the District of Columbia, the State of Maryland, the Commonwealth of Virginia, and the State of West Virginia are co-Plaintiffs and have joined in the filing of the Complaint in this matter alleging that Hovnanian Enterprises, Inc., a New Jersey corporation, has violated the state clean water laws, including the following: the District of Columbia Water Pollution Control Act; the Maryland Water Pollution Control Act; the Virginia Stormwater Management Act; and the West Virginia Water Pollution Act, and the regulations promulgated pursuant to those statutes including, respectively, the terms and conditions of the District of Columbia NPDES Construction General Permit No. DCR10000, the Virginia General Permit for Discharges of Stormwater from Construction Activities, the Maryland General Permit for Stormwater Associated with Construction

Activity, and the West Virginia General NPDES/Water Pollution Control Permit No. WV0115924 for Stormwater Associated with Construction Activities.

Whereas, Hovnanian Enterprises, Inc., does not admit any liability to the United States or to any of the State Plaintiffs arising out of the transactions or occurrences alleged in the Complaint.

The Parties recognize, and the Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the Parties in good faith and will avoid litigation among the Parties and that this Consent Decree is fair, reasonable, and in the public interest.

NOW, THEREFORE, before the taking of any testimony, without the adjudication or admission of any issue of fact or law except as provided in Section II, and with the consent of the Parties, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

#### I. DEFINITIONS

1. Definitions. Except as specifically provided in this Consent Decree (“Decree”), the terms used in this Decree shall be defined in accordance with definitions in the Clean Water Act and the regulations promulgated pursuant to the Clean Water Act. Whenever the terms listed below are used in this Decree, the following definitions apply:

Action Item – a condition that requires action to be taken to achieve or maintain compliance with Storm Water Requirements.

Applicable Permit – whichever of the following permits is applicable to a particular Site: (i) the Federal General Permit for Storm Water Discharges from Construction Activities; or (ii) in the case of an Authorized State, the Authorized State’s

National Pollutant Discharge Elimination System (“NPDES”) construction general permit; or (iii) an individual NPDES permit issued by EPA or an Authorized State for storm water discharges associated with construction. This term applies to that permit in its current form or as it may be amended in the future.

Authorized State – a state with an NPDES Program that has been authorized by EPA under § 402(b) of the CWA, 33 U.S.C. § 1342(b), and 40 C.F.R. Part 123 to issue individual or general NPDES permits including those for stormwater discharges associated with Construction Activity.

Best Management Practices (“BMPs”) – the definition in 40 C.F.R. § 122.2, in its current form or as it may be amended in the future. That definition currently is “schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of ‘waters of the United States.’ BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.”

Builder – Hovnanian Enterprises, Inc., its successors and assigns, as well as any subsidiaries, divisions, or related companies, including limited liability corporations, that engage in Construction Activity. For the purposes of this definition, a “related company” means entities where Hovnanian Enterprises, Inc., or its successors and assigns, subsidiaries, divisions, or related companies, own a majority interest in the entity.

Business Day – any day other than a Saturday, Sunday, or State or Federal legal holiday. If a stated time period in the Decree expires on a Saturday, Sunday, or State or Federal legal holiday, it shall be extended to include the next Business Day.

Clean Water Act (“CWA”) – the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§ 1251-1387.

Complaint – shall mean the complaint filed by the United States, the District of Columbia, the State of Maryland, the Commonwealth of Virginia, and the State of West Virginia in this action;

Consent Decree or Decree – shall mean this Decree and all Appendices attached hereto (listed in Section XXI);

Construction Activity - shall include “small construction activity” and “large construction activity” as those terms are defined in 40 C.F.R. 122.26(b)(14)(x) and (15); as well as activities relating to the construction of individual residences and residential structures and other structures or facilities associated with such residences or residential structures. It does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

Contractor – any contractor (other than a Storm Water Consultant, a utility company or its contractor, or a contractor hired at the behest of a governmental entity or a utility company) that has a contract with Builder to perform work on a Site.

Contractor Representative – a person with the authority and responsibilities described in Paragraph 21(c) (Contractor and Storm Water Consultant Compliance).

Date of Entry – the date the court-approved Decree is entered in the civil docket under Fed. R. Civ. P. 79(a).

Designee – a Builder employee who is Storm Water Trained, pursuant to Paragraph 19 (Storm Water Training Program), or a “Storm Water Consultant” as that term is defined in this Paragraph.

Division – Builder’s mid-level management unit, between national management and Site-level management, which manages multiple Sites and Projects. Builder may modify its divisional structure to meet its business needs, but a structural modification does not relieve Builder of compliance with this Decree.

Division Storm Water Compliance Representative – a Builder employee designated pursuant to Paragraph 9.b (Designation of Storm Water Compliance Representatives) to oversee storm water compliance activities for a Division (or for a comparable business unit if Builder or Division renames or reorganizes its internal structure).

Division-Wide Compliance Summary Report – a report in the form attached at Appendix F and as required by Paragraph 17 (Division-Wide Compliance Summary Report).

EPA – the U.S. Environmental Protection Agency.

Federal Plaintiff – the United States of America, acting on behalf of EPA.

Federal General Permit – the federal “NPDES General Permit for Storm Water Discharges from Construction Activities” issued by EPA on July 14, 2008 (73 Fed. Reg. 40338), as modified and amended, and any subsequent amendments or modifications thereto or other permits subsequently issued by EPA to implement the



requirements of 40 C.F.R. Parts 122, 123 and 124 for storm water discharges from construction activities.

Government Inspection – a local, state or federal inspection conducted to evaluate compliance with Storm Water Requirements.

List of Projects and Sites – a list of Projects and Sites as required by Paragraph 10 (Notice to EPA of List of Projects and Sites).

Listed Contractor – any Contractor in a category identified in Appendix I.

National Compliance Summary Report – a report in the form attached at Appendix G and as required by Paragraph 18 (National Compliance Summary Report).

National Reporting Period – the time periods set out in Paragraph 18.

National Storm Water Compliance Representative – a Builder employee designated pursuant to Paragraph 9.c (Designation of Storm Water Compliance Representatives).

Notice of Intent (“NOI”) – a request for coverage under an Applicable Permit.

Notice of Termination (“NOT”) – notification that coverage under an Applicable Permit is ready for termination.

Paragraph – shall mean a portion of this Decree identified by an arabic numeral.

Parties – the United States, the Builder, the District of Columbia, the State of Maryland, the Commonwealth of Virginia and the State of West Virginia.

Plaintiffs – the Federal Plaintiff, the District of Columbia, the State of Maryland, the Commonwealth of Virginia and the State of West Virginia.

Pre-Construction Inspection and Review – the inspection and review required by Paragraph \_\_\_ (Pre-Construction Inspection and Review).

Pre-Construction Inspection and Review Form (“PCIR Form”) – the form attached at Appendix C and as required by Paragraph 13 (Pre-Construction Inspection and Review).

Project - any area where Builder engages in Construction Activity, and where coverage under an Applicable Permit is not required. This term does not include single lot projects or construction of single residences that are not part of a plan of common development and disturb less than one acre of ground.

Quarterly Compliance Inspection – an inspection of a Site, as required by Paragraph 16 (Site Storm Water Compliance Review and Oversight).

Quarterly Compliance Inspection Form – the form attached at Appendix E and as required by Paragraph 16 (Site Storm Water Compliance Review and Oversight).

Quarterly Compliance Review – a compliance review of a Site as required by Paragraph 16 (Site Storm Water Compliance Review and Oversight).

Quarterly Compliance Review Form – the form attached at Appendix E and as required by Paragraph 16(Site Storm Water Compliance Review and Oversight).

Quarterly Reporting Period (or “QRP”) – the first Quarterly Reporting period shall be from the Date of Entry until the end of whichever of the next calendar months first follows the Date of Entry: March, June, September, December. Thereafter, the Quarterly Reporting Period shall be each successive period of three (3) calendar months. The last day of the last Quarterly Reporting Period will be three (3) years after

the Date of Entry, even if this results in a Quarterly Reporting Period that is less than or more than three (3) full calendar months.

Record - any record, report, document or photograph required to be created or maintained pursuant to Storm Water Requirements.

Responsive Action – an action taken or that is necessary to be taken to achieve or maintain compliance with Storm Water Requirements.

Section – shall mean a portion of this Decree identified by a Roman numeral.

Site -- any area where Builder engages in construction activity that includes residences, or other construction associated with those residences, and where coverage under an Applicable Permit is required. Builder may treat non-contiguous areas that are part of a common plan of development as a single Site.

Site Inspection – an inspection of a Site, as required by Paragraph 14 (Inspections).

Site Inspection Report – a form attached at Appendix D and as required by Paragraph 14 (Inspections).

Site Storm Water Compliance Representative – a Builder employee designated pursuant to Paragraph 9.a (Designation of Storm Water Compliance Representatives) to oversee storm water compliance activities at a Site or multiple Sites.

State Plaintiff(s) – the District of Columbia, the State of Maryland, the Commonwealth of Virginia and the State of West Virginia.

Storm Water Compliance Representatives – Site Storm Water Compliance Representatives, Division Storm Water Compliance Representatives and the National Storm Water Compliance Representative.

Storm Water Consultant – a person or company who assists Builder in complying with Storm Water Requirements. Each person who is a Storm Water Consultant shall: (i) possess the skills to assess conditions at a Site that could impact the quality of storm water and non-storm water discharges and compliance with Storm Water Requirements; and (ii) be knowledgeable in the principles and practices of sediment and erosion control and other BMPs. The term “Storm Water Consultant” does not include Contractors hired exclusively to install, maintain, or repair BMPs. Such Contractors are not Designees.

Storm Water Consultant Representative – a position with the authority and responsibilities described in Paragraph 21(c) (Contractor and Storm Water Consultant Compliance).

Storm Water Orientation Program – this term includes all of the orientation requirements set forth in Paragraphs 20 and 21 (Storm Water Orientation, and Contractor and Storm Water Consultant Compliance).

Storm Water Plan or Storm Water Pollution Prevention Plan (“SWP” or “SWPPP”) – a plan for controlling pollutants in storm water discharges and managing non-storm water discharges that meets Storm Water Requirements.

Storm Water Requirements – the terms and conditions of this Decree and the Applicable Permit for the particular Site, and the laws and regulations that apply,

interpret, or enforce the Applicable Permit, in their current form or as any of the foregoing requirements may be amended in the future.

Storm Water Trained – an individual who: (i) is certified under the Storm Water Training Program pursuant to Paragraph 19(a)(ii) and (iii) (Storm Water Training Program); or (ii) is certified by CPESC, Inc. under the Certified Professional in Erosion and Sediment Control (“CPESC”) program, maintains a current CPESC certification, and receives the Builder-specific orientation described in Paragraph 20 (Storm Water Orientation Program); or (iii) is certified under another training program agreed to by the Federal Plaintiff after a request made to the Region III representative(s) listed in Section XIV (Notices).

Storm Water Training Program – this term includes all of the training required by Paragraph 19 (Storm Water Training Program).

United States – shall mean the United States of America, acting on behalf of EPA.

## II. JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action, pursuant to 28 U.S.C. §§ 1331, 1345, 1355, and 1367, and Section 309(b) of the Clean Water Act, 33 U.S.C. § 1319(b) and over the Parties. For purposes of this Decree, or any action to enforce or interpret this Decree, Builder consents to the Court’s jurisdiction over Builder, this Decree, and any action to interpret or enforce this Decree. Builder also consents to venue in this judicial district for this action and any action to interpret or enforce this Decree.

3. In accordance with CWA Section 309(b), 33 U.S.C. § 1319(b), the United States has notified the States of Arizona, California, Delaware, Florida, Georgia, Illinois, Maryland, Minnesota, New Jersey, New York, North Carolina, Ohio, South Carolina, Texas, and West Virginia, the District of Columbia, and the Commonwealths of Kentucky, Pennsylvania, and Virginia, of the commencement of this action.

### III. APPLICABILITY

4. Parties Bound. The obligations of this Decree apply to and are binding upon the United States and the State Plaintiff(s), and upon Builder. This Decree shall not be binding on any purchaser of real property who is not an entity otherwise covered by this Decree.

5. For any joint venture or partnership with any other entity (other than the Builder as defined in Paragraph 1 in which Builder participates for purposes of Construction Activity where such Activity requires an Applicable Permit, Builder shall include in any document governing such a joint venture or partnership which is executed by Builder following the Date of Entry the requirement that these entities shall obtain and comply with Applicable Permits. For each location at which such a joint venture or partnership engages in Construction Activity, Builder shall provide the information required by Paragraph 10.a(v).

6. Responsibility for Acts of Others. Builder shall be responsible for complying with Storm Water Requirements at Builder's Sites, and shall not be responsible for compliance with any Storm Water Requirements for areas which may be located near Builder's Sites, but over which Builder has no ownership or operational control. In any action to enforce this Decree, Builder shall not assert as a defense the

failure by any officer, director, trustee, servant, successor, assign, employee, agent, Contractor, sub-contractor or Storm Water Consultant to comply with Paragraphs 8 through 23 of this Decree.

7. Builder shall not alter its general corporate structure or enter into agreements with third parties for the primary purpose of directly or indirectly circumventing the requirements of this Consent Decree.

#### IV. BUILDER'S COMPLIANCE PROGRAM

8. Compliance. Builder shall comply with all applicable Storm Water Requirements at Builder's Sites and shall not violate the prohibition in Section 301(a) of the Clean Water Act by discharging pollutants in storm water without an Applicable Permit, or by making prohibited non-storm water discharges, to waters of the United States at any of Builder's Sites or Projects, and shall seek permit coverage prior to the Builder's commencement of Construction Activity as required by the applicable Storm Water Requirements.

9. Designation of Storm Water Compliance Representatives.

a. Builder shall designate at least one Site Storm Water Compliance Representative for each Site prior to signing the Pre-Construction Inspection and Review Form for that Site or within sixty (60) days of the Date of Entry, whichever is later. Builder may designate the same Site Storm Water Compliance Representative for a number of Sites. Builder acknowledges that each Site Storm Water Compliance Representative must fulfill all responsibilities as set forth below, regardless of the number of Sites to which that individual has been designated as the Site Storm Water Compliance Representative. If Builder designates more than one Site Storm Water Compliance

Representative at a Site, Builder shall create a document to be kept on Site that specifies how transitions between Site Storm Water Compliance Representatives shall be handled and how responsibility for non-delegated duties will be coordinated. Each Site Storm Water Compliance Representative shall:

(i) be a Builder employee;

(ii) be Storm Water Trained;

(iii) be authorized by Builder and have the responsibility to supervise all work necessary to meet Storm Water Requirements at the Site, including work performed by Contractors, sub-contractors and Storm Water Consultants;

(iv) be authorized by Builder and have the responsibility to order employees, Contractors, sub-contractors and Storm Water Consultants to take appropriate Responsive Action to address a failure to comply with Storm Water Requirements, including requiring any such person to cease or correct a violation of Storm Water Requirements, and to order or recommend such other actions or sanctions as necessary to meet Storm Water Requirements.

(v) be familiar with and have the authority and responsibility to update, amend, and certify the Site's SWP;

(vi) be the point of contact for the Site for regulatory officials, Builder employees, Contractors, sub-contractors and Storm Water Consultants regarding Storm Water Requirements; and

(vii) report to a Division Storm Water Compliance Representative regarding compliance with Storm Water Requirements.



b. Builder shall designate one Division Storm Water Compliance Representative for each Site within a Division prior to signing the Pre-Construction Inspection and Review Form for that Site or within thirty (30) days of the Date of Entry, whichever is later. Builder may designate the same Division Storm Water Compliance Representative for more than one Site or Division or designate multiple such Representatives for a single Division. The Division Storm Water Compliance Representative shall:

- (i) be a Builder employee;
- (ii) be Storm Water-Trained;
- (iii) be authorized by Builder and have the responsibility to supervise all work necessary to meet Storm Water Requirements in the Division including work performed by Contractors, sub-contractors and Storm Water Consultants;
- (iv) be authorized by Builder to order employees, Contractors, sub-contractors and Storm Water Consultants to take appropriate Responsive Action to address a failure to comply with Storm Water Requirements, including requiring any such person to cease or correct a violation of Storm Water Requirements, and to order or recommend to Builder such other actions or sanctions as necessary to meet Storm Water Requirements; and
- (v) be familiar with and have the authority to certify and amend SWPs.

c. Builder shall designate one National Storm Water Compliance Representative within seven (7) days of the Date of Entry. The National Storm Water Compliance Representative shall:

- (i) be a Builder employee;
- (ii) be Storm Water Trained within thirty (30) days of the Date of Entry;
- (iii) oversee the development and maintenance of the List of Projects and Sites established pursuant to Paragraph 10 (Notice to EPA of List of Projects and Sites);
- (iv) submit the National Compliance Summary Report to the Federal Plaintiffs, and submit to each of the State Plaintiffs the National Compliance Summary Report or the portion of the report that is relevant to their respective State pursuant to Paragraph 18 (National Compliance Summary Report); and
- (v) serve as Builder's point of contact for State and Federal Plaintiffs for Builder-wide compliance matters related to Storm Water Requirements.

d. If a Storm Water Compliance Representative must be replaced and Builder replaces him or her within thirty (30) days of the vacancy, the gap in designation shall not be deemed a violation of Paragraph 9(a), (b), (c) or (g) of this Decree.

However, the gap in designation shall not excuse non-compliance with any other Storm Water Requirement. During the gap a Storm Water Trained Builder employee shall fulfill the signature requirements of Paragraphs 14(b), 16(c) and 17.

e. Except as expressly provided in the Decree, Storm Water Compliance Representatives may delegate the performance of storm water compliance duties required under this Decree to Designees. Any such delegation does not relieve Builder or its Storm Water Compliance Representatives of responsibility for the proper performance of any delegated task or for compliance with Storm Water Requirements.

(i) Designees shall have sufficient authority to perform the delegated tasks; and

(ii) The Quarterly Compliance Inspection shall not be conducted by the same person who conducted a Site Inspection under Paragraph 14 (Inspections) (other than a Quarterly Compliance Inspection under Paragraph 16 that also serves as a Site Inspection under Paragraph 14) at the Site during that quarter.

f. Storm Water Compliance Representatives may also hire Contractors to install, maintain or repair BMPs. Such Contractors need not be Designees to perform such tasks. Any such use of Contractors does not relieve Builder or its Storm Water Compliance Representatives of responsibility for the proper performance of any delegated task or for compliance with Storm Water Requirements.

g. Builder shall post the name and contact information for all Site Storm Water Compliance Representatives for a Site at a conspicuous location at that Site, such as at the construction office, or at an entrance or exit if the Site does not have a construction office.

10. Notice to EPA of List of Projects and Sites.

a. Within sixty (60) days after the Date of Entry, Builder shall provide a List of all Projects and Sites (“the List”) to the EPA representatives listed in Section XIII in searchable electronic form or in hardcopy, in the format attached as Appendix A as described below.

(i) The initial List shall include all Sites and Projects where Builder has initiated Construction Activity and where coverage under the Applicable Permit has not been terminated.

(ii) The List shall provide: (A) the Site or Project name(s); and (B) the State and County in which the Site or Project is located.

(iii) Builder shall also provide the following additional information for each Site on the List: (A) the Site address, including the longitude and latitude of the Site and, if available, the primary street which the Site abuts; (B) the date that the Pre-Construction Inspection and Review Form was signed, for Sites where Builder commenced Construction Activity after the Date of Entry; (C) the estimated total number of acres that are included at the Site, whether or not all such acres will be disturbed; (D) the name of the permit holder(s); (E) the name and contact number for the relevant Site Storm Water Compliance Representative; (F) for subsequent quarterly updates as provided by Paragraph 10.b below, and when applicable, the date the NOT was signed; and (G) the date that Builder commenced its Construction Activity. The Builder may also note on the List where Construction Activity has temporarily ceased. This additional information about each Site shall be provided either by adding the information to the List or by providing it by a hyperlink in the List to documents that contain the information (e.g. NOT, PCIR Form, NOI).

(iv) For each of Builder's Projects, the List shall include the Project's name(s) and address.

(v) In addition, for each location on the List, Builder shall include the name of each joint venture or partnership in which Builder participates at that location for purposes of Construction Activity as identified under Paragraph 5 (Joint Ventures and Partnerships) above.

b. Builder shall provide to the EPA representatives listed in Section XIII, an updated List on or before the 30<sup>th</sup> day after the end of each calendar quarter thereafter. The updated List shall include the information provided in Paragraph 10(a) for each Site and Project, including new Sites and Projects. New Sites or Projects are those where commencement of Construction Activity occurred during the prior calendar quarter. For previously listed Sites, Builder is required to update only the permittee name and the date the NOT was signed, and this information shall be provided by either adding the information to the List or by providing it by a hyperlink in the List to documents that contain the information (e.g. NOI, PCIR Form, NOT). Builder may remove Sites from the updated List after the date permit coverage was terminated under the Applicable Permit pursuant to a NOT, but only after the date of permit coverage termination has appeared on at least one quarterly updated version of the List.

c. For purposes of this Paragraph, Construction Activity does not include activities such as the installation of signage, geotechnical investigations, surveying, environmental testing, plant (vegetation) salvage, or the initial installation of storm water controls that are not sediment basins, provided that none of these activities involves significant soil disturbance.

11. Permits. Solely for the purposes of compliance with this Decree, at a Site where coverage under an Applicable Permit is or will be required, Builder shall obtain permit coverage at that Site prior to signing the Pre-Construction Inspection and Review Form, or within the time required by the Applicable Permit, whichever is earlier. This provision is not an admission by either Party as to the requirements for obtaining an Applicable Permit under the Clean Water Act.

12. Storm Water Plans and Records

a. For each Site, Builder shall prepare a Site-specific SWP prior to signing the Pre-Construction Inspection and Review Form, or within the time required by the Applicable Permit, whichever is earlier. This Paragraph only applies to Sites at which the Pre-Construction Inspection and Review Form is signed after the Date of Entry.

b. Builder shall provide a copy of the SWP Criteria attached as Appendix B to the persons who prepare each of its SWPs. The development of all SWPs prepared after the Date of Entry shall be guided by the SWP Criteria.

c. All SWPs and SWP amendments shall comply with the terms and conditions of the Applicable Permit, any applicable regulations and this Decree. Each SWP shall:

- (i) be Site specific;
- (ii) identify the BMPs that will be used for each anticipated major phase of construction;
- (iii) incorporate the inspection frequency and routine maintenance deadlines under the Applicable Permit;
- (iv) include clear, concise descriptions of Site-specific BMPs to implement the requirements of the Applicable Permit and to guide those responsible for overseeing implementation of the SWP at each stage of construction. The selection and design specifications of the Site-specific BMPs must comply with the Applicable Permit and any applicable regulations; and

- (v) list the names of the Site Storm Water Compliance Representative(s) and of the Division Storm Water Representative for the Site.
- d. Each SWP shall contain a statement by the preparer that its development was guided by the requirements of Paragraph 12(c) and the SWP Criteria attached hereto as Appendix B.
- e. SWPs shall be revised or amended in accordance with the Applicable Permit.
- f. All SWPs and SWP amendments shall be certified if and as required by the Applicable Permit.
- g. The appropriate Site Storm Water Compliance Representative shall review the SWP, and such review shall not be delegated.
- h. The SWP and any records or documents required to be maintained by the Applicable Permit or Paragraphs 13 (Pre-Construction Inspection and Review), 9 (Designation of Storm Water Compliance Representatives), 14 (Inspections), and 15 (Maintenance) shall be maintained at the Site construction office if the Site has one. If there is no construction office, the location of the SWP and these records and documents shall be posted along with, or adjacent to, the contact information of the Site Storm Water Compliance Representative(s) required by Paragraph 9(g).

13. Pre-Construction Inspection and Review.

- a. For Sites where Builder commences Construction Activity more than thirty (30) days after the Date of Entry, a Storm Water Compliance Representative

shall perform a Pre-Construction Inspection and Review prior to Builder's commencement of Construction Activity at that Site.

b. For purposes of this Paragraph, the commencement of Construction Activity does not include geotechnical investigations, surveying, environmental testing, plant (vegetation) salvage, or the initial installation of BMPs that are not sediment basins, provided none of these activities involve significant soil disturbance.

c. The Pre-Construction Inspection and Review shall include an inspection of the entire Site and completion of the Pre-Construction Inspection and Review Form attached at Appendix C. Prior to the commencement of Builder's Construction Activity, a Responsive Action shall be completed for each Action Item on the Pre-Construction Inspection and Review Form, identified during the Pre-Construction Inspection and Review. For those Action Items identified as existing prior to Builder's assuming ownership or operational control, in whole or in part, of a Site, Builder may require that the party responsible for the Action Item undertake the Responsive Action; all Responsive Actions, however, must be completed prior to Builder's commencement of Construction Activities.

d. A Storm Water Compliance Representative shall review and sign the Pre-Construction Inspection and Review Form, a task that may not be delegated. The Pre-Construction Inspection and Review Form shall be kept on Site as per Paragraph 12(h).

e. Where any entity other than Builder commenced construction activity at a Site and Builder assumes ownership or operational control, in whole or in



part, of that Site after the Date of Entry, Builder shall perform the Pre-Construction Inspection and Review within ten (10) business days after the Builder assumes ownership or operational control. The Pre-Construction Inspection and Review shall be limited to inspection of the areas of the Site which are under Builder's ownership or operational control. If subsequent to the initial Pre-Construction Inspection and Review, the Builder assumes ownership or operational control of other areas in the Site which were not covered in that initial Pre-Construction Inspection, the Builder shall perform a Pre-Construction Inspection and Review of any additional areas within ten (10) days after the Builder assumes ownership or operational control of such additional areas. Builder shall not be liable for violations at any Site which violations pre-date its ownership and/or operation at the Site, unless Builder is a successor to the prior owner by virtue of its affiliation with the prior owner, the nature of the corporate transaction, or pursuant to other legal doctrines. However, Builder shall as soon as practicable install and maintain appropriate BMPs for areas of the Site with unstabilized soils, or cause the party responsible for any Action Items to do so as soon as practicable. To the extent Builder fails to install and maintain appropriate BMPs, or to cause the party responsible for any Action Items to do so as soon as practicable, Builder shall be liable for all continuing or ongoing violations after assuming ownership and/or operation at the site.

14. Inspections.

a. At a minimum, the Site Storm Water Compliance Representative, or its Designee, shall inspect each Site at the frequency required by the Applicable Permit. The Site Inspection requirements for each Site shall go into effect on the date the

Pre-Construction Inspection and Review Form is signed, or on the date required by the Applicable Permit.

b. Commencing thirty (30) days after the Date of Entry, the Site Storm Water Compliance Representative shall record Site Inspections on the Site Inspection Report form attached as Appendix D. If a Designee conducts an inspection, the Site Storm Water Compliance Representative shall review the completed Site Inspection Report and acknowledge its review by signing the Site Inspection Report, a task that may not be delegated. The Site Inspection Report shall be certified in accordance with the requirements of 40 C.F.R. § 122.22(d). Failure to certify a Site Inspection Report is a material failure in documenting the Site Inspection.

c. The final Site Inspection Report generated prior to the submittal of a NOT shall be clearly labeled as such.

d. The Site Inspection Reports shall be kept with the SWP.

15. Maintenance.

a. Builder shall maintain each Site in accordance with Storm Water Requirements.

b. For every Action Item on the Site Inspection Report that is identified during a Site Inspection required by Paragraph 14 (Inspections) or on the Quarterly Compliance Inspection Form that is identified during a Quarterly Compliance Inspection as required by Paragraph 16 (Site Storm Water Compliance Review and Oversight), the Site Storm Water Compliance Representative or a Contractor whose work is supervised by the Site Storm Water Compliance Representative shall record the information required on the applicable forms (Appendix C or D) (Responsive Action

Log) or in another single, identifiable document or database. The information required includes: a specific reference to the Action Item including the date of the inspection, the location and a description of the condition noted, a brief description of the Responsive Action taken, and the date the Responsive Action was completed. The Site Storm Water Compliance Representative need not (but may) record Responsive Actions completed during the inspection in which the Action Item was discovered, if the Responsive Action was noted in the Site Inspection Form. The Responsive Action Log, or the single identifiable document or database referenced above shall be kept on Site or other location as provided for in Paragraph 12(h).

16. Site Storm Water Compliance Review and Oversight.

a. Builder shall provide for Site oversight and review by following the procedures in the subparagraphs below.

b. At least once during each Quarterly Reporting Period, beginning on the first Quarterly Reporting Period after the Date of Entry (or, if the first Quarterly Reporting Period is less than 45 days, the first full Quarterly Reporting Period) or the first Quarterly Reporting Period after the date the Pre-Construction Inspection and Review is signed, whichever is later, the Division Storm Water Compliance Representative shall conduct a Quarterly Compliance Inspection of each Site in its Division. The results shall be recorded on a Quarterly Compliance Inspection Form attached at Appendix E. The Quarterly Compliance Inspection shall not be conducted by the same person who conducted a Site Inspection under Paragraph 14 (Inspections) (other than a Quarterly Compliance Inspection under Paragraph 16 that also serves as a Site Inspection under Paragraph 14) at the Site during that Quarterly Reporting Period, unless the Site

Stormwater Compliance Representative was promoted to Division Storm Water Compliance Representative during that Quarterly Reporting Period.

c. No later than seven (7) days after the Quarterly Compliance Inspection, the Division Storm Water Compliance Representative shall complete a Quarterly Compliance Review in accordance with the form attached at Appendix E. The Division Storm Water Compliance Representative shall review the Quarterly Compliance Review Form for each Site with the Site Storm Water Compliance Representative(s), each of whom shall sign and certify the Quarterly Compliance Review Form as to the Site(s) to which he or she is assigned. No task in this subparagraph may be delegated except as provided in Appendix E2.

d. The Site Storm Water Compliance Representative(s) shall be responsible for managing the completion of a Responsive Action for each Action Item on the form and identified during the Quarterly Compliance Inspection or Quarterly Compliance Review in the same manner as required under Paragraph 15(Maintenance).

e. If a Quarterly Compliance Inspection and Review is missed, then the next Quarterly Compliance Review must also include the information required by the Review for the missed Quarterly Reporting Period.

17. Division-Wide Compliance Summary Report.

Within thirty (30) days after the end of each Quarterly Reporting Period, the Division Storm Water Compliance Representative shall prepare a Division-Wide Compliance Summary Report in accordance with the form attached at Appendix F. The Division-Wide Compliance Summary Report shall be reviewed and signed by the Division Storm Water Compliance Representative, a task that may not be delegated.

Copies shall be sent to all Site Storm Water Compliance Representatives within the Division and any other persons identified in Appendix F. If a Division-Wide Compliance Summary Report is missed, then the next Division-Wide Compliance Summary Report must also include the information for the missed report.

18. National Compliance Summary Report.

a. The National Storm Water Compliance Representative shall submit the National Compliance Summary Report to the EPA representatives listed in Section XIII, and submit to each of the State Plaintiffs the National Compliance Summary Report or the portion of the report that is relevant to their respective State, in accordance with the form attached as Appendix G. The National Storm Water Compliance Representative, or a Builder executive at a higher corporate level, shall certify the report. The tasks in this paragraph may not be delegated. The National Compliance Summary Report shall be due as follows:

(i) If the Date of Entry falls in the first six months of the calendar year, the first National Compliance Summary Report shall cover the period between the Date of Entry and June 30<sup>th</sup> of that calendar year. The second National Compliance Summary Report shall cover July 1<sup>st</sup> through December 31<sup>st</sup> of that calendar year. The third and fourth National Compliance Summary Reports shall cover the next two full calendar years. The fourth National Compliance Summary Report shall cover the period between January 1 of the final calendar year and the third anniversary of the Date of Entry.

(ii) If the Date of Entry falls in the second six months of the calendar year, the first National Compliance Summary Report shall cover the period

between the Date of Entry and December 31<sup>st</sup> of that calendar year. The second and third National Compliance Summary Reports shall cover the next two full calendar years. The fourth National Compliance Summary Report shall cover the period between January 1 of the final calendar year and the third anniversary of the Date of Entry.

(iii) All National Compliance Summary Reports will be due sixty (60) days after the last day of the period they cover. Copies shall be sent to the persons identified in Paragraph 62.

b. The National Compliance Summary Report must contain, at a minimum, the information set forth in Appendix G.

19. Storm Water Training Program.

a. Builder shall implement the Storm Water Training Program attached as Appendix H. The Storm Water Training Program shall include: employee storm water training; Storm Water Compliance Representative training; and annual refresher training. Training implemented pursuant to this Paragraph may be conducted in person or provided through electronic media.

(i) Builder shall provide employee storm water training to all Builder employees who, in the field at a Site, primarily and directly supervise (or who primarily and directly assist in the supervision of) construction activity at a Site and who are not covered by subparagraph 19(a)(ii). Builder employees must complete the employee storm water training no later than sixty (60) days after the Date of Entry, or no later than thirty (30) days after beginning work at a Site, whichever is later. The employee storm water training syllabus is attached at Appendix H. The employee storm

water training program may be the same as the Storm Water Compliance Representative training program.

(ii) Builder shall provide Storm Water Compliance Representative training to all Storm Water Compliance Representatives and any Designee of such representative, who is a Builder employee, pursuant to the syllabus attached as Appendix H. To be certified as Storm Water Trained under this subparagraph, all Storm Water Compliance Representatives and Designees, who are Builder employees, must complete the Storm Water Compliance Representative training and pass, by a minimum score of 75 percent, a written test, which is equivalent to the test attached as Appendix H. All Storm Water Compliance Representatives and Designees, who are Builder employees, shall be certified as Storm Water Trained no later than sixty (60) days after the Date of Entry, or prior to being a designated Storm Water Compliance Representative at a Site, whichever is later. The certification shall be valid for up to fifteen (15) months.

(iii) Builder shall provide annual refresher training for Storm Water Compliance Representatives and Builder employee Designees who were previously certified under subparagraph 19(a)(ii). Each such person shall complete the annual refresher training, pursuant to the syllabus attached as Appendix H and pass a written test which is equivalent to the test attached as Appendix H. The renewal certification shall be valid for up to fifteen (15) months. Storm Water Compliance Representatives and Builder employee Designees shall maintain a current certification in order to continue performing their duties under this Decree.

(iv) Builder shall maintain records of each Storm Water

Compliance Representative's and Designee's certification. Builder shall provide such records to the Federal Plaintiff within thirty (30) days of its receipt of Federal Plaintiff's written request, or within a longer period of time agreed to by the Builder and Federal Plaintiff in light of the size of the request.

b. Every instructor for Builder's Storm Water Training Program shall be either: (i) a Storm Water Consultant or (ii) a Storm Water Trained Builder employee.

c. The National Storm Water Compliance Representative shall annually evaluate Builder's Storm Water Training Program and determine whether any changes are necessary. A written evaluation of the Storm Water Training Program and a description of any significant proposed changes for EPA's approval shall be included in the first National Compliance Summary Report which covers a full six-month or twelve-month period, and every National Compliance Summary Report thereafter.

20. Storm Water Orientation Program.

a. Within sixty (60) days after the Date of Entry or prior to a Listed Contractor or Storm Water Consultant beginning work for Builder, whichever is later, Builder shall provide either by posting on an internet site or otherwise delivering to each Listed Contractor or Storm Water Consultant: (i) a written overview of the Builder's storm water program; (ii) information explaining how to contact a Site Storm Water Representative as required by Paragraph 21(c)(iv); and (iii) a description of the potential consequences for failure to comply with Storm Water Requirements.

b. Not later than seven (7) days after the Site Pre-Construction Inspection and Review Report is signed, Builder shall provide to all Listed Contractors and Storm Water Consultants for that Site the following information: Builder's



compliance expectations; how to obtain additional storm water compliance information; and the potential consequences of non-compliance. This information may be provided by posting it in the same location as the information required by Paragraph 9(g) or it may be provided by alternative means of delivery.

21. Contractor and Storm Water Consultant Compliance.

a. After the Date of Entry, written requests for bids from Listed Contractors and Storm Water Consultants for work at a Site shall notify the bidding Listed Contractors and Storm Water Consultants that any successful bidder must comply with the Applicable Permit.

b. Within sixty (60) days of the Date of Entry or prior to a Listed Contractor or Storm Water Consultant beginning work for Builder, whichever is later, Builder shall provide either by posting on an internet site or otherwise delivering to each Listed Contractor or Storm Water Consultant, the applicable "Trade Sheets" or "Dos & Don'ts List" included in Appendix J .

c. Any master contracts entered into or modified by the Builder after the Date of Entry with Listed Contractors and Storm Water Consultants shall: (i) require compliance with the Applicable Permit and with any instructions by Builder's Storm Water Compliance Representatives regarding compliance with Storm Water Requirements; (ii) require all Listed Contractors to circulate the "Trade Sheets" or "Dos and Don'ts List" to their employees and sub-contractors who will be working at a Site; (iii) require designation of a Contractor Representative or Storm Water Consultant Representative, respectively, with the authority to oversee, instruct, and direct their respective employees and subcontractors at a Site regarding compliance with Storm

Water Requirements; (iv) require the Contractor Representative or Storm Water Consultant Representative to contact the Builder's Site Storm Water Compliance Representative to obtain any additional storm water compliance information, if needed; (v) where the information required by Paragraph 20(a) or 21(b) is provided through an internet site, identify the internet site and require the Listed Contractor Representative or Storm Water Consultant Representative to review the posted information; and (vi) describe the consequences for failure to comply with the Applicable Permit.

22. Corporate Acquisition. In the event that Builder acquires the business or all or substantially all of the assets of another company by purchase or merger after the Date of Entry, Paragraphs 8-21 of the Consent Decree shall apply to all of the acquired Projects and Sites owned or operated by the acquired company, or by its subsidiaries. Builder's obligation to comply with Paragraphs 8-21 of this Consent Decree shall begin 180 days from the date of closing the transaction, or after a longer period of time if agreed to in writing by the Builder and Federal Plaintiff in light of the size of the acquisition. If a Site already has an existing SWP, then Builder does not need to comply with Paragraph 12 (Storm Water Plans and Records) or respond to question 10 on Appendix C (Pre-Construction Inspection and Review Form) at such Site. If Construction Activity has commenced at a Site of the acquired company, then Builder need not comply with the requirements of Paragraph 13 (Pre-Construction Inspection and Review) at that Site. Nothing in this Paragraph shall affect Builder's obligation to comply with Applicable Permits at the newly acquired Sites.

23. Submission of Records.

a. Within thirty (30) days of its receipt of a written request for a Record or Applicable Permit by EPA Region 3 or EPA Headquarters, or by the Virginia Department of Conservation and Recreation, the Maryland Department of the Environment, the West Virginia Department of Environmental Protection, and the District of Columbia Department of the Environment, and their authorized representatives acting on their behalf, or within a longer period of time agreed to in writing by the Builder and Federal Plaintiff and/or State in light of the size of the request, Builder shall provide a copy to Federal Plaintiff as set forth in Section XIII (Notice to Parties) and to the requestor at the address set forth in the request. This Paragraph does not apply to requests for Records concerning a specific Site made during or following a Government inspection of the Site.

b. The submittal to EPA of the documents required under Paragraph 10 (Notice to EPA of List of Projects and Sites), Paragraph 18 (National Compliance Summary Report), and in response to a request made pursuant to Paragraph 23(a) shall be accompanied by a certification that meets the requirements of 40 C.F.R. § 122.22.

c. In submitting information to EPA, Builder may assert that the information submitted is protected as “Confidential Business Information” using the procedures specified in Paragraph 51.

#### V. CIVIL PENALTY

24. Within thirty (30) days after (i) the Date of Entry, Builder shall pay the sum of \$ 1,000,000 as a civil penalty. Failure to pay the civil penalty shall subject Builder to interest accruing from the first day after the 30-day period has run until the

date payment is made, at the rate specified in 28 U.S.C. § 1961. Failure to pay the civil penalty after the 30-day period has run shall subject Builder to the stipulated penalty set forth in Paragraph 30.1.

25. Builder shall pay \$864,000 of the civil penalty by FedWire Electronic Funds Transfer (“EFT”) to the U.S. Department of Justice in accordance with written instructions to be provided to Builder following lodging of the Consent Decree by the Financial Litigation Unit of the U.S. Attorney’s Office for the Eastern District of Pennsylvania. At the time of payment, Builder shall send a copy of the EFT authorization form and the EFT transaction record, together with a transmittal letter, which shall state that the payment is for the civil penalty owed pursuant to the Consent Decree in *U. S. v. Hovnanian Enterprises, Inc.*, and shall reference the civil action number and DOJ case number (90-5-1-1-08709), to the United States in accordance with Section XIII of this Decree (Notices); by email to [acctsreceivable.CINWD@epa.gov](mailto:acctsreceivable.CINWD@epa.gov); and to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Office  
PO Box 979077  
St. Louis, MO 63197-9000.

And to:

Regional Docket Clerk  
U.S. Environmental Protection Agency Region 3 (3RC00)  
1650 Arch Street  
Philadelphia, PA 19103-2029

26. Builder shall pay the civil penalty due to each State Plaintiff in the manner described below. Each payment shall be accompanied by a transmittal letter, which shall

state that the payment is for the civil penalty owed pursuant to the Consent Decree in United States et al. v. Hovnanian Enterprises, Inc., and shall reference the civil action number and DOJ case number 90-5-1-1-08059. Builder shall send a copy of the check, money order or cashier's check and transmittal letter to EPA in accordance with Section XIII (Notices).

a. Payment of \$1,000 due the District of Columbia shall be made by check payable to the D.C. Treasurer and mailed to the following:

District Department of the Environment,  
1200 I Street, NE  
6<sup>th</sup> Floor  
Washington, DC, 20002  
Attention: Dr. Hamid Karimi, Deputy Director

b. Payment of \$ 67,000 due to the State of Maryland shall be made by check made out to the Maryland Clean Water Fund and mailed to:

Maryland Department of the Environment  
P.O. Box 2057  
Baltimore, MD 21203-2057

c. Payment of \$59,500 due the Commonwealth of Virginia shall be made by check, money order, or cashier's check made out to the Treasurer of Virginia including a notation "For Virginia Stormwater Management Fund/Hovnanian Consent Decree," and mailed to

Department of Conservation and Recreation  
Division of Finance  
Accounts Payable  
203 Governor Street, Suite 302  
Richmond, VA 23219

d. Payment of \$8,500 due the State of West Virginia shall be made by certified or cashier's check to the West Virginia Department of Environmental

Protection's Water Quality Management Fund. Payment shall be mailed to the following address:

Michael Zeto, Chief Inspector  
Environmental Enforcement  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304

27. Builder shall not deduct the civil penalty paid under this Section in calculating its federal income tax.

#### VI. REPORTING REQUIREMENTS

28. The reporting requirements of this Consent Decree do not relieve Builder of any reporting obligations required by the Clean Water Act or implementing regulations, or by any other federal, state, or local law, regulation, permit, or other requirement.

#### VII. STIPULATED PENALTIES

29. Stipulated Penalty Amounts for Reported Violations. Builder shall submit National Compliance Summary Reports as required by Paragraph 18 (National Compliance Summary Report) to the Federal Plaintiff identifying violations listed in this Paragraph. State Plaintiff(s) or Federal Plaintiff may also use other information obtained by State or Federal Plaintiff(s) to identify violations for which stipulated penalties may be assessed by the Federal Plaintiff under this Paragraph. Except for Paragraph 30.1, stipulated penalties under this Paragraph will not begin to accrue until after the end of the second Quarterly Reporting Period. Federal Plaintiff may demand stipulated penalties pursuant to this Paragraph within one (1) year after the violation is reported to the Federal Plaintiff, or within six (6) months after termination of this Consent Decree pursuant to

Section XVII (Termination), whichever is earlier. For each of the instances listed below, upon written demand of the Federal Plaintiff, as identified in Paragraph 62 below, Builder shall pay stipulated penalties in the following amounts

a. Discharge(s) of pollutants from a Site to a water of the United States prior to obtaining coverage as required under an Applicable Permit: \$2,500 per day of such discharge(s).

b. Failure to perform (including completion of all Responsive Actions), or, if performed, a material failure to document, a Pre-Construction Inspection and Review as required by Paragraph 13 (Pre-Construction Inspection and Review): \$2,500 per Site.

c. Failure to perform, or, if performed, a material failure to document, a Site Inspection as required by Paragraph 14 (Inspections):

Percentage of Inspections Missed/Undocumented Per National Reporting Period	3 & 4 QRP	5 <sup>th</sup> - 8 <sup>th</sup> QRP	9 <sup>th</sup> - 12 <sup>th</sup> QRP
0.01 to 5%	0	0	0
5.01 to 8%	\$2,500	\$10,000	\$15,000
8.01 to 12%	\$6,750	\$25,000	\$30,000
12.01 to 20%	\$12,500	\$50,000	\$100,000
20.01 to 25%	\$25,000	\$100,000	\$200,000
>25%	\$62,500	\$250,000	\$500,000

d. Failure to perform or, if performed, a material failure to document a Quarterly Compliance Inspection or Review as required by Paragraph 16(Site Storm Water Compliance Review and Oversight):

<u>Percentage of Quarterly Inspections or Reviews Undocumented Per National Reporting Period</u>	<u>Stipulated Penalty</u>
For each undocumented Inspection or review from 0.01 to 5% of required inspections or reviews:	\$100
For each additional undocumented Inspection or review from 5.01 to 10% of required inspections or reviews:	\$200
For each additional undocumented Inspection or review > 10% of required inspections or reviews:	\$300

If a Quarterly Compliance Inspection and Review is missed, then the next Quarterly Compliance Review must also include the information required by the Review for the missed quarter.

e. Failure to prepare a Division-Wide Compliance Summary Report as required by Paragraph 17 (Division-Wide Compliance Summary Report):

<u>Days</u>	<u>Stipulated Penalty</u>
1st through 7th day	\$250 per Report
8th through 30th day	\$500 per Report
31st through 90th day	\$5,000 per Report

If a Division-Wide Compliance Summary Report is missed, then the next Division-Wide Compliance Summary Report must also include the information for the missed report.



f. Failure to have trained and certified Site Storm Water Compliance Representatives as required by Paragraph 9.a at the time of an inspection required by Paragraph 16 (Site Stormwater Review and Oversight): \$ 100 per person.

30. Stipulated Penalty Amounts for Non-Self-Reported Violations. Builder shall not be obligated to report the following violations to Federal Plaintiff. Except for subparagraph 30.1, stipulated penalties under this Paragraph will not begin to accrue until six (6) months after the Date of Entry. Federal Plaintiff may demand stipulated penalties pursuant to this Paragraph within one (1) year after the date the violation is discovered by Federal Plaintiff, or within six (6) months after the termination of this Consent Decree pursuant to Section XVII (Termination), whichever is earlier. For each of the instances listed below, upon written demand of Federal Plaintiff, Builder shall pay stipulated penalties in the following amounts:

a. Material failure to submit the initial List of Projects and Sites or an updated List of Projects and Sites as required by Paragraph 10 (Notice to EPA of List of Projects and Sites): \$500 per day.

b. Failure to designate Storm Water Compliance Representatives:

(i) Failure to designate Site Storm Water Compliance Representatives as required by Paragraph 9.a. (Designation of Storm Water Compliance Representatives): \$500 per Site.

(ii) Failure to designate Division Storm Water Compliance Representative(s) as required by Paragraph 9.b. (Designation of Storm Water Compliance Representatives): \$250 per Site.

(iii) Failure to designate National Storm Water Compliance

Representative(s) as required by Paragraph 9.c (Designation of Storm Water Compliance Representatives): \$1,000 per person.

c. Failure to train employees as required by Paragraph 19(a)(i) or failure to train and certify Designees as required by Paragraph 19(a)(ii) – (iii)(Storm Water Training Program): \$250 per person.

d. Failure to provide Storm Water Orientation as required by Paragraph 20 (Storm Water Orientation Program) shall be subject to the following stipulated penalties:

(i) If Builder chooses to satisfy the requirements of Paragraph 20 by posting such information on an Internet site, and fails to timely post such information:

<u>Days</u>	<u>Stipulated Penalty</u>
1st through 30th days	\$100 per day
31st through 60th days	\$250 per day
61st day and beyond	\$500 per day;

or

(ii) If Builder chooses to satisfy the requirements of Paragraph 20 by delivering such information in a manner other than through posting it on the Internet, and fails to timely provide such information: \$50 per each affected Listed Contractor or Storm Water Consultant.

e. Failure to comply with the bid requirements of Paragraph 21(a): \$50 per each affected Listed Contractor or Storm Water Consultant.

f. Failure to provide the information required by Paragraph 21(b) shall be subject to the following stipulated penalties:

<u>Days</u> _____	<u>Stipulated Penalty</u>
1st through 30th days	\$100 per day
31st through 60th days	\$250 per day
61st day and beyond	\$500 per day;

or

If Builder chooses to satisfy the requirements of Paragraph 20.b. by delivering such information in a manner other than through posting it on the Internet, and fails to timely provide such information: \$50 per each affected Listed Contractor or Storm Water Consultant.

g. Failure to include the provisions required by Paragraph 21(c) in Builder's master contracts entered into or modified after the Date of Entry with Listed Contractors or Storm Water Consultants: \$50 per each affected Listed Contractor or Storm Water Consultant.

h. Failure to certify any submittal as required by Paragraph 23(b): \$1,000 per violation.

i. Failure to prepare an initial SWP, or, if prepared, a material failure of the initial SWP to comply with the Applicable Permit or this Decree: \$2,500 per SWP.

j. At the time of a Government Inspection, failure to be in compliance with Paragraph(s) 9(g) and 12(h): \$500 per Government Inspection.

k. Failure to submit a National Compliance Summary Report as required by Paragraph 18 (National Compliance Summary Report):

<u>Days</u>	<u>Stipulated Penalty</u>
1st through 14th days	\$250 per day
15th through 30th days	\$500 per day
31st day and beyond	\$1,000 per day

1. Failure to pay the civil penalty and any accrued interest required to be paid under Section V, Paragraph 24 (Civil Penalty) when due: \$1,000 per day commencing fifteen (15) days after the due date.

31. Payment of Stipulated Penalties.

a. Builder shall provide information regarding violations under Paragraph 29 (Stipulated Penalty Amounts for Reported Violations) to the Federal Plaintiff in the National Compliance Summary Report in the form attached as Appendix G.

b. All penalties owed to the Plaintiffs under Paragraphs 29 and 30 above shall be due and payable within thirty (30) days of Builder's receipt from EPA of a demand for payment of the penalties (on behalf of the Federal and State Plaintiffs), unless Builder invokes the procedures under Section IX (Dispute Resolution).

(i). All payments of stipulated penalties due to the United States shall be made by Electronic Funds Transfer ("EFT") to the United States Department of Justice lockbox bank referencing DOJ case number 90-5-1-1-08709 and the civil action number. Payment shall be made in accordance with the instructions provided by the United States upon entry of the Decree. Any EFTs received at the United States Department of Justice lockbox bank after 11:00 a.m. (Eastern Time) will be

credited on the next Business Day. After payment, Builder shall mail a cover letter specifying the amount and date of payment, civil action number, DJ case #90-5-1-1-08709 and a reference to the demand letter, to the United States in accordance with Section XIII (Notices) and to the Regional Docket Clerk, US Environmental Protection Agency Region 3 (3RC00), 1650 Arch Street, Philadelphia, PA 19103-2029.

(ii). All payments of stipulated penalties owed to a State Plaintiff shall be made in the manner described below. Each payment shall be accompanied by a transmittal letter specifying the amount and date of payment, the civil action number, DOJ case number 90-5-1-1-08709 and a reference to the demand letter. Builder shall send a copy of the check and transmittal letter to EPA and to the affected State Plaintiff.

(A) Payment of stipulated penalties due to the District of Columbia shall be made by check payable to the D.C. Treasurer and mailed to:

District Department of the Environment  
1200 I Street, NE  
6<sup>th</sup> Floor  
Washington, DC 20002  
Attention: Dr. Hamid Karimi, Deputy Director

(B) Payment of stipulated penalties due to the State of Maryland shall be made by check made out to the Maryland Clean Water Fund and mailed to:

Maryland Department of the Environment  
P.O. Box 2057  
Baltimore, MD 21203-2057

(C) Payment of stipulated penalties due the Commonwealth of Virginia shall be made by check, money order, or cashier's check

made out to the Treasurer of Virginia including a notation "For Virginia Stormwater Management Fund/Hovnanian Consent Decree," and mailed to

Department of Conservation and Recreation  
Division of Finance  
Accounts Payable  
203 Governor Street, Suite 302  
Richmond, VA 23219

(D) Payment of stipulated penalties due the State of West Virginia shall be made by certified or cashier's check payable to Michael Zeto, Chief Inspector, for deposit into the West Virginia Department of Environmental Protection's Water Quality Management Fund. Payment shall be mailed to the following address:

Michael Zeto, Chief Inspector  
Environmental Enforcement  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304

c. State Plaintiffs shall receive 50% of the stipulated penalties collected for violations of subparagraphs 30.b.(i), 30.b.(ii), 30.c., 30.i., and 30.j. that are attributable to violations occurring in their state and are discovered by Plaintiffs. State Plaintiffs shall receive 50% of the stipulated penalties collected for violations of subparagraph 29.a that are attributable to violations occurring in their state. Stipulated penalties reported by Builder pursuant to Paragraph 29 (with the exception of subparagraph 29.a) shall be paid in full to the Federal Plaintiff.

32. Stipulated penalties shall accrue as provided in Paragraph 29 and 30 above. For stipulated penalties that are assessed "per day," penalties shall begin to accrue

on the day after performance is due or on the day a violation occurs, whichever is applicable, and shall continue to accrue until performance is completed or until the violation ceases. Stipulated penalties shall accrue simultaneously for separate violations of the Consent Decree. Penalties shall accrue regardless of whether Federal Plaintiff has notified Builder of a violation, but need not be paid until a written demand is received. However, if a penalty would otherwise accrue because the List of Projects and Sites (Paragraph 10) or the Quarterly Compliance Inspection and Review (Paragraph 16) is deemed by the Federal Plaintiff to contain a material deficiency, stipulated penalties shall not begin to accrue until the Federal Plaintiff has notified Builder in writing of any such deficiency.

33. The United States may, in the unreviewable exercise of its discretion, reduce or waive stipulated penalties otherwise due it under this Consent Decree.

34. Stipulated penalties shall continue to accrue as provided in Paragraph 32, above, during any Dispute Resolution, but need not be paid until the following:

a. If the dispute is resolved by agreement or by a decision of the Federal Plaintiff that is not appealed to the Court, Builder shall pay penalties agreed upon or accepted to the Federal Plaintiff within thirty (30) days of the effective date of the agreement or the receipt of Federal Plaintiff's decision or order.

b. If the dispute is appealed to the Court, and the Federal Plaintiff prevails in whole or in part, Builder shall pay all penalties awarded by the Court within sixty (60) days of receiving the Court's decision or order, except as provided in subparagraph c, below.

c. If any Party appeals the District Court's decision, Builder shall pay all penalties awarded by the Court, and affirmed by the appellate court, together with interest running from the 61<sup>st</sup> day after the District Court's decision within fifteen (15) days of receiving the final appellate court decision.

d. Notwithstanding Paragraph 34, during judicial review by this Court under Section IX (Dispute Resolution) of this Decree, stipulated penalties shall not accrue during the period, if any, beginning on the 31<sup>st</sup> day after the Court's receipt of the motion provided for by Paragraph 45.c until the date that the Court issues a final decision regarding such dispute.

35. Builder shall not deduct stipulated penalties paid under this Section in calculating its federal income tax.

36. If Builder fails to pay stipulated penalties according to the terms of this Decree, Builder shall be liable for interest on such penalties, as provided for in 28 U.S.C. § 1961, accruing as of the date payment became due pursuant to Paragraph 31(b) or Paragraph 34.

37. Except as provided in this Paragraph, the Federal and State Plaintiffs reserve the right to pursue any other remedies, including injunctive relief for violations of this Consent Decree or the Clean Water Act or an equivalent state law to which they are entitled. The Federal and State Plaintiffs will not seek stipulated penalties and civil or administrative penalties for the same violation; provided, however, the Federal and State Plaintiffs expressly reserve the right to seek injunctive relief against Builder for violations of this Decree, the Clean Water Act, or an equivalent state law, even if a stipulated penalty has been collected pursuant to this Decree.



## VIII. FORCE MAJEURE

38. A “force majeure event,” for purposes of this Consent Decree, is defined as any event arising from causes beyond the control of Builder, its contractors, or any entity controlled by Builder that prevents or delays the performance of any obligation of this Consent Decree despite all reasonable efforts by Builder to fulfill the obligation. The requirement that Builder exercise “all reasonable efforts to fulfill the obligation” includes using reasonable efforts to anticipate any potential force majeure event (where such event can be anticipated) and using all reasonable efforts to address the effects of any such event: (i) as it is occurring; and (ii) after it has occurred, to prevent or minimize any resulting failure to perform or delay in performing any obligation of this Consent Decree. “Force Majeure event” does not include Builder’s financial inability to perform any obligation under this Consent Decree.

39. Builder shall retain all rights granted under the Applicable Permit concerning a force majeure event.

40. Builder shall provide notice to the EPA representatives listed in Section XIII (Notices) orally or by electronic or facsimile transmission (“initial notice”) as soon as practicable, but not later than ten (10) days after the time Builder first knew of, or by the exercise of due diligence, should have known of, a claimed force majeure event. Builder shall also provide written notice (“subsequent written notice”), as provided in Section XIII of this Consent Decree (Notices), within thirty (30) days of the time Builder first knew of, or by the exercise of due diligence, should have known of, the event. The Federal Plaintiff may, in its unreviewable discretion, extend the time within which initial notice or subsequent written notice must be given. No such extension shall be effective

unless in writing. The subsequent written notice shall state the anticipated duration of any failure to comply or delay in compliance with any obligation of this Consent Decree; the cause(s) of such failure or delay; Builder's past and proposed actions to prevent or minimize such failure or delay; a schedule for carrying out those actions; and Builder's rationale for attributing any failure to comply or delay in compliance to a force majeure event. Failure to provide initial notice and subsequent written notice as required by this Paragraph or the Applicable Permit shall preclude Builder from asserting any claim of force majeure.

41. If the Federal Plaintiff agrees that a force majeure event, as defined by this Section, has occurred, the Federal Plaintiff shall agree to extend the time for Builder to perform the affected requirements for the time necessary to complete those obligations. An extension of time to perform the obligations affected by a force majeure event shall not, by itself, extend the time to perform any unaffected obligation. Failures resulting from a force majeure event shall not be considered a breach of this Consent Decree, and Builder shall not be liable for any stipulated penalties occurring as a direct result of the event, provided Builder complies with the terms of this Section.

42. If the Federal Plaintiff does not agree that a force majeure event, as defined by this Section, has occurred, or does not agree to the length of the extension of time sought by Builder, the Federal Plaintiff's position shall be binding, unless Builder invokes Dispute Resolution under Section IX of this Consent Decree. In any such dispute, Builder bears the burden of proving, by a preponderance of the evidence, that each claimed force majeure event is a force majeure event, that Builder gave the notice required by Paragraph 40, that the force majeure event caused any failure to comply or

delay in compliance with an obligation of this Consent Decree that Builder claims was attributable to that event, and that Builder exercised all reasonable efforts to prevent or minimize any failure or delay in compliance caused by the event.

#### IX. DISPUTE RESOLUTION

43. Unless otherwise expressly provided for in this Consent Decree, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve a dispute arising under or with respect to this Consent Decree.

44. Dispute Resolution.

a. Any dispute subject to Dispute Resolution shall first be the subject of informal negotiations. The period of informal negotiations shall not exceed sixty (60) days from the date that the Builder serves a written notice of a dispute on Federal Plaintiff, and other affected Parties, unless that period is modified by written agreement.

b. A dispute subject to dispute resolution procedures arises when Builder serves on the Federal Plaintiff a written notice regarding the dispute, in accordance with Section XIII of this Consent Decree (Notices). The notice shall include, but need not be limited to, a concise statement of the dispute, the Builder's position, and an explanation of that position.

c. If the Parties cannot resolve the dispute by informal negotiations, then the written position advanced by the Federal Plaintiff shall be binding on Builder, unless, within 30 days after the conclusion of informal negotiations or Builder's receipt of the written position advanced by the Federal Plaintiff, whichever is later, Builder invokes formal dispute resolution procedures in accordance with the following Paragraph.

45. Formal Dispute Resolution.

a. Builder shall invoke formal dispute resolution procedures, within the time period provided in the preceding Paragraph, by serving on the Federal Plaintiff and other affected Parties a written Statement of Position regarding the matter in dispute. The Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting Builder's position and any supporting documentation relied upon by Builder.

b. The Federal Plaintiff shall serve its Statement of Position within 60 days of receipt of Builder's Statement of Position, unless otherwise extended by mutual agreement of the Federal Plaintiffs and Builder or by order of the Court. The Federal Plaintiff's Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting that position, the written position sent to Builder as described in the preceding Paragraph, and any supporting documentation relied upon by the United States. Other affected Parties also may file a Statement of Position within this time period if they so desire. The Federal Plaintiff's Statement of Position shall be binding on Builder, unless Builder files a motion for judicial review of the dispute in accordance with Paragraph 45 (c).

c. Builder may seek judicial review of the dispute by filing with the Court and serving on the United States, in accordance with Section XIII of this Consent Decree (Notices), a motion requesting judicial resolution of the dispute. The motion must be filed within 30 days of Builder's receipt of the Federal Plaintiff's Statement of Position pursuant to Paragraph 45(b). The motion shall contain, but need not be limited to, a written statement of Builder's position on the matter in dispute, including any

supporting factual data, analysis, opinion, or documentation, and shall set forth the relief requested and any schedule within which the dispute must be resolved for orderly implementation of the Consent Decree.

d. The Federal Plaintiff shall respond to Builder's motion within the time period allowed by the Local Rules of this Court. Builder may file a reply memorandum, to the extent permitted by the Local Rules.

46. Builder shall bear the burden of demonstrating that its position complies with this Consent Decree by a preponderance of the evidence.

47. The invocation of dispute resolution procedures under this Section shall not, by itself, extend, postpone, or affect in any way any obligation of Builder under this Consent Decree, unless and until final resolution of the dispute so provides. Stipulated penalties with respect to the disputed matter shall continue to accrue from the first day of noncompliance, but payment shall be stayed pending resolution of the dispute as set forth in Paragraph 34. If Builder does not prevail on the disputed issue, stipulated penalties awarded by the Court shall be paid as provided in Section VII (Stipulated Penalties).

#### X. INFORMATION COLLECTION AND RETENTION

48. The Federal Plaintiff, State Plaintiffs and their authorized representatives acting on their behalf, upon presentation of credentials and at all reasonable times, shall have the right of entry onto all Sites and Projects and shall have the right to access documents and records located at Sites or at any offsite location where documents and records pertaining to a Site or Project are located, for the purpose of assessing Builder's compliance with this Consent Decree and verifying any information submitted pursuant to this Decree.

49. Until one (1) year after the termination of this Consent Decree, Builder shall retain, and shall instruct that its Storm Water Consultants retain, all non-identical copies of all documents, records, or other information (including documents, records, or other information in electronic form) in its or its Storm Water Consultants possession, and that relate in a material manner to Builder's performance of its obligations under this Consent Decree. This information-retention requirement shall apply regardless of any contrary corporate or institutional policies or procedures.

50. At any time during the retention period specified in the preceding Paragraph and upon request by the Federal Plaintiff identified in Paragraph 62, Builder shall provide to Federal Plaintiff a copy of any documents, records, or other information required to be maintained under this Section. Builder shall provide documents, records or other information requested by Federal Plaintiff pursuant to this Paragraph consistent with the procedures set forth in Paragraph 23.

51. Builder may assert that certain documents, records or other information are privileged under the attorney-client privilege or any other privilege recognized by federal law. If Builder asserts a privilege, it shall provide a privilege log containing the following information: (1) the title of the document, record, or information; (2) the date of the document, record, or information; (3) the name and title of each author of the document, record, or information; (4) the name and title of each addressee and recipient; (5) a description of the subject of the document, record, or information; and (6) the privilege asserted by Builder. However, no documents, records or other information required to be created or maintained by this Consent Decree shall be withheld on grounds of privilege.

52. With respect to any documents, record or other information provided to Federal Plaintiff, Builder may also assert that information required to be provided under this Section is protected as Confidential Business Information (“CBI”) under 40 C.F.R. Part 2. As to any information that Builder seeks to protect as CBI, Builder shall follow the procedures set forth in 40 C.F.R. Part 2.

53. Nothing in this Consent Decree shall be construed to limit any right of entry or access or other information gathering authority held by Federal or State Plaintiffs pursuant to any federal, state or local law, permit, or regulation, nor shall it be construed to limit any duty or obligation of Builder to maintain documents, records, or other information imposed by applicable federal or state laws, regulations or permits.

#### XI. EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS

54. Federal Plaintiff. In consideration of the payment of the penalty required by Paragraph 24, Federal Plaintiff hereby releases its claims and covenants not to sue or take administrative action against Builder for civil violations or alleged civil violations at the Sites listed in Appendix K, through the date of lodging of this Decree, of (1) Section 308 of the Clean Water Act (“Act”), 33 U.S.C. § 1318 as it relates to Storm Water Requirements; (2) the prohibition of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), against discharging pollutants without an Applicable Permit; (3) the requirement to timely apply for a stormwater permit; and (4) the conditions, limitations and requirements of an Applicable Permit. The provisions of this Paragraph shall survive the termination of the Decree.

55. State Plaintiffs. In consideration of the payment of the penalty required by Paragraph 26, State Plaintiffs hereby release their claims and covenant not to sue or

take administrative action against Builder for civil violations or alleged civil violations at the Sites listed in Appendix K through the date of lodging, of: (i) state law equivalent to Section 308 of the Clean Water Act as it relates to Storm Water Requirements; (ii) the prohibition in Section 301(a) of the Clean Water Act against discharging pollutants without an Applicable Permit and any state law equivalent to this prohibition; (iii) the requirement to timely apply for a stormwater permit; and (iv) the conditions, limitations and requirements of an Applicable Permit; or (v) any state law, regulation or permit regulating discharges of storm water. The provisions of this Paragraph shall survive the termination of this Decree.

56. Plaintiffs' Reservation of Rights.

- a. Each Plaintiff reserves all rights not expressly waived in this Decree.
- b. Each Plaintiff reserves all rights and remedies, legal and equitable, available to enforce the provisions of this Decree.
- c. Each Plaintiff reserves the right to seek and obtain criminal sanctions against any person, including Builder.
- d. Each Plaintiff reserves the right to undertake any action against any person, including Builder, in response to conditions which may present an imminent and substantial endangerment to the public health or welfare or the environment.

57. Builder's Reservation of Rights: Except as expressly stated herein, Builder reserves all defenses and all rights and remedies, legal and equitable, available to it in any action brought by any Plaintiff under this Decree, an Applicable Permit, the Clean Water Act or any other federal, state or local statute, regulation or rule. This



Decree shall not be construed as a waiver of any defenses or remedies that Builder may have to any future actions regarding alleged violations of an Applicable Permit, or of the federal and state laws and regulations governing an Applicable Permit.

58. Not a Permit Modification. This Consent Decree is neither a permit, nor a modification of any permit, under any federal, state, or local laws or regulations, and this Decree does not relieve Builder of its responsibilities to comply with all applicable federal, state, and local laws, regulations, and permits. The Federal and State Plaintiffs do not, by their consent to the entry of this Consent Decree, warrant or aver in any manner that Builder's compliance with any aspect of this Consent Decree will result in compliance with provisions of the Clean Water Act, 33 U.S.C. § 1251 et seq., or with any other provisions of federal, state, or local laws, regulations, or permits.

59. Third Parties. This Consent Decree does not limit or affect the rights of Builder or of the Federal and State Plaintiffs against any third parties, not party to this Consent Decree, nor does it limit the rights of third parties, not party to this Consent Decree, against Builder, except as otherwise provided by law. This Consent Decree shall not be construed to create rights in, or grant any cause of action to, any third party not party to this Consent Decree.

60. No Admission. Builder does not admit any liability to the United States or any State Plaintiffs arising out of the transactions or occurrences alleged in the Complaint.

## XII. COSTS

61. The Parties shall bear their own costs of this action, including attorneys' fees.



### XIII. NOTICES

62. Unless otherwise specified herein, whenever notifications, submissions, or communications are required by this Consent Decree, they shall be made in writing and addressed as follows:

To the United States/Federal Plaintiff:

US Department of Justice:

Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
601 D Street NW  
Room 2121  
Washington, DC 20004  
Re: DOJ No. 90-5-1-1-08709

(note: DOJ address is for overnight mail only)

US EPA:

Lori Kier, Esq.  
Senior Assistant Regional Counsel  
Mail Code 3RC20  
EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103

Chuck Schadel  
NPDES Enforcement Branch  
Mail Code 3WP42  
U.S. Environmental Protection Agency Region III  
1650 Arch St.  
Philadelphia, PA 19103

Director, Water Enforcement Division  
Office of Enforcement and Compliance Assurance  
U.S. EPA  
Mail Code 2243A  
Room 3102  
1200 Pennsylvania Ave., NW

Washington, DC 20460-0001

To the District of Columbia:

Caroline Burnett  
Office of the General Counsel  
District Department of the Environment  
1200 First Street, NE, 7<sup>th</sup> Floor  
Washington, D.C. 20002

To the State of Maryland:

Principal Counsel  
Office of the Attorney General  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, MD 21230

Chief  
Enforcement Division, Compliance Program  
Water Management Administration  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, MD 21230

To the Commonwealth of Virginia:

Director  
Department of Conservation and Recreation  
Commonwealth of Virginia  
203 Governor Street  
Suite 302  
Richmond, VA 23219

Elizabeth Andrews  
Assistant Attorney General  
Commonwealth of Virginia  
Environmental Section  
Office of the Attorney General  
900 East Main Street  
Richmond, VA 23219

To the State of West Virginia:

Michael Zeto  
Chief Inspector

Environmental Enforcement  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304

Jennifer Hughes, Esq.  
Associate Counsel  
Office of Legal Services  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304

To Builder:

Mr. Dean Potter  
Vice President of Home Production and Quality Processes  
K. Hovnanian  
110 West Front Street  
Red Bank, NJ 07701

and

Peter Reinhart, Esquire  
Senior Vice President & General Counsel  
K. Hovnanian  
110 West Front Street  
Red Bank, NJ 07701

and

Jonathan E. Rinde, Esquire  
Manko, Gold, Katcher & Fox, LLP  
401 City Avenue, Suite 500  
Bala Cynwyd, PA 19004

63. Any Party may, by written notice to the other Parties, change its designated notice recipient or notice address provided above.

64. Notices provided pursuant to this Section shall be sent in hard-copy via an overnight delivery method that allows for tracking of the delivery. Notices provided pursuant to this Section will be deemed to have been submitted on the business day sent.

The Parties may, by written mutual agreement, provide for an alternative method of delivery of notice.

#### XIV. EFFECTIVE DATE

65. The Effective Date of this Consent Decree shall be the Date of Entry.

#### XV. RETENTION OF JURISDICTION

66. The Court shall retain jurisdiction over this case until termination of this Consent Decree, for the purpose of resolving disputes arising under this Decree or entering orders modifying this Decree, pursuant to Sections IX and XVI, or effectuating or enforcing compliance with the terms of this Decree. The Court shall retain jurisdiction after termination for the purposes set forth in Paragraph 75 below.

#### XVI. MODIFICATION

67. Minor modifications, as set forth in Paragraph 69 below, may be made by a written agreement signed by Builder and Federal Plaintiff (after consultation with State Plaintiff(s)), without approval of the Court.

68. Any modification which constitutes a material change to the terms of the Consent Decree, including any material change to an Appendix, shall be effective only upon approval by the Court.

69. Minor scheduling changes agreed to by the Parties shall not be deemed material. Builder also may propose minor modifications to the Appendices to this Consent Decree for the purposes of adding information or changing formatting as necessary to align the Appendices with an Applicable Permit or Builder's management needs ("Minor Appendix Modification"). If Federal Plaintiff determines that a Minor Appendix Modification does not comply with the terms of this Consent Decree, it shall

notify Builder in writing of the list of changes required to bring the submitted Appendix into compliance with this Decree. Builder has thirty (30) days after receipt of the list to decide whether to retain the existing Appendix or to incorporate Federal Plaintiff's list of changes into a new modified Appendix. If Builder incorporates the list of changes into a new modified Appendix, this new modified Appendix shall supersede the original form or report and be considered a minor modification.

70. Any disputes concerning modification of this Decree shall be resolved pursuant to Section IX of this Consent Decree, (Dispute Resolution), provided, however, that instead of the burden of proof provided in Paragraph 46, the Party seeking modification bears the burden of demonstrating that it is entitled to the requested modification in accordance with Federal Rule of Civil Procedure 60(b).

#### XVII. TERMINATION

71. The Builder may request termination of this Decree and all of Builder's obligations hereunder when all of these Conditions of Termination have been met:

- a. the passing of three years since the Date of Entry;
- b. Builder has paid all civil penalties and related interest, if any, due under this Decree;
- c. Builder has paid all stipulated penalties and related interest, if any, demanded by Federal Plaintiff under Paragraph 30, unless that demand was rejected, in whole or in part, by the Court in dispute resolution and the Builder has paid all amounts in the demand ordered, or not rejected, by the Court, excluding any stipulated penalties or interest that are subject to Dispute Resolution, as to which this Court shall retain jurisdiction under Paragraph 75 below;

- d. Builder has established and implemented a management system designed to fulfill its obligations under Paragraphs 9, 12, 13, 14, 15, 16 and 17;
- e. Builder has established and implemented Training and Orientation Programs designed to fulfill its obligations under Paragraphs 19, 20 and 21;
- f. Builder has submitted all Lists of Sites required by Paragraph 10 as of the date of the request;
- g. Builder has acquired or applied for coverage under an Applicable Permit for all Sites existing as of the date of the request; and
- h. Builder has submitted all National Reports required by Paragraph 18, including the final National Compliance Summary Report, due 30 days after the third anniversary of the Date of Entry.

72. The following procedures for terminating this Decree shall govern:

- a. No sooner than forty five (45) days prior to three years from the Date of Entry, Builder may submit to Federal and State Plaintiffs a proposed motion to terminate the Decree (“Proposed Motion”). The Proposed Motion shall include a draft certification, that meets the requirements of 40 C.F.R. § 122.22, that Builder has fulfilled the Conditions of Termination. Following receipt by Federal Plaintiff of the Builder’s Proposed Motion, the Parties shall confer informally concerning the proposal and any disagreement that these Parties may have as to whether Builder has met the Conditions of Termination.
- b. State Plaintiffs shall notify Federal Plaintiff and Builder as



expeditiously as possible, but no more than 30 days from receipt of Builder's Proposed Motion, as to whether or not they concur in Builder's motion with respect to Sites in their state;

c. No sooner than 45 days after delivery of the Proposed Motion to Federal and State Plaintiffs, Builder may file a motion to terminate this Decree with the Court and serve a copy to each of the Plaintiffs. This motion shall contain a final certification, that meets the requirements of 40 C.F.R. § 122.22, that Builder has fulfilled the Conditions of Termination as of the date of the filing of the motion. If the Federal Plaintiff, after consultation with the State Plaintiffs, agrees that the Conditions of Termination have been met, it shall join in the motion to terminate. In that event, the Court shall enter an order terminating this Decree effective as of the filing of said motion.

d. If the Federal Plaintiff, after consultation with the State Plaintiffs, does not agree that the Conditions of Termination have been met, it shall serve its opposition to the motion no later than 120 days after the motion was served. Builder may reply within 15 days of service of the Federal Plaintiff's opposition. If the Court finds based upon the preponderance of the evidence that Builder has met the Conditions of Termination, it shall order this Decree terminated effective as of the date of filing the motion to terminate.

73. If the initial motion to terminate is denied by the Court, Builder may file one or more renewed motion(s) to terminate in accordance with Paragraph 71 once it believes it has addressed the basis for the denial.

74. The Federal Plaintiff may move to terminate the Consent Decree anytime after six years following the Date of Entry of the Decree.

75. After the Consent Decree has been terminated in accordance with the foregoing paragraphs, this Court shall retain jurisdiction over this Decree for the following purposes:

- a. To resolve any dispute concerning unresolved matters subject to dispute resolution pursuant to Section IX (Dispute Resolution);
- b. To resolve any enforcement action pending on the termination date under this Decree; and
- c. To resolve any outstanding stipulated penalties demanded and owing based on the National Compliance Summary Report submitted following the Third Anniversary of this Decree;

Provided that, this Paragraph applies only to matters arising prior to termination. It does not authorize the reopening of this Decree or any extension of the compliance program imposed by this Decree.

#### XVIII. PUBLIC PARTICIPATION

76. This Consent Decree shall be lodged with the Court for a period of not less than thirty (30) days for public notice and comment in accordance with 28 C.F.R. § 50.7. The Federal Plaintiff reserves the right to withdraw or withhold its consent if the comments regarding the Consent Decree disclose facts or considerations indicating that the Consent Decree is inappropriate, improper, or inadequate. Builder consents to entry of this Consent Decree in its present form without further notice and agrees not to withdraw from or oppose entry of this Consent Decree by the Court or to challenge any provision of the Decree, unless the Federal Plaintiff has notified Builder in writing that it no longer supports entry of the Decree.

## XIX. SIGNATORIES/SERVICE

77. Each undersigned representative of Builder, of the District of Columbia, the States of Maryland and West Virginia, the Commonwealth of Virginia, and the Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice certifies that he or she is authorized to execute this Consent Decree and to legally bind the Party he or she represents.

78. This Consent Decree may be executed in any number of counterparts, each of which will be deemed an original, but all of which will constitute one and the same instrument.

79. Builder agrees to waive summons and the formal service requirements set forth in Rules 4 and 5 of the Federal Rules of Civil Procedure and any applicable Local Rules of this Court and agrees to accept service of the complaint by mail.

## XX. INTEGRATION

80. This Consent Decree constitutes the final, complete, and exclusive agreement and understanding among the Parties with respect to the settlement embodied in the Decree and supersedes all prior agreements and understandings, whether oral or written, concerning the settlement embodied herein. Other than the Appendices, which are attached to and incorporated in this Decree, and deliverables that are subsequently submitted and approved pursuant to this Decree, no other document, nor any representation, inducement, agreement, understanding, or promise, constitutes any part of this Decree or the settlement it represents, nor shall it be used in construing the terms of this Decree. The Parties further acknowledge that the Appendices may be modified pursuant to Section XVI (Modification).

## XXI. APPENDICES

81. The following appendices are attached to and incorporated into this

Consent Decree:

APPENDIX A	FORM FOR SITE AND PROJECT LIST
APPENDIX B	SWP CRITERIA FOR STORM WATER PLAN PREPARATION
APPENDIX C	PRE-CONSTRUCTION INSPECTION AND REVIEW FORM
APPENDIX D	SITE INSPECTION REPORT
APPENDIX E	QUARTERLY COMPLIANCE INSPECTION
APPENDIX F	DIVISION WIDE SUMMARY REPORT
APPENDIX G	NATIONAL COMPLIANCE SUMMARY REPORT
APPENDIX H	TRAINING--MAY BE MULTIPLE APPENDICES
APPENDIX I	LISTED CONTRACTORS
APPENDIX J	LIST OF CONTRACTOR DO'S AND DON'TS
APPENDIX K	LIST OF SITES SUBJECT TO COVENANT NOT TO SUE

## XXII. FINAL JUDGMENT

82. Upon approval and entry of this Consent Decree by the Court, this Consent Decree shall constitute a final judgment of the Court as to the Federal Plaintiff, the District of Columbia, the Commonwealth of Virginia, the States of Maryland and West Virginia, and Builder. The Court finds that there is no just reason for delay and

therefore enters this judgment as a final judgment under Federal Rules of Civil Procedure 54 and 58.

Dated and entered this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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UNITED STATES DISTRICT COURT JUDGE  
Eastern District of Pennsylvania

WE HEREBY CONSENT to the entry of the Consent Decree in United States et al. v. Hovnanian Enterprises, Inc. et al, subject to the public notice requirements of 28 C.F.R. 50.7.

FOR THE UNITED STATES OF AMERICA:

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IGNACIA MORENO  
Assistant Attorney General  
Environment and Natural Resources Division  
United States Department of Justice  
950 Pennsylvania Avenue  
Room 2603  
Washington, DC 20530

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NANCY FLICKINGER  
Senior Attorney  
Environmental Enforcement Section  
Environment and Natural Resources Division  
United States Department of Justice  
Ben Franklin Station  
Post Office Box 7611  
Washington, DC 20044-7611  
(202) 514-5258  
[Nancy.flickinger@usdoj.gov](mailto:Nancy.flickinger@usdoj.gov)

WE HEREBY CONSENT to the entry of the Consent Decree in United States et al. v. Hovnanian Enterprises, Inc. et al, subject to the public notice requirements of 28 C.F.R. 50.7

FOR THE UNITED STATES OF AMERICA:

MICHAEL L. LEVY  
United States Attorney

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MARGARET L. HUTCHINSON  
Assistant United States Attorney  
Chief, Civil Division

---

VIRGINIA R. POWEL  
Assistant United States Attorney  
United States' Attorney's Office  
Eastern District of Pennsylvania  
615 chestnut Street, Suite 1250  
Philadelphia, PA 19106

WE HEREBY CONSENT to the entry of the Consent Decree in United States et al. v. Hovnanian Enterprises, Inc. et al, subject to the public notice requirements of 28 C.F.R. 50.7

FOR THE UNITED STATES OF AMERICA:

---

SHAWN M. GARVIN  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 3  
1650 Arch Street  
Philadelphia, PA 19103

---

MARCIA E. MULKEY  
Regional Counsel  
U.S. Environmental Protection Agency  
Region 3  
1650 Arch Street  
Philadelphia, PA 19103

---

LORI KIER  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 3  
1650 Arch Street  
Philadelphia, PA 19103



WE HEREBY CONSENT to the entry of the Consent Decree in United States et al. v. Hovnanian Enterprises, Inc. et al, subject to the public notice requirements of 28 C.F.R. 50.7

FOR THE UNITED STATES OF AMERICA:

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CYNTHIA GILES  
Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Suite 3204  
Washington, DC 20460

---

KELLY K. BRANTNER  
Office of Enforcement and Compliance Assurance  
Attorney Advisor  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
MC 2243A Room 3120  
Washington, DC 20460

WE HEREBY CONSENT to the entry of the Consent Decree in United States et al. v. Hovnanian Enterprises, Inc. et al, subject to the public notice requirements of 28 C.F.R. 50.7

FOR THE DISTRICT OF COLUMBIA:

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Keith Anderson  
Interim Director  
District Department of the Environment  
1200 First Street, NE  
7<sup>th</sup> Floor  
Washington, DC 2002

PETER J. NICKLES  
Attorney General for the District of Columbia

ELLEN EFROS  
Assistant Deputy/ Chief, Equity I Section  
Civil Litigation Division

---

BERNICE I. CORMAN (DC Bar # 979236)  
General Counsel  
District Department of the Environment  
1200 First Street, NE  
7<sup>th</sup> Floor  
Washington, DC 2002  
Telephone: (202) 535-1951  
Facsimile: (202) 535-2881  
Bicky.Corman@dc.gov

WE HEREBY CONSENT to the entry of the Consent Decree in United States et al. v. Hovnanian Enterprises, Inc. et al, subject to the public notice requirements of 28 C.F.R. 50.7

FOR THE STATE OF MARYLAND:

DOUGLAS F. GANSLER  
Attorney General of Maryland

---

JENNIFER L. WAZENSKI  
Assistant Attorney General  
Office of the Attorney General  
Maryland Department of the Environment  
1800 Washington Boulevard, Suite 6048  
Baltimore, MD 21230  
Tel: (410) 537-3058  
Fax: (410) 537-3943

WE HEREBY CONSENT to the entry of the Consent Decree in United States et al. v. Hovnanian Enterprises, Inc. et al.

FOR THE COMMONWEALTH OF VIRGINIA:

THE HONORABLE KENNETH T. CUCCINELLI II  
Attorney General of Virginia

---

ELIZABETH ANDREWS  
Assistant Attorney General  
Environmental Section  
Office of the Attorney General  
900 East Main Street  
Richmond, VA 23219

WE HEREBY CONSENT to the entry of the Consent Decree in United States et al. v. Hovnanian Enterprises, Inc. et al, subject to the public notice requirements of 28 C.F.R. 50.7

FOR THE STATE OF WEST VIRGINIA:

---

JENNIFER HUGHES  
Associate Counsel  
Office of Legal Services  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
(304) 926-0460  
Jennifer.L.Hughes@wv.gov

WE HEREBY CONSENT to the entry of the Consent Decree in United States et al. v. Hovnanian Enterprises, Inc. et al, subject to the public notice requirements of 28 C.F.R. 50.7

FOR THE DEFENDANT:

[use separate signature block and/or page for each Defendant; the CEO or other appropriate official should sign and outside counsel should sign as well]

## **APPENDIX A**

**Site List**

Site Name(s)	Name(s) of Permit Holder	Site Address (including (1) State/County, (2) lat/long coordinates, and (3) primary street which abuts Site, if available)	Name(s) and Contact Information for Site Storm Water Compliance Representative	Date PCIR Form Signed	Date Construction Activity Commenced	Estimated Number of Acres to be Disturbed	Date NOT Signed (if applicable)	Name of each joint venture or partnership



**Project List**

<b>Project Name(s)</b>	<b>Project Address (including State/County)</b>

## **APPENDIX B**

## **SWP CRITERIA FOR STORM WATER PLAN PREPARATION**

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These guidelines are intended to aid in contracting for consulting services for the preparation of Storm Water Plans (SWP). They are also intended to act as a checklist by which consultants and Builder personnel can define the scope of work expected. These instructions should be provided to the SWP preparer.

### **Abbreviations**

EPA	U.S. Environment Protection Agency
NPDES	National Pollutant Discharge Elimination System
SWP	Storm Water Plan
NOI	Notice of Intent
NOT	Notice of Termination
MS4	A municipal separate storm water collection system
BMP	Best Management Practice

### **Performance Guidelines**

- **SWPs should meet regulatory requirements** - In states where the U.S. EPA has authorized the state to implement the requirements of the federal Clean Water Act NPDES permitting program, the relevant "regulatory requirements" are set forth in the state's NPDES permit (general or individual) and in the state's storm water regulations that apply to the particular site. In states where EPA implements the Clean Water Act NPDES permitting program, the relevant "regulatory requirements" are set forth in the "National Pollution Discharge Elimination System (NPDES) General Permit for Discharge from Large and Small Construction Activities" or individual NPDES permit that applies to the particular site. In addition, some authorized states require that the BMP's selected for and installed in a site meet the technical specifications set forth in the state's BMP manual or erosion and sedimentation control manual. The preparation of the SWP should also be guided by the requirements of Paragraph 12(c) of the Consent Decree entered in *United States of America et al v. Hovnanian Enterprises, Inc.* and other relevant provisions in that Decree. The SWP should include a statement by the SWP preparer that the development of the SWP was guided by the following requirements of Paragraph 12(c) of the Consent Decree:
  - (i) be Site specific;
  - (ii) identify the BMPs that will be used for each anticipated major phase of construction;
  - (iii) incorporate the inspection frequency and routine maintenance deadlines under the Applicable Permit;
  - (iv) include clear, concise descriptions of Site-specific BMPs to implement the requirements of the Applicable Permit and to guide those responsible for overseeing implementation of the SWP at each stage of construction; and
  - (v) list the names of the Site Storm Water Compliance Representative(s) and of the Division Storm Water Representative for the Site.
  
- **SWPs should be easy to follow and implement** - Although it is important that the SWP be easy for state or federal inspectors to follow and understand, it is equally or more important that the SWP be written in such a manner that it is easy for Builder operational personnel to understand and implement. The SWP should not be prepared in a vacuum by the drafter, but should reflect discussions and agreements that have been made between the preparer and Builder operational personnel. These discussions and agreements should include such things as construction sequencing and the most effective types of Best Management Practices (BMPs).

## **Contents of the SWP (Checklist)**

### **I. A Copy of the NOI and Other Storm Water Related Permits That Are Required for the Site**

Copies of any federal, state or local storm water related permits should be included. Careful consideration should be given to ensuring that all relevant permits have been or will be obtained, including whether there are any contractors or subcontractors that need separate storm water permit coverage.

### **II. Storm Water Pollution Prevention Plan (SWP) Certification**

- a) Signed by the owner of the site.
- b) Signed by the operator of the site.
- c) Signed by the person who is responsible for the preparation of the SWP
- d) A log to record amendments to the SWP and corresponding certifications,

An example of a Title Block for the certification is as shown below:

**ABC XYZ 123 HOMES,**  
A Delaware corporation,

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

### **III. Contact Information**

The SWP should include the names, phone numbers and a description of the duties for each person who is responsible for ensuring compliance with storm water requirements at a particular site.

In addition, the Consent Decree requires each SWP to include the name of the Site Storm Water Compliance Representative and Division Storm Water Compliance Representative.

### **IV. Notice and Recordkeeping**

- a) Posting NOI.
- b) Location of SWP and Inspection Reports.
- c) Retention of Records.

### **V. Responsibilities of Owners and Operators**

A list of activities that must be completed by the owner(s) or operator(s) and who is responsible for each activity.

### **VI. Definition of Area**

- a) Site name, address, county or governmental subdivision and latitude and longitude of the site. Include all names by which the Site has been known.
- b) Name of the water of the United States or MS4 into which the site discharges.
- c) Name of the agency or agencies who have jurisdictional authority for storm water pollution prevention.
- d) The function of the site (i.e., single family detached residential, townhouse, condo development).

- e) A description of any other activities such as dedicated crusher plants, asphalt plants, equipment staging areas, or material storage areas that may operate on the site.
- f) Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including off-site borrow pits and fill areas.
- g) Estimates of the percentage of impervious area and the runoff coefficient before and after construction.
- h) A general location map (e.g., USGS quadrangle map, a portion of a city or county map or other map with enough detail to show the location of the construction site and waters of the United States within one mile of the site).

**VII. Site Plan and BMP Map**

- a) Direction of storm water flow and approximate slopes anticipated after major grading activities.
- b) Areas of soil disturbance and areas that will not be disturbed, including natural features to be preserved.
- c) Locations of major structural and non-structural BMPs.
- d) Locations where stabilization practices are expected to occur.
- e) Locations of off-site material, waste, borrow or equipment storage areas.
- f) Locations of all waters of the United States, including wetlands. Note any stream crossings.
- g) Locations on the site, if applicable, where storm water discharges to waters of the United States.
- h) Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.

**VIII. Endangered and Threatened Species and Critical Habitat Protection**

**IX. Historic Properties Protection**

**X. Statement and Description of Storm Water Discharge Management Controls to Reduce Pollutants**

- a) A description of all pollutant control measures (i.e. BMP's) that will be implemented as part of the construction activity to control pollutants in storm water discharges. Each major activity in the site construction process should be clearly defined and the BMPs related to that activity should be listed.
- b) A description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented.
- c) Description of the intended construction sequencing and timing of major events, including major grading activities, when construction activities are to cease temporarily or permanently on a portion of the site and when stabilization measures are to be initiated.
- d) A description of structural practices to divert flows from exposed soils, retain/detain flows or otherwise limit runoff and/or the discharge of pollutants from exposed areas of the site.
- e) A description of all post-construction storm water management measures that will be installed during the construction process to control pollutants in storm water discharges after construction operations have been completed.
- f) A description of the measures to prevent the discharge of solid or hazardous materials or any other pollutant other than sediment, including building materials, to the waters of the United States.
- g) A description of the measures to minimize, to the extent practicable, offsite vehicle tracking of sediments onto paved surfaces and the generation of dust.
- h) A description of controls and measures that will be implemented to control the Storm water discharges from on-site crusher and asphalt plants.

**XI. Description of Non-Storm Water Discharge Management Controls to Reduce Pollutants**

- a) Discharges from fire fighting activities.
- b) Fire hydrant flushing.
- c) Waters used to wash vehicles where detergents are not used.
- d) Water used to control dust.
- e) Water used to flush waterlines and wash down buildings.
- f) Air conditioning condensate.
- g) Uncontaminated spring water, groundwater and discharges from foundation drains.
- h) Uncontaminated excavation dewatering.
- i) Landscape irrigation.

**XII. Procedures for Dealing with Spills, and Releases in Excess of Mandated Reportable Quantities**

- a) A list of emergency contact numbers.
- b) A table listing types of materials and the reportable quantity of each.
- c) Procedures for dealing with and reporting spills and releases.

**XIII. Maintenance of Storm Water Discharge Management Controls**

A description of the maintenance requirements for the BMP's that are installed.

**XIV. Inspections**

- a) Frequency of inspection.
- b) Standardized forms for inspection reports.
- c) Corrective Action Log

**XV. Procedures for Updating and Modifying the SWP**

- a) A statement explaining when the SWP must be amended.
- b) A statement of the procedure that should be followed to update and modify the SWP.
- c) SWP Amendment Log

**XVI. Training**

Document the training conducted for the staff and subcontractors.

**XVII. Notice of Termination**

- a) When a NOT is filed.
- b) Procedure for filing a NOT.

**APPENDIX C**

## Pre-Construction Inspection & Review Form

Name of Permittee(s): \_\_\_\_\_ City: \_\_\_\_\_

Division: \_\_\_\_\_ County: \_\_\_\_\_

Division Stormwater Representative: \_\_\_\_\_

Site Name: \_\_\_\_\_ State: \_\_\_\_\_

Site Stormwater Compliance Representative(s): \_\_\_\_\_

Identify the Type of Inspection: \_\_\_\_\_ New Community / Takedown \_\_\_\_\_

Permit Coverage	Yes	No	N/A	Permit No. / Identifier	Date of Coverage
1. Type of Permit application:	Federal / State				
Permit application filed and accurate?					
2. County					
3. City					
4. Special District (Other)					
5. If there are multiple storm water management plans for this Site, including erosion and sediment control plans, confirm the plans are consistent.					
Storm Water Plan Information	Yes	No	N/A	Deficiency Identified	Date Fixed
6. If required, is the SWP properly certified?					
7. Has the Site Storm Water Compliance Representative(s) reviewed the SWP?					
8. Does the SWP identify the stages of construction and the storm water controls called for at each stage?					
9. Does the SWP identify the site inspection frequency and routine maintenance deadlines required by the Applicable Permit?					



10. Does the SWP contain a statement by the preparer that its development was guided by the requirements of Paragraph 12(c) of the Consent Decree and the SWP Criteria attached as Appendix B to the Decree?					
11. Did the Inspection cover the entire Site? <b>Yes / No</b> If it did not, specify what part(s) of the Site were inspected:					

Site Status	Yes	No	N/A	Deficiency Identified	Date Fixed
12. Has the Site Storm Water Compliance Representative(s) received training?					
13. Are the storm water controls called for in the current phase of construction properly located and installed?					
14. As applicable, do the installed storm water controls appear to be working properly and are they appropriate for existing conditions at the Site?					
15. Has construction begun at the Site?					

***A Storm Water Compliance Representative must review and sign this Pre-Construction Inspection and Review Form. Do not sign this form until a responsive action has been completed for each deficiency identified on this form and the completion date of the responsive action has been recorded. Do not commence construction activity until this form has been signed. Construction activity does not include geotechnical investigations, surveying, environmental testing, plant (vegetation) salvage, or the initial installation of BMPs that are not sediment basins, provided that none of these activities involve significant soil disturbance. This form must be kept on-Site but need not be placed in the SWP. If the Site does not have a construction office, the location of this form and other records must be posted on-Site.***

---

**Name and Title** **Signature** **Date**

## **APPENDIX D**

## SITE INSPECTION REPORT

Site Name(s): \_\_\_\_\_ Permittee(s): \_\_\_\_\_

Division: \_\_\_\_\_ Inspector: \_\_\_\_\_

Inspection Date: \_\_\_\_\_ Inspection Time: \_\_\_\_\_

Weather Conditions (circle one):      Dry                  Rain                  Snow                  Icy

Inspection Type (circle one):                  Regular                  Precipitation      Quarterly                  Final

Construction phase / Sequence of construction: \_\_\_\_\_

Did the inspection cover the entire Site: Yes or No  
If it did not, specify what part(s) of the Site were inspected: \_\_\_\_\_

General	Yes	No	N/A	Responsive Action Log Reference #
A. Is the SWP on Site or its location posted?				
B. If required, is the Applicable Permit and/or NOI on Site?				
C. Is contact information provided on Site and is it correct?				
D. Since the last site inspection, has [Builder] received notice of a federal, state, or local inspection evaluating compliance with Applicable Permit?				
E. Are Site Inspection Reports being appropriately completed on a basis consistent with the permit?				
F. Was the Site Inspection Report for the last inspection signed by the SSWCR and certified by the person who conducted the inspection?				
G. Have Action Items from last Site Inspection been timely addressed?				
H. Have the supervisory employees at the Site received storm water training no later than 30 days after beginning work at the Site?				
Maintenance	Yes	No	N/A	Responsive Action Log Reference #
I. Are there excess sediment or other pollutants exiting the Site?				
J. Are roads/gutters free of excessive sediment from the Site?				
K. Are exit/entrance controls properly located, in working condition, and no repairs necessary?				
L. Are exposed areas stabilized as required?				
M. Are stockpiles located and stabilized as required?				
N. Are BMPs properly located, in working condition, and no repairs necessary?				

O. Are washouts properly located, in working condition, and no repairs necessary?				
P. Are non-storm water and hazardous materials managed as required?				
Q. Are trash, construction debris, and other solid wastes managed as required?				
R. Are portable toilets provided and properly located?				
S. Are the Site Storm Water BMPs and the SWP consistent with each other?				
T. Are there any signs of erosion of storm water pollution not adequately addressed by the existing BMPs?				

***I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.***

\_\_\_\_\_  
Name and Title of Inspector

\_\_\_\_\_  
Signature of Inspector

\_\_\_\_\_  
Date

***If a Designee conducts an inspection, the Site Stormwater Compliance Representative shall review and sign the completed Site Inspection Report.***

\_\_\_\_\_  
Name  
Site Stormwater  
Compliance Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**{Insert Community Name Here} Responsive Action Log**

Information				Stormwater Control			Responsive Action (RA)	Status				
Letter	#	RAL Ref #	Site Inspection Report Question	Type	Location	Condition Observed	Action Needed to Achieve or Maintain Compliance	Date Noted	Date Responsive Action Completed	RA's Complete?	Initials	Notes
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		
Select		Select-	#N/A							Open		

## **User Instructions for Appendix D - Site Inspection Report**

### **IMPORTANT**

- This form consists of the Site Inspection Report and Responsive Action Log. These are legal documents.
- Only the Site Storm Water Compliance Representative or his/her Designee, including a Storm Water Consultant, is permitted to undertake the inspection required by this form. If you are not this person, you must contact the Division Storm Water Compliance Representative immediately.
- Each Action Item must have one or more corresponding Responsive Action. An Action Item is a condition (or conditions) that requires action to be taken to achieve or maintain compliance with the Storm Water Requirements. A Responsive Action is an action taken or that is necessary to be taken to achieve or maintain compliance with Storm Water Requirements.
- Before proceeding with any inspection, you must first verify whether all Responsive Actions identified from the prior inspection, if any, were undertaken within the time period allowed by the Applicable Permit and whether the applicable and relevant information is recorded for the prior inspection.
- You must restate or carry over to the current Responsive Action Log any Responsive Action not completed since the last inspection regardless of the time period allowed by the Applicable Permit.
- You must sign and date the completed Site Inspection Form. If you are a Storm Water Consultant or a Designee for the Site Storm Water Compliance Representative and you complete this form, the Site Storm Water Compliance Representative must review and sign the completed form as well.
- A copy of each completed Site Inspection Report and Responsive Action Log must be kept with the SWP.

### **PROCEDURES**

#### ***Site Inspection Report***

- You must record the following information on each and every Site Inspection Report:
  - √ Site Name. Insert the name that is recorded on the Notice of Intent.
  - √ Permittee. Enter the name(s) that appears on the Applicable Permit or the Notice of Intent.
  - √ Division. Insert the name of the Builder's operating division responsible for the Site identified on the form.

- √ Inspection Date and Time. Insert the date and time on which the inspection is being performed.
  - √ Inspector. Enter the name of the person performing the inspection.
  - √ Weather Conditions. Circle the appropriate description that best describes current weather conditions.
  - √ Inspection Type. Circle the inspection type that represents the purpose of the inspection. Only one inspection type may be circled. A Regular inspection is one conducted according to the regular schedule of inspections for a Site. A Precipitation inspection is one conducted, when required by the Applicable Permit, after a rainfall event specified in the Applicable Permit. A Quarterly inspection is one conducted in conjunction with the quarterly oversight for the Site. A Final inspection is the last inspection planned prior to filing a Notice of Termination.
- You must check "Yes," "No," or "N/A" for each lettered question.
  - If you check "No" for any question, you must provide one or more reference number under the "Responsive Action Log Reference #" column for each Action Item identified. Reference numbers have a letter and a number. The first character matches the letter designation of the applicable question. The second character is numerical starting with number 1. Responsive Action reference numbers shall be successive thereafter as to the numerical portion, for example, F-1, F-2, F-3,..., G-1, G-2,..., H1, I1, etc.

### Questions

- You must respond to all of the following questions on each and every Site Inspection Report:

#### **General**

- A. **Is the SWP on Site?** - You must verify that the SWP is either at the construction office if the Site has one, or that the location of the SWP is posted along with, or adjacent to, the contact information of the Site Storm Water Compliance Representative.
- B. **Is the Applicable Permit on Site?** - You must verify that the Applicable Permit and notification letter (if applicable) are on Site.
- C. **Is the correct contact information provided on Site?** - You must verify that the name and phone number of the Site Storm Water Compliance Representative are located in a conspicuous place on Site and are legible.
- D. **Since the last site inspection, has [Builder] received any notice of a federal, state, or local inspection evaluating compliance with the Applicable Permit?** - The notice contemplated by this question is written notice from a federal, state, or local entity regarding a storm water inspection evaluating compliance with the Applicable Permit. Local inspections related to post-construction storm water management or locally approved erosion and sediment control plans which have not been incorporated into the

Applicable Permit do not require an affirmative response to this question. If, however, Builder has received written notice of a federal, state, or local inspection evaluating compliance with the Applicable Permit, you must record the name of the agency that performed the inspection, the name and position of the person that performed the inspection for the agency, and the date of the inspection. Further, you must include on the Responsive Action Log a description of alleged violations based on the federal, state, or local inspection, whether or not Builder intends to challenge the alleged violations.

- E. **Are Site Inspection Reports being appropriately completed on a basis consistent with the permit?** You must verify that Site Inspection Reports are consistent with the requirements of the Applicable Permit including the frequency of inspections.
- F. **Was the Site Inspection Report for the last inspection signed by the SSWCR and certified by the person who conducted the inspection?** - You must verify that the Site Inspection Report for the prior inspection was signed and certified by the person undertaking that inspection, whether the Storm Water Consultant Designee or the Site Storm Water Compliance Representative. You must also verify the Site Storm Water Compliance Representative reviewed and signed the form in cases in which the Storm Water Consultant Designee conducted the Site Inspection.
- G. **Have Action Items from the last Site Inspection been timely addressed?** - You must verify whether or not all Responsive Actions recorded on the prior Responsive Action Log have been completed. If not, explain the reasons why these actions have not been accomplished, what actions remain to be taken and whether our response to date satisfies applicable permit requirements. Do not leave any blanks in a prior Responsive Action Log.
- H. **Have the supervisory employees at the Site received storm water training?** - You must verify that all employees who primarily and directly supervise construction at the Site have completed the storm water training program no later than 30 days after beginning work at the Site.

### ***Maintenance***

- Assign a separate reference number to each Action Item identified within the following categories and briefly describe the Responsive Action required to address the Action Item. Each condition necessitating a Responsive Action requires a separate reference number.
- I. **Are there excess sediment or other pollutants exiting the Site?** - You must verify that no excess sediment nor pollutants are exiting the Site. You should check applicable BMPs such as outfalls, exit/entrance controls, site perimeter controls, receiving water courses and adjacent offsite areas for excessive sediment or other pollutant discharges. You should determine and record the source of excessive sediment or other pollutants. You should also verify and record whether excessive sediment or other pollutants are being discharged onto the Site from off-Site properties, and whether the off-Site sources is contributing to excessive discharge from the Site.
- J. **Are roads/gutters free of excessive sediment from the Site?** - You must verify that the roads adjacent to the Site are free of excessive sediment. You should determine



and record the source of excessive sediment. You should verify and record whether the source of sediment is from off-Site properties.

- K. **Are exit/entrance controls properly located, in working condition, and no repairs necessary?** - You must verify that exit/entrance controls properly located, in working condition, and no repairs necessary. You should check that exit/entrance controls such as stone pads, rumble grates, and the like for the construction entrances and other access points are in place and are maintained pursuant to the SWP.
- L. **Are exposed areas stabilized as required?** - You must verify that exposed areas are stabilized as required. You should check that areas where construction activity has ceased or has been temporarily suspended are stabilized in accordance with the SWP.
- M. **Are stockpiles located and stabilized as required?** - You must verify that stockpiles located and stabilized as required. You should check that stockpiles are located in areas where they may minimize the potential for discharging excessive sediment from the Site or onto any road or gutter and that they have been stabilized in accordance with the SWP.
- N. **Are BMPs properly located, in working condition, and no repairs necessary?** - You must verify that BMPs are properly located and in working condition and that no repairs are necessary. You should check that BMPs (including by way of illustration, linear barriers, soil stabilization techniques, sediment ponds/traps and inlet protection) are properly placed, appear to be working, and are maintained in accordance with the SWP.
- O. **Are washouts properly located, in working condition, and no repairs necessary?** - You must verify that concrete, paint, and other washouts are properly placed, appear to be working, and are maintained in accordance with the SWP.
- P. **Are non-storm water and hazardous materials managed as required?** - You must verify that non-storm water and hazardous materials are managed as required. You should check that storage and containment areas and controls and that management of non-storm water and hazardous materials (including leaks and spills) are implemented in accordance with the SWP.
- Q. **Are trash, construction debris, and other solid wastes managed as required?** - You must verify that trash, construction debris, and other solid wastes managed as required. You should check that controls for the collection and storage of trash, construction debris and other solid wastes are properly placed, appear to be effective, and are maintained in accordance with the SWP.
- R. **Are portable toilets provided and properly located?** - You must verify that portable toilets are provided and properly located. You should check that portable toilets are located off roads and away from gutters and inlets and are properly anchored and maintained.
- S. **Are the Site Storm Water BMPs and the SWP consistent with each other?** - You must verify that Site BMPs and the SWP are consistent with each other. You should check that the BMPs shown on the SWP for the current stage of construction exist on Site and that the BMPs that exist on Site are shown on the SWP. In particular, you must make sure that any map or figure within the SWP is consistent with what has been

installed on the ground. Even if we have installed additional BMPs not originally called for in the SWP, the additional BMPs must be shown on the map.

- T. **Are there signs of erosion not adequately addressed by the existing BMPs?** - You must verify that the Site Storm Water BMPs are adequate for minimizing erosion in the Site.

### ***Responsive Action Log***

- You must record each reference number from the first page of the Site Inspection Report under "Responsive Action Log Reference #" onto the Responsive Action Log under the first column "RAL Ref #." Each reference number must be listed on a separate line.
- If a condition relates to a storm water control, you must identify the applicable storm water control by type, specify the location of the control, describe the condition observed, and state the action necessary to achieve or maintain compliance with the SWP. If a condition relates to anything other than a storm water control, you must briefly describe the condition that requires action and the action necessary to achieve or maintain compliance with the SWP.
- For each recorded reference number, you must identify in the "Responsive Action" column the Responsive Action taken or to be taken.
- You must record the date the Action Item was first identified in the "Date Noted" column.
- The date recorded for a Responsive Action under the "Date Noted" column will not change, even if the Responsive Action is carried over to subsequent Responsive Action Logs. When a Responsive Action is restated or carried over to a new Responsive Action Log, you must restate or carry over the date for the Responsive Action as identified on the first Responsive Action Log on which the Responsive Action appeared.
- Upon completing each Responsive Action, the date on which action was taken to address the Action Item must be recorded under the "Date Responsive Action Completed" column. If an Action Item relates to a storm water control, the storm water control Contractor who performed the Responsive Action should be the person recording and initialing the date complete. If an Action Item relates to anything other than a storm water control, the Site Storm Water Compliance Representative or Storm Water Consultant Designee should be the person recording and initialing the date completed. In any case, the Site Storm Water Compliance Representative or his/her Designee may initial the date on which the Responsive Action was completed, either having performed the Responsive Action or having investigated and confirmed when it was completed.

**APPENDIX E**

## QUARTERLY COMPLIANCE INSPECTION REPORT

Site Name(s): \_\_\_\_\_ Permittee(s): \_\_\_\_\_

Division: \_\_\_\_\_ Inspector: \_\_\_\_\_

Inspection Date: \_\_\_\_\_ Inspection Time: \_\_\_\_\_

Weather Conditions (circle one):      Dry                  Rain                  Snow                  Icy

Inspection Type (circle one):                  Regular                  Precipitation                  Quarterly                  Final

Construction phase/Sequence of construction: \_\_\_\_\_

Did the inspection cover the entire Site: Yes or No

If it did not, specify what part(s) of the Site were inspected: \_\_\_\_\_

General	Yes	No	N/A	Responsive Action Log Reference #
A. Is the SWP on Site or its location posted?				
B. If required, is the Applicable Permit and/or NOI on Site?				
C. Is contact information provided on Site and is it correct?				
D. Since the last site inspection, has [Builder] received notice of a federal, state, or local inspection evaluating compliance with Applicable Permit?				
E. Are Site Inspection Reports being appropriately completed on a basis consistent with the permit?				
F. Was the Site Inspection Report for the last inspection signed by the SSWCR and certified by the person who conducted the inspection?				
G. Have Action Items from last Site Inspection been timely addressed?				
H. Have the supervisory employees at the Site received storm water training no later than 30 days after beginning work at the Site?				
Maintenance	Yes	No	N/A	Responsive Action Log Reference #
I. Are there excess sediment or other pollutants exiting the Site?				
J. Are roads/gutters free of excessive sediment from the Site?				
K. Are exit/entrance controls properly located, in working condition, and no repairs necessary?				
L. Are exposed areas stabilized as required?				
M. Are stockpiles located and stabilized as required?				
N. Are BMPs properly located, in working condition, and no repairs necessary?				

O. Are washouts properly located, in working condition, and no repairs necessary?				
P. Are non-storm water and hazardous materials managed as required?				
Q. Are trash, construction debris, and other solid wastes managed as required?				
R. Are portable toilets provided and properly located?				
S. Are the Site Storm Water BMPs and the SWP consistent with each other?				
T. Are there any signs of erosion of storm water pollution not adequately addressed by the existing BMPs?				

***I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.***

\_\_\_\_\_  
Name and Title of Inspector

\_\_\_\_\_  
Signature of Inspector

\_\_\_\_\_  
Date

**{Insert Community Name Here} Responsive Action Log**

Information				Stormwater Control				Responsive Action (RA)				Status			
Letter	#	RAL Ref #	Site Inspection Report Question	Type	Location	Condition Observed	Action Needed to Achieve or Maintain Compliance	Date Noted	Date Responsive Action Completed	RA's Complete?	Initials	Notes			
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					
Select		Select-	#N/A							Open					

## **User Instructions for Appendix E - Quarterly Compliance Inspection Report**

### **IMPORTANT**

- This form consists of the Site Inspection Report and Responsive Action Log. These are legal documents.
- Only the Division Storm Water Compliance Representative or his/her Designee, including a Storm Water Consultant, is permitted to undertake the inspection required by this form.
- Each Action Item must have one or more corresponding Responsive Actions. An Action Item is a condition (or conditions) that requires action to be taken to achieve or maintain compliance with the Storm Water Requirements. A Responsive Action is an action taken or that is necessary to be taken to achieve or maintain compliance with Storm Water Requirements.
- Before proceeding with any inspection, you must first verify whether all Responsive Actions identified from the prior inspection, if any, were undertaken within the time period allowed by the Applicable Permit and whether the applicable and relevant information is recorded for the prior inspection.
- You must restate or carry over to the current Responsive Action Log any Responsive Action not completed since the last inspection regardless of the time period allowed by the Applicable Permit.
- You must sign and date the completed Site Inspection Form. If you are a Storm Water Consultant or a Designee for the Site Storm Water Compliance Representative and you complete this form, the Site Storm Water Compliance Representative must review and sign the completed form as well.
- A copy of each completed Site Inspection Report and Responsive Action Log must be kept with the SWP.

### **PROCEDURES**

#### ***Site Inspection Report***

- You must record the following information on each and every Site Inspection Report:
  - √ Site Name. Insert the name that is recorded on the Notice of Intent.
  - √ Permittee. Enter the name(s) that appears on the Applicable Permit or the Notice of Intent.
  - √ Division. Insert the name of the Builder's operating division responsible for the Site identified on the form.
  - √ Inspection Date and Time. Insert the date and time on which the inspection is being performed.

- √ Inspector. Enter the name of the person performing the inspection.
  - √ Weather Conditions. Circle the appropriate description that best describes current weather conditions.
  - √ Inspection Type. Circle the inspection type that represents the purpose of the inspection. Only one inspection type may be circled. A Regular inspection is one conducted according to the regular schedule of inspections for a Site. A Precipitation inspection is one conducted, when required by the Applicable Permit, after a rainfall event specified in the Applicable Permit. A Quarterly inspection is one conducted in conjunction with the quarterly oversight for the Site. A Final inspection is the last inspection planned prior to filing a Notice of Termination.
- You must check "Yes," "No," or "N/A" for each lettered question.
  - If you check "No" for any question, you must provide one or more reference number under the "Responsive Action Log Reference #" column for each Action Item identified. Reference numbers have a letter and a number. The first character matches the letter designation of the applicable question. The second character is numerical starting with number 1. Responsive Action reference numbers shall be successive thereafter as to the numerical portion, for example, F-1, F-2, F-3, ..., G-1, G-2, ..., H1, I1, etc.

### Questions

- You must respond to all of the following questions on each and every Site Inspection Report:

#### **General**

- A. **Is the SWP on Site?** - You must verify that the SWP is either at the construction office if the Site has one, or that the location of the SWP is posted along with, or adjacent to, the contact information of the Site Storm Water Compliance Representative.
- B. **Is the Applicable Permit on Site?** - You must verify that the Applicable Permit and notification letter (if applicable) are on Site.
- C. **Is the correct contact information provided on Site?** - You must verify that the name and phone number of the Site Storm Water Compliance Representative are located in a conspicuous place on Site and are legible.
- D. **Since the last site inspection, has [Builder] received any notice of a federal, state, or local inspection evaluating compliance with the Applicable Permit?** - The notice contemplated by this question is written notice from a federal, state, or local entity regarding a storm water inspection evaluating compliance with the Applicable Permit. Local inspections related to post-construction storm water management or locally approved erosion and sediment control plans which have not been incorporated into the Applicable Permit do not require an affirmative response to this question. If, however, Builder has received written notice of a federal, state, or local inspection evaluating



compliance with the Applicable Permit, you must record the name of the agency that performed the inspection, the name and position of the person that performed the inspection for the agency, and the date of the inspection. Further, you must include on the Responsive Action Log a description of alleged violations based on the federal, state, or local inspection, whether or not Builder intends to challenge the alleged violations.

- E. **Are Site Inspection Reports being appropriately completed on a basis consistent with the permit?** You must verify that Site Inspection Reports are consistent with the requirements of the Applicable Permit including the frequency of inspections.
  
- F. **Was the Site Inspection Report for the last inspection signed by the SSWCR and certified by the person who conducted the inspection?** - You must verify that the Site Inspection Report for the prior inspection was signed and certified by the person undertaking that inspection, whether the Storm Water Consultant Designee or the Site Storm Water Compliance Representative. You must also verify the Site Storm Water Compliance Representative reviewed and signed the form in cases in which the Storm Water Consultant Designee conducted the Site Inspection.
  
- G. **Have Action Items from the last Site Inspection been timely addressed?** - You must verify whether or not all Responsive Actions recorded on the prior Responsive Action Log have been completed. If not, explain the reasons why these actions have not been accomplished, what actions remain to be taken and whether our response to date satisfies applicable permit requirements. Do not leave any blanks in a prior Responsive Action Log.
  
- H. **Have the supervisory employees at the Site received storm water training?** - You must verify that all employees who primarily and directly supervise construction at the Site have completed the storm water training program no later than 30 days after beginning work at the Site.

### ***Maintenance***

- Assign a separate reference number to each Action Item identified within the following categories and briefly describe the Responsive Action required to address the Action Item. Each condition necessitating a Responsive Action requires a separate reference number.
  
- I. **Are there excess sediment or other pollutants exiting the Site?** - You must verify that no excess sediment nor pollutants are exiting the Site. You should check applicable BMPs such as outfalls, exit/entrance controls, site perimeter controls, receiving water courses and adjacent offsite areas for excessive sediment or other pollutant discharges. You should determine and record the source of excessive sediment or other pollutants. You should also verify and record whether excessive sediment or other pollutants are being discharged onto the Site from off-Site properties, and whether the off-Site sources is contributing to excessive discharge from the Site.
  
- J. **Are roads/gutters free of excessive sediment from the Site?** - You must verify that the roads adjacent to the Site are free of excessive sediment. You should determine

- and record the source of excessive sediment. You should verify and record whether the source of sediment is from off-Site properties.
- K. **Are exit/entrance controls properly located, in working condition, and no repairs necessary?** - You must verify that exit/entrance controls properly located, in working condition, and no repairs necessary. You should check that exit/entrance controls such as stone pads, rumble grates, and the like for the construction entrances and other access points are in place and are maintained pursuant to the SWP.
- L. **Are exposed areas stabilized as required?** - You must verify that exposed areas are stabilized as required. You should check that areas where construction activity has ceased or has been temporarily suspended are stabilized in accordance with the SWP.
- M. **Are stockpiles located and stabilized as required?** - You must verify that stockpiles located and stabilized as required. You should check that stockpiles are located in areas where they may minimize the potential for discharging excessive sediment from the Site or onto any road or gutter and that they have been stabilized in accordance with the SWP.
- N. **Are BMPs properly located, in working condition, and no repairs necessary?** - You must verify that BMPs are properly located and in working condition and that no repairs are necessary. You should check that BMPs (including by way of illustration, linear barriers, soil stabilization techniques, sediment ponds/traps and inlet protection) are properly placed, appear to be working, and are maintained in accordance with the SWP.
- O. **Are washouts properly located, in working condition, and no repairs necessary?** - You must verify that concrete, paint, and other washouts are properly placed, appear to be working, and are maintained in accordance with the SWP.
- P. **Are non-storm water and hazardous materials managed as required?** - You must verify that non-storm water and hazardous materials are managed as required. You should check that storage and containment areas and controls and that management of non-storm water and hazardous materials (including leaks and spills) are implemented in accordance with the SWP.
- Q. **Are trash, construction debris, and other solid wastes managed as required?** - You must verify that trash, construction debris, and other solid wastes managed as required. You should check that controls for the collection and storage of trash, construction debris and other solid wastes are properly placed, appear to be effective, and are maintained in accordance with the SWP.
- R. **Are portable toilets provided and properly located?** - You must verify that portable toilets are provided and properly located. You should check that portable toilets are located off roads and away from gutters and inlets and are properly anchored and maintained.
- S. **Are the Site Storm Water BMPs and the SWP consistent with each other?** - You must verify that Site BMPs and the SWP are consistent with each other. You should check that the BMPs shown on the SWP for the current stage of construction exist on Site and that the BMPs that exist on Site are shown on the SWP. In particular, you must make sure that any map or figure within the SWP is consistent with what has been

installed on the ground. Even if we have installed additional BMPs not originally called for in the SWP, the additional BMPs must be shown on the map.

- T. **Are there signs of erosion or storm water pollution not adequately addressed by the existing BMPs?** - You must verify that the Site Storm Water BMPs are adequate for minimizing erosion in the Site.

### ***Responsive Action Log***

- You must record each reference number from the first page of the Site Inspection Report under "Responsive Action Log Reference #" onto the Responsive Action Log under the column "RAL Ref #." Each reference number must be listed on a separate line.
- If a condition relates to a storm water control, you must identify the applicable storm water control by type, specify the location of the control, describe the condition observed, and state the action necessary to achieve or maintain compliance with the SWP. If a condition relates to anything other than a storm water control, you must briefly describe the condition that requires action and the action necessary to achieve or maintain compliance with the SWP.
- For each recorded reference number, you must identify in the "Responsive Action" column the Responsive Action taken or to be taken.
- You must record the date the Action Item was first identified in the "Date Noted" column.
- The date recorded for a Responsive Action under the "Date Noted" column will not change, even if the Responsive Action is carried over to subsequent Responsive Action Logs. When a Responsive Action is restated or carried over to a new Responsive Action Log, you must restate or carry over the date for the Responsive Action as identified on the first Responsive Action Log on which the Responsive Action appeared.
- Upon completing each Responsive Action, the date on which action was taken to address the Action Item must be recorded under the "Date Responsive Action Completed" column. If an Action Item relates to a storm water control, the storm water control Contractor who performed the Responsive Action should be the person recording and initialing the date complete. If an Action Item relates to anything other than a storm water control, the Site Storm Water Compliance Representative or Storm Water Consultant Designee should be the person recording and initialing the date completed. In any case, the Site Storm Water Compliance Representative or his/her Designee may initial the date on which the Responsive Action was completed, either having performed the Responsive Action or having investigated and confirmed when it was completed.

**Quarterly Compliance Review for (Month/Day/Year to Month/Day/Year)**

Site Name: \_\_\_\_\_

Division Name: \_\_\_\_\_

Date of Review: \_\_\_\_\_

Site Inspected by: \_\_\_\_\_

Division Stormwater Compliance Representative(s): \_\_\_\_\_

Each successive Quarterly Compliance Review following the first Quarterly Compliance Review shall cover the time period beginning with the day after the previous Quarterly Compliance Review through the date of the current Quarterly Compliance Review. One Quarterly Compliance Review must be completed for each Site each Quarterly Reporting Period.

If the Division Storm Water Compliance Representative conducts the Quarterly Compliance Inspection, complete only boxes 1 and 2 for each of the following topics listed below. If a Designee (e.g. storm water consultant) for the Division Storm Water Compliance Representative conducts the Quarterly Compliance Inspection, the Designee must complete boxes 1 and 2, and the Division Storm Water Compliance Representative must complete box 3 for each of the following topics listed below. Upon completion of the Quarterly Compliance Inspection, each of the following topics should be reviewed with all of the Site Storm Water Compliance Representatives. When the review is complete, the Division and all Site Storm Water Compliance Representatives shall sign the form in the spaces provided below.

**Physical Condition of the Site and BMPs**

1. Are there compliance issues related to the physical conditions of the Site or BMPs?  
(circle one) **Y** or **N**. If yes, what are the causes?

2. If yes circled for question 1, recommended actions to address these issues include:

3. If yes circled for question 1 and Quarterly Compliance Inspection was conducted by Designee, does the Division Storm Water Compliance Representative have additional recommendations? **Y** or **N**. If yes, list recommendations:

**Adequacy of the Site Storm Water Plan and Recordkeeping Procedures**

1. Are there inadequacies in the Stormwater Plan or the recordkeeping procedures? (circle one) **Y** or **N**. If yes, describe inadequacies.

2. If yes circled for question 1, recommended actions to address these issues include:

3. If yes circled in question 1 and Quarterly Compliance Inspection was conducted by Designee, does the Division Storm Water Compliance Representative have additional recommendations? **Y** or **N**. If yes, list recommendations.

**Contractor Compliance with Storm Water Requirements**

1. Are there any storm water compliance issues being caused by contractors or subcontractors? (circle one) **Y** or **N**. If yes, what are the causes?

2. If yes circled for question 1, recommended actions to address these issues include:

3. If yes was circled for question 1 and if Quarterly Compliance Inspection was conducted by Designee, does the Division Storm Water Compliance Representative have additional recommendations? **Y** or **N**. If yes, list recommendations:

**Number of Responsive Actions not Performed in the Time and Manner Required by the Applicable Permit**

1. Are there compliance issues with the number of Responsive Actions not performed in the time and manner required by the Applicable Permit? (circle one) **Y** or **N** If yes, what are the causes?

2. If yes, circled in question 1, recommended actions to address these issues include:

3. If yes circled in question 1 and Quarterly Compliance Inspection was conducted by a Designee, does the Division Storm Water Compliance Representative have additional recommendations? **Y** or **N** If yes, list recommendations:

**Recurring Compliance Issues at the Site**

1. Are there recurring compliance issues at the Site? (circle one) **Y** or **N** If yes, what are the causes?

2. If yes, circled in question 1, recommended actions to address these issues include:

3. If yes circled in question 1 and Quarterly Compliance Inspection was conducted by a Designee, does the Division Storm Water Compliance Representative have additional recommendations? **Y** or **N** If yes, list recommendations:

*The Division Stormwater Compliance Representative shall review the Quarterly Compliance Review with the Site Storm Water Compliance Representative(s), all of whom shall sign the Quarterly Compliance Review.*

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

\_\_\_\_\_  
Name Division Storm Water  
Compliance Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name, Site Storm Water Compliance  
Representative 1

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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**Name, Site Storm Water Compliance  
Representative 2**

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**Signature**

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**Date**

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**Name, Site Storm Water Compliance  
Representative 3**

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**Signature**

---

---

---

**Date**

---



**Quarterly Compliance Review Summary for (Month/Day/Year to Month/Day/Year)**

**[Site Name]**

Each successive Quarterly Compliance Review Summary following the first Quarterly Compliance Review Summary shall cover the time period beginning with the day after the previous Quarterly Compliance Review Summary through the date of the current Quarterly Compliance Review Summary. One Quarterly Compliance Review Summary must be completed for each Site each Quarterly Reporting Period.

<p><b>1. Construction began prior to obtaining permit coverage:</b></p> <p>If yes, the number of days that construction took place prior to obtaining permit coverage: _____</p>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
<p><b>2. Discharges of pollutants prior to obtaining coverage under an Applicable Permit:</b></p> <p>If yes, the total number of days: _____</p>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
<p><b>3. If this is the first Quarterly Compliance Inspection and Review conducted for the Site, was there a failure to perform or material failure to document the Pre-Construction Inspection and Review?</b></p>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
<p>If yes, the total number of failures or material failures: _____</p>			
<p><b>4. Was the Site Storm Water Compliance Representative trained in accordance with Builder's storm water training program at the time of this Quarterly Compliance Inspection and Review?</b></p>	<b>Yes</b>	<b>No</b>	
<p>If no, the total number of SSWCRs not trained: _____</p>			
<p><b>5. Were the employees who primarily and directly supervise construction at the Site trained in accordance with Builder's storm water training program at the time of this Quarterly Compliance Inspection and Review?</b></p>	<b>Yes</b>	<b>No</b>	

**6. Site Inspections:**

Total number of all Site inspections required during the quarter: \_\_\_\_\_

Total number of missed or undocumented Site inspections: \_\_\_\_\_

Total number of times a SWP was not available (or its location posted) during a Site inspection: \_\_\_\_\_

**7. Responsive Actions:**

Total number of Responsive Actions identified during quarter: \_\_\_\_\_

Total number of Responsive Actions not addressed within the time allowed by the Applicable Permit: \_\_\_\_\_

*The Division Stormwater Compliance Representative shall review the Quarterly Compliance Review Summary with the Site Stormwater Compliance Representative(s), all of whom shall sign the Quarterly Compliance Review Summary.*

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

\_\_\_\_\_  
Name Division Storm Water  
Compliance Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name, Site Storm Water Compliance  
Representative 1

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name, Site Storm Water Compliance  
Representative 2

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name, Site Storm Water Compliance  
Representative 3

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **APPENDIX F**

**Division-Wide Summary Report**

Division Storm Water

Division Name: \_\_\_\_\_

Compliance Representative: \_\_\_\_\_

Categories subject to stipulated penalties											Categories not subject to stipulated penalties						
Site Name	Period of Review M/D/Y to M/D/Y	How many days of discharge from the Site to a water of the US occurred during the quarter covered by this Division Wide Summary Report and prior to obtaining coverage under an Applicable Permit?	If this is the first Division Wide Summary Report including the Site, was there a failure to perform or material failure to document the Pre-Construction Inspection and Review?	Failure to perform or, if performed, a material failure to document a Site Inspection			Was there a failure to perform, or if performed, a material failure to document the Quarterly Compliance Inspection for the Site?		Was there a failure to perform, or if performed, a material failure to document the Quarterly Compliance Review for the Site?		Was there a failure to have a trained and certified Site Storm Water Compliance Representative at the time of the Quarterly Inspection?	Failure to have SWP available or its location posted at the time of the Site Inspection			Failure to complete a Responsive Action within timeframe required by the Applicable Permit or, if completed, a material failure to record the information.		
				# required Site Inspections	# missed Site Inspections	% missed Site Inspections							# required Site Inspections	# of failures to have SWP on Site	% non-compliance	# responsive actions noted	# responsive actions not completed/recorded
				# required Site Inspection	# missed Site Inspections	% missed Site Inspections	# required Quarterly Inspections	# missed Quarterly Inspections	# required Quarterly Reviews	# missed Quarterly Reviews		# required Site Inspections	# of failures to have SWP on Site	% non-compliance	# responsive actions noted	# responsive actions not completed/recorded	% non-compliance

Total # required Quarterly Inspections and Review	Total # missed Quarterly Inspections and Review	% missed Quarterly Inspections and Reviews

ONCE COMPLETED, THIS FORM IS TO BE SENT TO THE FOLLOWING: (1) ALL SITE AND DIVISION STORM WATER COMPLIANCE REPRESENTATIVES WITHIN THE DIVISION THAT IS THE SUBJECT OF THIS FORM; (2) THE DIVISION PRESIDENT; AND (3) THE NATIONAL STORM WATER COMPLIANCE REPRESENTATIVE.

Signature\_\_\_\_\_

Name and Title \_\_\_\_\_

Date\_\_\_\_\_

**APPENDIX G**

## National Compliance Summary Report

### I. Overview

[PROVIDE A BRIEF AND GENERAL DISCUSSION OF THE DATA PRESENTED IN THIS REPORT.]

### II. Information for Categories of Self-Reported Stipulated Penalties

\_\_\_\_\_ Number of days of discharge of pollutants from a Site to a water of the United States prior to obtaining coverage under an Applicable Permit

[ATTACH A LIST WITH THE NAME AND ADDRESS OF EACH SITE FROM WHICH THERE WERE DISCHARGES WITHOUT A PERMIT.]

\_\_\_\_\_ Number of failures to perform or, if performed, a material failure to document a required Pre-Construction Inspection and Review

\_\_\_\_\_ Number of failures to perform or, if performed, a material failure to document a required Site Inspection

\_\_\_\_\_ Total number of required Site Inspections

\_\_\_\_\_ Number of failures to perform or, if performed, a material failure to document a required Quarterly Compliance Inspection and Review

\_\_\_\_\_ Total number of required Quarterly Compliance Inspection and Reviews

\_\_\_\_\_ Number of Division Wide Compliance Summary Report prepared 1-7 days after deadline

\_\_\_\_\_ Number of Division Wide Compliance Summary Report prepared 8-30 days after deadline

\_\_\_\_\_ Number of Division Wide Compliance Summary Report prepared 31-90 days after deadline

\_\_\_\_\_ Number of failures to have a Storm Water Trained Site Storm Water Compliance Representative at the time of a Quarterly Compliance Inspection and Review

**III. Responsive Actions/SWP on Site**

**A. Responsive Actions**

\_\_\_\_\_ Total number of required Responsive Actions

\_\_\_\_\_ Number of failures to complete Responsive Action within the time period required by the Applicable Permit or, if completed, a material failure to record the information.

**B. SWP on Site**

\_\_\_\_\_ Number of failures to have, at the time of a Site Inspection, the SWP on site or its location posted

**IV. Training Program**

[WRITTEN EVALUATION OF BUILDER STORM WATER TRAINING PROGRAM AND A DESCRIPTION OF ANY SIGNIFICANT PROPOSED CHANGES FOR EPA APPROVAL.]

**V. Signature and Certification**

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
By: [Name]  
National Storm Water  
Compliance Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**VI. Distribution**

Once completed, this form must be sent to the following:

- (1) [Builder President, CEO or COO, as applicable];
- (2) All Division Presidents;
- (3) All Division Storm Water Compliance Representatives;
- (4) [EPA]; and
- (5) [Listed State Plaintiffs].

**APPENDIX H**



## **K. HOVNIANIAN STORM WATER TRAINING PROGRAM**

### **TECHNICAL TRAINING SYLLABUS**

#### **Training provided by Stormwater USA, a Certified Compliance Inspector of Stormwater**

##### Module I: Federal Construction General Permit

- History of the Clean Water Act and NPDES Program
- What is covered under the permit
  - Reference to Stormwater USA on-line library which includes all paperwork and general permit requirements for the 45 delegated states. 5 states that are not delegated are covered under the Federal General Permit.
- Who should obtain the permit
- How to obtain coverage
- The SWPPP
- Site Inspections
- Termination of the permit
- Standard permit conditions

##### Module II: Basics of Erosion and Sediment Control

- Explains erosion and how it occurs
- The impact of erosion on the environment and the economy
- The erosion and sedimentation process
- Factors that effect erosion
- Ten basic principles that effect erosion and sediment control

##### Module III: Erosion Control

- Information on vegetation establishment
- Information on topsoil and fertilizers
- Information on mulch and compost
- Rolled controlled erosion devices
- Surface roughening

##### Module IV: Sediment Control

- Proper installation and
- Placement of silt fence
- Check dams, wattles, inlet protection, pond types, outlet structures, flocculants, dewatering, and turbidity barriers.

### Module V: Pollution Prevention

- Good Housekeeping:
- Management of solid waste, sanitary waste, hazardous waste
- Concrete washout, dust control, construction exits.

### Module VI: How to Inspect a Construction Site

- Inspection rules and protocols
- Reviewing the SWPPP for compliance
- Forms to look for in the SWPPP
- Updating the SWPPP
- Site inspections of best management practices
- Proper installation of maintenance of devices
- What to write down on an inspection form

Course Length: 6 hours of on-line training

Course Provider: Stormwater USA.

- Stormwater USA has worked on several consent orders. The first company they worked with was Wal-Mart and they provided the stormwater training for the Home Depot and CSI Construction consent orders.
- See attached resumes of Stormwater USA owners.

**Shirley D. Morrow, CPESC, CISEC**  
**Author of Technical Content**  
**Stormwater USA, LLC**

CPESC #1380 obtained March 1998

CISEC #0076 obtained June 2007

Educational background:

1980 – AS in Biology – Kansas City Kansas Community College

1982 – BS in Zoology – Fort Hays State University

1991 – Degree in Turf Management – University of Guelph, Ontario Canada

1995 – BLA in Landscape Architecture – Oklahoma State University

1995 – MS in Environmental Science – Oklahoma State University

Ms. Morrow is published in Cambridge's Who's Who among Executive and Professional Women.

Ms. Morrow is the President of ABC's of BMP's, LLC, a consulting company in which she provides classroom style training and consulting services to federal and state agencies, municipalities, engineering and construction contracting companies and anyone else requiring these type services. Recent clients include US Army Corps of Engineers, Arkansas DEQ, Nebraska Department of Roads, Missouri DNR, City of Lenexa, Douglas County Conservation District, and Walton Construction.

Ms. Morrow is the author for Stormwater USA, LLC, an on-line web based certification and training tool. She developed the training classes and exams, is responsible for the Stormwater Library and Industry News, and is working with states, vendors, EPA, and others in the industry to provide the latest and greatest information on regulations, products and practices, and providing the information to those who need it in the erosion and sediment control industry.

Ms. Morrow was the Manager then Director of Storm Water Compliance for Wal-Mart Stores, Inc. for about 2 ½ years. She signed permit applications, oversaw the Consent Decree storm water program, reviewed the SWPPPs for new construction projects, prepared and instructed the EPA-approved Storm Water Professional training program, and corresponded with agencies to make sure Wal-Mart was in compliance with the Construction NPDES permits.

Ms. Morrow worked for nine years as a Senior Environmental Scientist at Burns & McDonnell, writing Storm Water Pollution Prevention Plans and obtaining Construction Activity NPDES permits for projects industrial projects. She also provided litigation support in the area of erosion and sediment control for many clients who included Sprint, CLECO, SWEPCO, and Excel Corporation.

Ms. Morrow has been a Certified Professional in Erosion and Sediment Control (CPESC) since 1998. She wrote the portion of the by-laws involving the use of the CPESC seal on drawings for CPESC, Inc. She is on the application review committee, a certified instructor for the CPESC tutorial and very involved in promoting the program.

Ms. Morrow has been a member of the International Erosion Control Association (IECA) since 1994. She is a past member of the Board of Directors having served as Secretary and Administrative Vice-President. She is on the Government Affairs Committee, Technology Section Committee, Ethics Committee, and Professional Development Committee. She was President of the Great Rivers Chapter of IECA for five years and Vice-President for one year. She is a past member of the Board of the South Central Chapter of IECA.

Ms. Morrow has prepared many classes on her own that she teaches around the country. For IECA she is approved to teach "How to Select, Install, and Inspect Construction Site Erosion and Sediment Control BMPs and NPDES Storm Water Permit Compliance" and "How to Write an SWPPP". These are both full day classes. She developed a half-day course to train Phase II communities to inspect construction sites entitled "Inspection Ground Rules: How to Evaluate a SWPPP and Inspect a Construction Site". This is a very popular class which she has taught to many state agencies and public works departments. Other classes she has taught include "NPDES Permitting", "How to Write and Implement a SWPPP", "How Does Phase II Affect You", and "The ABC's of BMP's".

Ms Morrow prepared the erosion and sediment control standards and specifications published by the Kansas City Chapter of the American Public Works Association to be used by many Phase II communities in the Kansas City area.

January 25, 2010

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**Laurie  
Demers**

## EDUCATION

- 1994 University of New Hampshire, B.S. Civil Engineering
- 1992 Technical University of Budapest, Hungary, exchange student fall semester
- 1991 New Hampshire Technical Institute, A.S. Architectural Engineering Technology

### 2007 – PRESENT

### PROFESSIONAL EXPERIENCE

2007-2010 **President, Stormwater USA, LLC:** Online stormwater compliance education and certification for the construction industry. Created from just an idea, Stormwater USA is a profitable company. The online environment creates mass efficiencies in both education and resources to assure the greatest success at environmental compliance on construction sites, regardless of the state that they are located. Combining a robust learning management system (LMS) with a large organized library of information, the product provides a cost effective and sustainable solution for stormwater management. Today we have 2479 users. Average price point \$350.00. All students are tracked in a robust data base system. All students are surveyed to maximize improvement. 98% of our students would recommend our classes to others.

Largest clients: The Home Depot, K. Hovnanian Homes, and The City of Kansas City, MO. We are a US Green Build Council (USGBC) Level 300 education provider. Our classes are specified in 3 EPA Consent Orders.

### 1996 – 2007

### PROFESSIONAL EXPERIENCE WAL-MART STORES, INC.

- 2005-2007 **Sr. Construction Manager Distribution Center Construction:** Full time onsite owner's representative. Largest project: Alachua, FL. Managed Wal-Mart staff of up to 4 people. The daily contractor's staff was up to 40 Managers, and 340 trade workers. Construction site size 237 Acres, building size 1.1 million SF. Overall project budget \$120 Million. Construction contract budget \$58 Million. Managed value engineering for site adapt \$1.2 million savings. Responsible for safety program with ZERO lost time accidents. Responsible for all quality, budget, and schedule. Project delivered on time and under budget. Other Distribution Projects Supported: Import Distribution Center 1 mil SF expansion in VA; mechanized rack supported grocery distribution centers in OK, PA and FL.
- 2004-2005 **Director of Realty Construction:** A subset of distribution center construction. Responsible for overseeing the design and construction management staff of 14 people and the department P&L budget. Project portfolio included. Home office construction - Multi Story offices and

double redundant 16 Megawatt data center (budget \$110 million), corporate airport design, fitness facilities. Distribution center special projects; dark store tenant build out program; supercenter vestibule tenant program; most miscellaneous construction for operating stores and facilities.

2003-2004 **Construction Director, New Stores:** Responsible for delivering overseeing the design and construction staff of up to 8 people for new and expansion supercenters, Sam's Clubs and Neighborhood Markets for the North and Northeast Team. 35-45 projects under construction at any given time. Construction contract value \$3 million to \$15 million per project.

2001-2003 **Sr. Construction Manager:** The first person at Wal-Mart to earn this title. Owner's representative, responsible for the overall quality, budget, and schedule performed by general contractors throughout the United States. Projects included mostly large complex supercenter expansions to operating stores; as well as new stores and acquisition stores. Construction contract value \$4 million to \$10 million.

1999-2001 **Manager of Stormwater Compliance:** United States of America. vs. Wal-Mart Stores, Inc., Federal Consent Decree. The original manager responsible for the research, development, implementation and management training for the NPDES stormwater requirements for federal, state and consent decree specific laws and mandates. The core procedures I created at the time are still in use today.

1996-1999 **Construction Manager:** Owner's representative, responsible for the overall quality, budget, and schedule performed by general contractors throughout the United States, as well as detailed collaboration with store planning and operations. Projects included mostly large complex supercenter expansions to operating stores; as well as new stores. Construction contract value \$4 million to \$8 million.

### 1991-1995 PROFESSIONAL EXPERIENCE

1995 **Newstress International, Inc., Epsom, NH:** Civil Engineer. Pre-cast, pre-stressed concrete plant. Responsibilities included structural design, very high strength concrete design research and development, and plant quality control.

1991-1995 **Atlantic Testing Laboratory, Ltd.** Geotechnical engineering and construction materials inspection and testing company: Clients included FAA, DOT, Wal-Mart, Public Schools.

1994-1995 Construction Materials/Geotechnical Engineer

1991-1993 Construction Materials Technician

### LEADERSHIP AND TRAINING DEVELOPMENT

- International Erosion Control Association, member
- US Green Build Council, Level 300 Education Provider, member

- Canadian Green Build Council, member
- Dale Carnegie 12 week public speaking course, 2 awards.
- Wal-Mart Leadership Training and Development
- Walton Institute for Management
- Anthony Robbins 3 day motivational seminar, Orlando, FL
- OSHA 30 Hour #600058990

## **PROCESS TRAINING SYLLABUS**

Review of K. Hovnanian's Stormwater Compliance Program and requirements of the Consent Decree

### Key Players

- Qualifications and Responsibilities of the National, Division, Site Stormwater Compliance Representatives, Trade Partners, Supplies, Consultants and Regulatory Agencies

### Community Initiation

- SWP Criteria
- Completing a SW Community Information Sheet (CIS)
- Review of SWPPP
- Site Posting Requirements
- Review Pre-Construction Inspection and Review Form, Signing Requirements and Completion Due Dates
- Review Responsive Action Log, Updating/Signing Requirements and Completion Due Dates

### Start of Construction Activities

- Updating SWP map
- Review Site Inspection Report, User Instructions, Signing Requirements and Completion Due Dates
- Review Responsive Action Log
- Using a Third Party Inspector
- BMP Maintenance
- Community Close-out Process

### Division Inspections

- Review Quarterly Compliance Inspection
- Responsive Action Log
- Review Quarterly Compliance Review Form
- Review Quarterly Compliance Review Summary Form
- Review Division-Wide Summary Report

### Review Regulatory Inspection Process

Course Length: 1.5 hours via on-line Webinar

Course Provider: K. Hovnanian, National Stormwater Compliance Representative



## **K. Hovnanian Stormwater Refresher Training**

Goal: The goal of this course is to provide participants with a refresher of the key points covered in K. Hovnanian's stormwater training program.

### Course Objectives:

#### **Module 1: Stormwater Technical Training Review**

- \* Review the Federal Construction General Permit
- \* Define and review erosion and sediment control
- \* Review “temporary stabilization”

#### **Module 2: Stormwater Processes**

- \* Review and update understanding of all stormwater forms:
  - o Pre-Construction Inspection and Review
  - o Transition Inspection
  - o Site Inspection & Responsive Action Log
  - o Updating SWP maps
- \* Review K. Hovnanian stormwater policy updates

#### **Module 3: Stormwater in the Field**

- \* Review acceptable and unacceptable BMP's using photos
- \* Define ongoing maintenance

Length of Training: 1 hour or 1 hour +

Methodology: e-learning / Articulate online

Final Exam: yes

## **Stormwater Training for Non-Site Reps (Employees)**

**Goal:** The goal of this course is to provide participants with an overview of the main components of K. Hovnanian's Stormwater Compliance Program as well as provide employees with an overview of stormwater technical, field and process training so they understand their role in stormwater management.

### **Course Objectives:**

#### **Module 1: Stormwater Management at K. Hovnanian**

Lesson 1: Why is Stormwater Management Important to K. Hovnanian?

Lesson 2: K. Hovnanian's Stormwater Compliance Program and Requirements of the Consent Decree Overview

Lesson 3: Roles of the Key Players: National, Division, Site Stormwater Compliance Representatives, Trade Partners, Suppliers, Consultants and Regulatory Agencies

Lesson 4: What is my Role / Responsibility?

#### **Module 2: Stormwater Technical Training Overview**

Lesson 1: National Pollution Discharge Elimination System (NPDES) Permit Overview

Lesson 2: Perimeter Controls, Erosion & Stabilization

- Perimeter Controls
  - Establish stabilized construction entrances/exits
- Major Types of Erosion
- Erosion Controls, Our 1<sup>st</sup> Line of Defense
  - Minimize Disturbed Area
  - Protect Slopes
- Stabilize Soils Promptly

Lesson 3: Sediment Controls, Our 2<sup>nd</sup> Line of Defense

- Protect storm drain inlets
- Perimeter controls
- Street sweeping
- Keep sediment on-site

Lesson 4: Summary of Stormwater Technical Training and Review of My Role / Responsibility

#### **Module 3: Stormwater in the Field**

Lesson 1: On-going Maintenance

- Waste Management
- Building material staging
- Equipment / Vehicles
- Concrete, Paint, Stucco, Masonry Washout

Lesson 2: Summary of Stormwater in the Field and Review of My Role / Responsibility

#### **Module 3: Stormwater Processes Overview**

Lesson 1: Overview of Inspections, Pre-Construction Inspection & Review, Transition Inspection

Lesson 2: Site Inspections, Responsive Action Log, SWPPP Maps

- Administrative
- Field Observation / Inspection
- Follow-up

Lesson 3: Weather Log, Daily Stormwater Activities

Lesson 4: Regulatory Inspection Process

Lesson 5: Summary of Stormwater Processes and Review of My Role / Responsibility

Length of Training: 1.5 hours

Methodology: e-learning / Articulate online

Subject Matter Experts: Melissa Menighan and Dean Potter

Instructional Designers: Doug Schnorr / Jill Weisser

## TRAINING

### Sample Examinations

## Erosion Controls Module Exam

Erosion control measures keep soil in place and protect it from raindrop impact and wind.

- True
- False

Which of the following is not an erosion control device?

- a. Vegetation
- b. Blanket
- c. Mulch
- d. Silt fence
- e. Bonded fiber matrix

Which of the following is not true about vegetation?

- a. It is easy to establish grass without topsoil
- b. Vegetation is the natural form of erosion control
- c. Vegetation is usually completely removed during construction
- d. Vegetation protects soil from raindrop impact
- e. Vegetation increases surface roughness

Which of the following is not true about vegetation?

- a. It increases stormwater infiltration
- b. It protects the soil from wind
- c. It increases surface water runoff
- d. It intercepts the raindrop
- e. It reinforces soil with its roots

Which of the following grass growth is by tillering?

- a. Stoloniferous
- b. Tilleniferous
- c. Rhizomatous
- d. Bunch or Clump
- e. Sod forming

Which is not true about clump or bunch type grass growth?

- a. Tillers are shoots that form from the buds at the leaf base.
- b. Tillers are horizontal stems that form new plants away from the mother plant
- c. Tillers form at the crown of the plant and have a tufted or clump growth habit.
- d. When seeded at a sufficient rate, it can form a dense, uniform turf.
- e. When seeded at a low rate, it forms individual clumps and erosion can occur between the clumps.

Which is not true about rhizomatous growth?

- a. Rhizomes are underground stems that emerge away from the mother plant
- b. Rhizomes can create a dense, fast spreading turf
- c. They are called “sod-forming” grasses
- d. They form clumps or turf
- e. The faster they spread, the faster the potential for erosion is reduced.

Which of the following is true of stoloniferous growth habit?

- a. They form bunches
- b. They spread from underground
- c. They spread from tillering
- d. Erosion occurs between the clumps
- e. They spread by above-ground lateral shoots

Cool season grasses are established easier in cooler months.

- True
- False

Warm Season grasses grow better in areas where temperatures are below freezing.

- True
- False

The following is true about Nurse (annual) species

- a. They germinate rapidly
- b. They grow only one season
- c. They are used for temporary cover
- d. They have a hollow (straw) stem
- e. All of the above

Nurse crops (annual species) can be used for final stabilization so a Notice of Termination can be filed.

- True
- False

No soil preparation is needed when trying to establish a vegetative cover over a completed construction site.

- True
- False

To successfully establish sustained vegetative growth you must have topsoil.

- True
- False

Which of the following is not true about organic matter?

- a. It consists of decomposing plant and animal litter
- b. It improves soil structure and increases permeability
- c. There is more organic matter in subsoil than in topsoil
- d. It increases water-holding capacity and soil fertility
- e. It makes up about 5 percent of what is in topsoil

Fertilizer is composed of which of the following three key ingredients?

- a. Air, water, and light
- b. Soil, plants and animals
- c. Nitrogen, phosphorus, and potassium
- d. Boron, iron, and sulfur
- e. Topsoil, organic matter, and water

Which of the following is not true about Nitrogen?

- a. It can readily be leached from the soil during rain events
- b. It stimulates plant growth
- c. It provides a deep green color to the plants
- d. It should be applied heavily before the seed germinates
- e. It can be a major source of pollution if applied incorrectly

You should keep as much of the existing vegetation on site as possible and protect it from damage during construction.

- True
- False

It is a good practice to re-establish a perimeter of vegetation as a buffer around the construction site after initial clearing.

- True
- False

You should stabilize any areas with a perennial vegetative cover during construction that you have reached final grade on as soon as possible and not wait until the entire project is complete.

- True
- False

All areas of soil disturbance that are not actively worked for more than 14 days (or less in some areas) must be temporarily stabilized within 21 days (7 days after the 14 days the area is inactive).

- True
- False

Which of the following is not a true statement?

- a. Straw is hollow stemmed.
- b. Hay is solid stemmed
- c. Mulch and compost are the same thing
- d. Mulch should be crimped or tacked down
- e. Compost can serve as a soil protection and a topsoil additive

Hydro-mulch can be made from paper or wood

- True
- False

The following is true about hydro-seeding?

- a. You need a water source
- b. Spray in two directions for better coverage
- c. Spray with high velocity close to the ground for good soil/seed contact
- d. The slurry mix can include mulch, seed, dye, fertilizer, and tackifier
- e. All of the above

The following is not a rolled erosion control product?

- a. Netting
- b. Blanket
- c. Turf Reinforcement Mat
- d. Bonded Fiber Matrix
- e. Soil filled TRM

Which of the following is not true about blanket installation?

- a. It must contact or touch the soil surface in all areas
- b. It must be properly stapled according to the manufacturer
- c. The proper product must be used in the proper situation
- d. Netting is a good choice in high flow channels
- e. Turf Reinforcement mats are considered permanent

Which of the following is not considered a type of Turf Reinforcement Mat?

- a. Netting TRM
- b. Composite TRM
- c. Synthetic TRM
- d. Soil fill TRM
- e. All of the above

Using too few staples is a typical reason blankets fail.

- True
- False



Which of the following is a major reason there is erosion under a blanket?

- a. There is good soil contact
- b. It is toed in properly
- c. It is overlapped correctly
- d. Clods have caused "tenting"
- e. Plenty of staples were used

Tracking up and down a slope is useful because of which of the following?

- a. It makes the water work
- b. It increases infiltration in the grooves
- c. Helps establish vegetation
- d. It gets rid of vertical groove marks made by the teeth of a bucket
- e. All of the above

Erosion control is the first line of defense for the reduction in sediment transport.

- True
- False

## **Federal Construction General Permit Module Exam**

How long is a Construction General Permit affective after it is issued?

- a. One year
- b. Two years
- c. Three years
- d. Four Years
- e. Five years

NPDES is covered under what section of the Clean Water Act?

- a. Section 203
- b. Section303
- c. Section 402
- d. Section 404
- e. Section 501

Which of the following is not a NPDES program?

- a. Pretreatment
- b. Stormwater
- c. Concentrated animal feeding operations
- d. Fire hydrant flushing
- e. Sanitary sewer overflows

The Clean Water Act was also known as?

- a. Federal Water Pollution Control Act
- b. Federal Clean It Up Act
- c. United States Water Quality Act
- d. Point Source Discharge Act
- e. Fishable/Swimable Law

The Clean Water Act's purpose is to?

- a. Clean up the waters of the world
- b. Restore and maintain the physical, chemical, and biological properties of the nation's waters
- c. Stop the glaciers from melting
- d. Increase the amount of drinkable water on the earth's surface
- e. Revive Lake Erie

Why was construction activity classified as an industrial activity after the results came in from the Nationwide Urban Runoff Program?

- a. Sediment was found to be the number one pollutant in the nation's waters
- b. It was found that construction is a messy business
- c. Stormwater runoff contains many heavy metals
- d. It is illegal to have any sediment in the nation's waters from stormwater runoff

- e. The study found that there were more pollutants from farm fields than residential construction.

Construction activity has its own separate NPDES category since it is a very different activity than other industrial activities whose stormwater discharge is regulated.

- True
- False

The Construction General Permit Fact Sheet explains the changes in the permit after it was revised.

- True
- False

When the Construction General Permit expires you need to do the following:

- a. Nothing
- b. Stop Construction immediately
- c. Find out from EPA how to continue construction under the new permit
- d. Go directly to jail
- e. Do not allow any stormwater to leave the site until the new permit is obtained

The Federal Construction General Permit has been modified since it was issued in 2003.

- True
- False

The federal regulations and Clean Water Act set the bar very high and states with delegated authority do not need to be as stringent as they are.

- True
- False

Under no circumstances would you ever need a Construction General Permit for soil disturbance on a site less than one acre.

- True
- False

Which of the following does not need a Construction General Permit?

- a. Construction of a store on 10 acres
- b. Construction of a gas station on ½ acre corner of a shopping center also under Construction
- c. Construction of a house within a 200 acre housing development
- d. Construction of a house on 2 acres (disturbing the entire 2 acres)
- e. Construction project on a 2 acre site that meets all the requirements of a waiver.

Which of the following EPA regions is not covered under the federal Construction General Permit?

- a. Region 2
- b. Region 4
- c. Region 6
- d. Region 8
- e. Region 10

The federal Construction General Permit allows you to discharge stormwater.

- True
- False

All EPA regions are covered under the federal Construction General Permit.

- True
- False

Which of the following areas are not covered under the federal Construction General Permit?

- a. Indian Lands
- b. Federal Lands
- c. States with delegated authority
- d. Puerto Rico
- e. District of Columbia

The following is not an allowable non-stormwater discharge.

- a. Discharge from fire fighting activity
- b. Water used for dust control
- c. Wash water where detergents are not used
- d. Potable water line flushing
- e. Contaminated groundwater

Coverage under this permit is available even if the stormwater discharge will bring harm to a federally listed species without mitigation.

- True
- False

If you have operational control over a portion of the site, you are responsible for compliance and all applicable terms and conditions of this permit for that portion you have control over.

- True
- False

Which of the following can not sign a Notice of Intent?

- a. Corporate Officer
- b. General Partner
- c. Executive Officer
- d. Elected Official
- e. Mail room clerk

You will always only need one permit per construction site even if the operator of plans and specifications is a different company than the operator of day-to-day control.

- True
- False

The permit application is referred to as the?

- a. NOT
- b. NOM
- c. NOP
- d. NOI
- e. NOC

When can you start construction after filing the Notice of Intent?

- a. Immediately
- b. Seven (7) calendar days after the permit is posted on the EPA website.
- c. Seven (7) calendar days after the preconstruction meeting.
- d. Seven (7) working days after the SWPPP is prepared
- e. After construction trailer and all equipment are in place.

According to the Construction General Permit, before you can submit your Notice of Intent or start construction, you must?

- a. Submit a bid
- b. Prepare the construction drawings
- c. Prepare a Storm Water Pollution Prevention Plan
- d. Hire all subcontractors
- e. Pay the permit fees

Which of the following paperwork is not included in the SWPPP?

- a. Copy of the Signed Notice of Intent
- b. Copy of the Construction General Permit
- c. Copy of the permit authorization from EPA
- d. Copy of the deed to the property
- e. Copy of the appropriate agency consultation letters

A public information sign must be posted at the construction entrance and contain all but which of the following?

- a. Copy of the signed Notice of Intent
- b. Location of the SWPPP
- c. Contact name for the site
- d. Site contact's phone number
- e. Location of the closest fire station

Which of the following is not information contained in the SWPPP?

- a. Subcontractor's contracts
- b. Identify all potential pollution sources during construction
- c. Description of the construction project
- d. Description of the practices used to reduce pollutants in stormwater
- e. Identify all operators for the project

The SWPPP must contain all but which of the following?

- a. Site map
- b. EPA Director's name and phone number
- c. Inspection schedule
- d. Maintenance requirements for all controls
- e. Construction sequence including sequence of BMP installations

TMDL stands for?

- a. Total Maximum Day Limit
- b. Total Maximum Daily Load
- c. Today's Minimum Down Limit
- d. Tomorrow's Minimum Day Length
- e. Total Maximum Duty Load

According to the Construction General Permit, which of the following should be called if there is a spill or release of a petroleum or hazardous substance above the reportable quantity?

- a. Hazmat
- b. Fire Department
- c. Police
- d. National Response Center
- e. Your attorney

NOI stands for which of the following?

- a. Notice of Intention
- b. Notice of Intrusion
- c. Notice of Industry
- d. Notice of Inability
- e. Notice of Intent

How long after the Notice of Termination is filed must you keep all paperwork, permits, SWPPP, and records associated with the construction project?

- a. 1 year
- b. 2 years
- c. 3 years
- d. 4 years
- e. 5 years

You do not need to modify the SWPPP after a release of petroleum product or hazardous substance above the reportable quantity?

- True
- False

NOT stands for which of the following?

- a. Notice of Termination
- b. Notice of Temporary
- c. Notice of Trespass
- d. Notice of Trepidation
- e. Notice of Transfer

An upset is an exceptional incident in which there is unintentional and temporary noncompliance because of factors outside your control.

- True
- False

A permittee who wishes to establish the affirmative defense of upset must demonstrate which of the following?

- a. An upset occurred and you can identify the cause
- b. The permitted facility was being operated properly at the time of the upset
- c. You submitted notice of the upset within 24 hours
- d. You complied with all remedial measures required
- e. All of the above

Which of the following statements is true of a bypass?

- a. It is prohibited and EPA can take enforcement action
- b. You must submit notice to EPA at least ten (10) days prior to a bypass if you anticipate it happening
- c. You must submit 24-hour notice to EPA on any unanticipated bypass
- d. None of the above
- e. All of the above (except d)

A bypass is an intentional diversion of a waste stream from any portion of a treatment facility.

- True
- False

Appendix D of the Construction General Permit contains the instructions on how to apply for which of the following waivers?

- a. Rainfall Erosivity Waiver
- b. TMDL Waiver
- c. Equivalent Analysis Waiver
- d. None of the above
- e. All of the above (except d)



## How To Inspect a Construction Site Exam

Who has the authority to inspect an NPDES permitted construction site for stormwater compliance?

- a. The permit holder
- b. The state agency with NPDES permit authority
- c. A Phase I or Phase II MS4 stormwater compliance inspector
- d. US Environmental Protection Agency
- e. Any of the above

As a regulatory inspector visiting a construction site, which of the following should you do?

- a. Wear a hard hat and safety vest as necessary
- b. Check in at the construction company trailer
- c. Follow all OSHA requirements
- d. Follow the rules and regulations set by the construction company
- e. All of the above

When doing a stormwater inspection at a construction site, what do you inspect?

- a. Best Management Practices
- b. Site Maps
- c. Detail Sheets
- d. Discharge points
- e. All of the above

When doing an inspection on a construction site you should inspect any and every aspect of compliance with the construction general permit.

- True
- False

Which of the following statements is true about inspecting the SWPPP?

- a. You don't have to inspect the SWPPP
- b. You can't be written up on any violations regarding the SWPPP
- c. The SWPPP has nothing to do with stormwater compliance
- d. The SWPPP and all required permit documents should be inspected for compliance.
- e. The SWPPP will never change from one inspection to the next

What documentation should be available to an agency inspector at the construction site?

- a. Signed Notice of Intent
- b. Permit authorization form appropriate agency
- c. Copy of the general permit
- d. Copy of a Notice of Termination
- e. All of the above

The SWPPP is an ever changing document that is not fully written until the Notice of Termination is filed.

- True
- False

The SWPPP is complete when provided to the construction site and construction begins.

- True
- False

What documentation is included in a SWPPP?

- a. Text description of the site and construction activity
- b. Copy of the general permit
- c. Site maps and detail sheets
- d. Spill and inspection forms
- e. All of the above

Which of the following forms are required with the SWPPP?

- a. Spill form
- b. Inspection form
- c. Notice of Intent
- d. Notice of Termination
- e. All of the above

What additional agency consultation letters may be necessary to include with the SWPPP.

- a. Occupational Safety Health Administration
- b. US Fish and Wildlife
- c. State Historic Preservation Office
- d. Both b and c
- e. American Society for Testing and Materials

As the permit holder, why would you want the subcontractors to certify compliance with the permit?

- a. It means they agree to stay in compliance.
- b. You can hold them liable if they are out of compliance
- c. It makes them understand the importance of compliance
- d. They will have a copy and read the permit
- e. All of the above

As the permit holder, what should you provide the subcontractors before they sign the NPDES permit compliance certification?

- a. A copy of the permit so they can read and understand it
- b. A copy of an inspection form
- c. A copy of the OSHA laws
- d. A copy of all construction drawings
- e. A copy the deed to the property

What information should be on an inspection form?

- a. Name and qualifications of the inspector
- b. Date and time
- c. Any deficiencies noted during the inspection?
- d. Any repairs that took place since the last inspection
- e. All of the above

When would a spill form be filled out?

- a. When stormwater is spilled from the site
- b. When you dewater the pond
- c. When there is a spill of petroleum or hazardous waste at or above the reportable quantity
- d. When you clean the concrete trucks in the concrete washout area
- e. When fire hydrant flushing is discharged into an inlet

What does MSDS stand for?

- a. Material Standard Data Set
- b. Material Safety Data Sheets
- c. Manual Side Detail Set
- d. Material Safe Driving Series
- e. Manual Standard Duty Series

What items might be found in a spill kit?

- a. Gloves and goggles
- b. Broom and dust pan
- c. Bucket and mop
- d. Kitty litter and shovel
- e. All of the above

What parts of the SWPPP should be kept up to date throughout the construction project?

- a. Site maps and inspection forms
- b. Existing vegetation and topography
- c. Permit number
- d. Notice of Termination
- e. Soils information

You need to record dates when major grading activities occur on the site map.

- True
- False

You need to record dates and locations of BMP installation, removal or relocation on the site maps.

- True
- False

You can work outside the limits of disturbance area without revising the SWPPP or permit?

- True
- False

What should you do if the limits of disturbance needs to be revised and has changed since the permit was issued for the site?

- a. Nothing needs to be done
- b. Call the Corps of Engineers
- c. File a form with US EPA
- d. Notify the permit holder and SWPPP preparer to revise the SWPPP and permit.
- e. Issue a change order

Where do you post a sign with a copy of the Notice of Intent, permit authorization and contractor information?

- a. In the trailer near the location of the SWPPP
- b. In the site superintendents truck
- c. On a board at the construction entrance where the public can view it.
- d. On the outside of the contractors trailer door
- e. At the agency's office

A deficiency that should be noted on the inspection report is any required element of the construction general permit that is not effective or in compliance.

- True
- False

Which of the following is not a deficiency to note on the inspection report?

- a. A hole in the silt fence
- b. A check dam has water going around the ends
- c. Straw mulch blew away
- d. Concrete truck driver washed out the concrete in the designated area.
- e. Dumpster is full and over flowing with trash

There are two major issues to note on an inspection report; what the deficiency is and ...?

- a. When it occurred
- b. How it happened
- c. When it was fixed
- d. Why it happened
- e. Who is responsible

What is a common problem with silt fence installation by trenching?

- a. Half the excavated soil needs to be carried over and compacted into the open trench side.
- b. The fence is too tall and needs to be staked
- c. It is difficult to bury the fabric in the trench
- d. The stakes are pounded in the ground outside the trench line
- e. You can't trench up and down a slope

Slicing is a more effective technique to install silt fence

- True
- False

Another method to installing silt fence besides trenching is....?

- a. Pinching
- b. Slicing
- c. Burying
- d. Dicing
- e. Scoring

Which of the following is not an additive to the hydro-mulch mix?

- a. Fertilizer
- b. Asphalt emulsion
- c. Tackifier
- d. Water
- e. Mulch

Why do you want the hydro-mulch with seed slurry to mix with the soil during the application?

- a. The application sticks to the ground better
- b. The mulch is more effective
- c. So the seed has better contact with the soil for increased germination
- d. You can apply less material and use less water
- e. So the nozzle doesn't clog with the mulch product the is being sprayed

What is the major reason rolled erosion control products fail?

- a. Improper installation method
- b. They are not manufactured well
- c. The netting photo degrades and the blanket falls apart
- d. The slopes are too steep
- e. It rains too much

What do you look for when inspecting a blanket product?

- a. The ground is smooth with no clods and tenting of the blanket
- b. The proper number and placement of staples as per manufacturer recommendations
- c. Proper over lap and toed in at the edges
- d. The correct product type is used per the site situation (slope and longevity)
- e. All of the above

Turf reinforcement mats have the same installation issues as other blankets?

- True
- False

If concrete is being poured at a construction site, what needs to be installed?

- a. A heavy duty entrance road for the trucks
- b. A concrete chute
- c. A concrete wash out
- d. A mason's area
- e. All of the above

If you are storing petroleum products or hazardous waste on the construction site, what needs to be installed?

- a. A fire truck
- b. Paramedics
- c. Security system
- d. Secondary containment
- e. Haz-Mat suits

What new technique can you use to locate the position of control devices easily?

- a. Labeling or sectioning
- b. Counting
- c. Paint them different colors
- d. Flagging
- e. All of the above

Silt fence is designed for sheet flow only and should not be used as check dams in concentrated flow channels.

- True
- False

When inspecting silt fence, you should be able to see sunlight under the fence.

- True
- False

How does a rock construction exit work?

- a. The rocks jump up and knock the mud off the tires
- b. The trucks spin the tires in the rocks which throws the mud off
- c. The trucks bounce over the rocks knocking the dirt and mud off the tires
- d. The rocks stick to the tires and when the truck speeds up on the highway, the rocks and mud fly off
- e. The rock is there to show the truck drivers where to turn into the site

If you install a wheel wash at the construction exit, what else do you need to install?

- a. A scrubber bay
- b. A rubber collection station
- c. A snack bar for the truck drivers
- d. A sediment trap to collect the wash water
- e. A fueling station

After a back hoe bucket makes groves in the ground with the teeth of the bucket when digging out a pond, what do you need to do?

- a. Water the soil to smooth it out
- b. Track walk up and down the slope to remove the grooves
- c. Fill the pond with water
- d. Sod the grooves
- e. All of the above

Which of the following devices can be used as perimeter control for single house lots?

- a. Wattles
- b. Triangular silt dike
- c. Sediment ponds
- d. Both a and b
- e. None of the above

How can you tell if the vegetation growing at the site is an annual grass or grain or if it is a perennial grass?

- a. Hold the leaves up to the light and see if you can see through them. Annual leaves are transparent.
- b. Crush the leaves in your hand. Perennial vegetation stains your skin blue.
- c. The stems of annual species are round while perennial stems are triangular.
- d. Annual stems are hollow while perennial stems are solid.

- e. Perennial plants seed out and die in one year while annual plants come back each year.

You can file a Notice of Termination if your site is covered with an annual grain or grass.

- True
- False



## Sediment Control Module Exam

Which of the following is not true of energy dissipation at the end of a pipe?

- a. It is an essential part of design
- b. It slows the flow
- c. It spreads the flow out
- d. It decreases scour and erosion potential around the pipe
- e. The only device you can use for energy dissipation at the end of a pipe is rock.

The following is true about most sediment control devices except which one?

- a. They slow the flow
- b. They pond the flow
- c. They dissipate the energy of flowing storm water
- d. They dissipate the energy of the raindrop impact
- e. They capture sediment behind them or in them

Straw/hay bales are not an effective sediment control device.

- True
- False

Silt fence is the most widely used sediment control product out there today.

- True
- False

You should always ring the construction site with silt fence for proper perimeter control.

- True
- False

Silt fence should be installed perpendicular to the contour for it to work best.

- True
- False

The following is true about silt fence installation except which one?

- a. There is a front and back to silt fence
- b. The bottom of silt fence must be buried or embedded in the soil
- c. There is more than one way to install silt fence
- d. Trenching is the most effective way to bury silt fence
- e. Proper post spacing is very important

If properly installed, silt fence will hold water and sediment behind it to the top of the fence.

- True
- False

The posts and wire backing should be placed on the same side (backside) of the fence for proper installation.

- True
- False

When installing silt fence via trenching, all the spoil must be backfilled on the front side in the open trench over the geotextile fabric lying in the bottom of the trench.

- True
- False

Silt fence must be installed per the detail in the Storm Water Pollution Prevention Plan.

- True
- False

Slicing machines make very little soil disturbance when installing the geotextile.

- True
- False

Slicing installation of silt fence has proven to have fewer failures and better performance than trenching installation.

- True
- False

Which of the following is not true about proper silt fence installation?

- a. It should be placed along the contour
- b. It should only be placed along the perimeter in those areas where stormwater leaves the site via sheet flow.
- c. It should not be used as a check dam
- d. It works very well in concentrated flow channels
- e. It should be relocated as necessary when soil movement and land grading changes the overland flow paths.

All but the following are true about Belted Silt Retention Fence?

- a. The fabric is spun bond polyester
- b. It is not as effective as using wire backing
- c. It has a fiberglass scrim or net sandwiched between the layers
- d. It has been tested by a major university
- e. It does not require steel posts

Which of the following is not a sediment control product or device?

- a. Bonded fiber matrix
- b. Silt fence
- c. A pond

- d. Silt saver
- e. Turbidity curtain

J-hook designs use less silt fence material and are installed only in those areas along the perimeter where sediment laden water would leave the site.

- True
- False

Which one of the following statements is correct about silt fence placement?

- a. You should always place silt fence perpendicular to the contour
- b. You should always place silt fence around the entire perimeter of a construction site
- c. You should always place silt fence in flow channels
- d. You should always place silt fence away from the toe of a slope for more storage capacity.
- e. You should always place silt fence around the top of a pond.

Silt fence placed at the toe of a slope has less sediment storage capacity.

- True
- False

Which of the following devices can be used at the perimeter of a site where sediment laden stormwater may discharge?

- a. Silt fence
- b. Wattles
- c. Triangular silt dike
- d. Fiber filtration tubes
- e. All of the above

Which of the following devices should not be used in channels of concentrated flow?

- a. Geo-Ridge
- b. Rock
- c. Silt fence
- d. Triangular silt dike
- e. Fiber filtration tubes

Rock is the most commonly used material for check dams.

- True
- False

Which of the following is not correct for proper check dam placement?

- a. Top of the bottom equals bottom of the top
- b. The middle of the dam should be lower than the ends
- c. The channel should be stabilized with vegetation or proper blanket type

- d. Spacing between check dams can be any distance and is not significant
- e. There are many different devices that can be used as check dams

Wattles are made of which of the following materials?

- a. Straw
- b. Coconut (coir)
- c. Compost
- d. Wood
- e. All of the above

Wattles are used for all but which of the following?

- a. Terraces
- b. Perimeter control
- c. Secondary containment of chemicals
- d. Stream bank stabilization
- e. Inlet protection

Which of the following is not true about Fiber filtration tubes?

- a. Water does not pass through them
- b. They are made of natural and man made fibers
- c. They contain a polymer
- d. They are designed for flow, filtration and flocculation
- e. They must be installed per manufactures recommendations

The polymers in the fiber filtration tubes attach to the sediment particles and trap them in the tubes.

- True
- False

All but which of the following are true of wattles?

- a. They are made of many types of material
- b. Some are made of degradable materials which others are reusable
- c. They are a round tubular form
- d. They hold back two feet of water
- e. They are used in place of silt fence

All but which are true of Triangular silt dike?

- a. They are used as check dams
- b. They are made of foam wrapped in geotextile
- c. They can be glued to concrete or asphalt
- d. They are used along the perimeter
- e. They are very difficult to install and maintain

All but which of the following is true about Geo-Ridge?

- a. Should be used in a turf reinforcement mat lined channel
- b. Maintenance of sediment accumulation on the TRM may be difficult
- c. It will reduce volume and velocity of flow
- d. Works well in concentrated flow channels
- e. Geo-Ridge is not a product that is used as a check dam

A level spreader changes a point source discharge into diffuse sheet flow thereby reducing energy for erosion and scour and increasing infiltration.

- True
- False

Level spreaders work best when the flow is discharged into a vegetated area.

- True
- False

Which of the following statements is false about slope drains?

- a. They are used to reduce the amount of surface flow down a slope
- b. They increase the amount of overland stormwater flow down a hillside
- c. They collect stormwater and redirect it through a pipe and discharge it at the bottom of a slope
- d. You need energy dissipation at the end of the pipe at the bottom of the slope
- e. They collect stormwater on a slope via terraces

Which of the following is not a type of inlet protection?

- a. Block and gravel
- b. Excavated drop inlet
- c. Turbidity curtain
- d. Gravel and wire mesh
- e. Silt fence drop inlet

No matter which type or types of inlet protection you use, you must have a detail showing proper installation of each device.

- True
- False

Which is not a product used for inlet protection?

- a. Silt Saver
- b. Wattles
- c. Eco-Block
- d. Dandy bag
- e. Oil/water separators

PAM stands for Polyacrylamide.

- True

False

Which of the following is false about polyacrylamides?

- a. They have the opposite charge as soil particles.
- b. They are used to flock the sediment to the bottom of the pond.
- c. They should be applied directly to waters of the US.
- d. They should be tested to see what type and amount is needed with the specific soil type.
- e. Some forms are toxic

Which of the following is false about Chitosan?

- a. It is a derivative of chitin
- b. If ingested, Chitosan will make you fat
- c. It is found in the shells of crustaceans, insect shells, and fungi cell walls
- d. It is a linear polymer
- e. It is used to remove heavy metals from wastewater and drinking water

Skimmers are used for dewatering ponds and basins.

- True
- False

You would always want to remove the water closest to the bottom of the pond first.

- True
- False

A retention pond does not hold water.

- True
- False

A detention pond detains the stormwater and releases the flow at a slower rate.

- True
- False

Infiltration basins work better when covered with vegetation.

- True
- False

Which of the following is not a type of treatment pond on a construction site?

- a. Sediment trap
- b. Detention pond
- c. Reservoir
- d. Infiltration basin
- e. Retention pond

Rip rap is used for energy dissipation at the end of pipe.

- True
- False

Scour Stop is an alternative to silt fence.

- True
- False

Scour Stop is an alternative to rip rap and allows vegetation to grow up through the device.

- True
- False

The inflow pipe to a sediment basin must be far enough away from the outflow to allow sufficient sediment settling time.

- True
- False

If the inflow to a sediment pond is near the outflow from the pond, which of the follow must be done?

- a. The pond must be dug deeper.
- b. There should be a weir or other device to direct the inflow away from the outflow to increase the settling time.
- c. The energy dissipation pad at the outflow of the pipe must be designed much larger for the increase in sediment discharge fro the pond
- d. Remove the pond altogether.
- e. Plug the inflow pipe so no pollutants can enter the pond.

Which of the following statements is false about a turbidity curtain?

- a. It floats on water
- b. It should be used when there is construction along a waterway
- c. It works well in high velocity flow situations
- d. It allows the sediment to settle down to the bottom of the waterway
- e. It allows water to pass underneath it.

When dewatering you should run the water through a geotextile bag to capture as much sediment as possible before the stormwater is discharged.

- True
- False

Which of the following are captured in underground stormwater treatment systems?

- a. Oil
- b. Trash
- c. Sediment
- d. Treated stormwater

e. Cigarette butts and other floatables



## **Basics of Erosion and Sediment Control Module Exam**

Erosion is the process by which soil particles are dislodged by water or wind.

True  
False

Which of the following statements is false?

- a. Erosion is a natural occurring event
- b. Erosion is a soil forming process
- c. Erosion creates sediment
- d. Accelerated erosion is not harmful
- e. Accelerated erosion is caused by human actions

Accelerated erosion can be more than 2,000 times greater than natural erosion.

True  
False

Which of the following is an environmental impact of erosion and sedimentation?

- a. Eroded soils contain nitrates, phosphates, and other pollutants
- b. Sediment reduces aquatic habitat
- c. Sediment covers stream bottoms and destroys fish habitat
- d. Erosion removes productive topsoil
- e. All of the above

What are the economic impacts of erosion and sedimentation?

- a. Cost to clean the water for consumable use
- b. Cost of dredging lakes and ponds
- c. Costs of damages due to flooding
- d. Cost of topsoil replacement
- e. All of the above

Sediment is the transportation of soil particles after they are dislodged due to the erosion process.

True  
False

Sedimentation is the deposition of dislodged soil particles when there is not enough energy to keep them in suspension and moving with the stormwater flow.

True  
False

Erosion, sediment transport, and sedimentation are due to what?

- a. The cosmos
- b. The rotation of the earth
- c. Energy
- d. Tidal flows
- e. Politicians

Which of the following is not a type of erosion?

- a. Sheet
- b. Gully
- c. Stream bank
- d. Waffle
- e. Splash

Which of the following is not true about Splash erosion?

- a. It is created by sheet flow
- b. Raindrop size effects the magnitude of splash erosion
- c. It is created by raindrop impact
- d. The pounding rain action destroys the soil structure
- e. None of the above

Which is not true about sheet flow?

- a. It is caused by shallow flowing water over the surface of bare soil
- b. It is easy to see this type of erosion
- c. It is formed when the stormwater falls at a rate greater than the infiltration rate
- d. Sheet flow contains soil particles dislodged from splash erosion and those additional particles picked up as the flow moves down slope.
- e. Sheet flows concentrate and form rills as the water moves downhill

Which of the following is true about rill erosion?

- a. It is caused by raindrop impact
- b. It is hard to see rills forms
- c. Rills are deeper than gullies
- d. Rills are formed when sheet flow concentrates and forms shallow channels
- e. Rills can not be removed by plowing

Which is not true about gully erosion?

- a. They are formed when concentrated flows increase in volume and velocity
- b. Gully erosion is formed from raindrop impact
- c. Gullies are large enough that normal plowing will not remove them
- d. Multiple rills can merge forming gullies
- e. Gullies can enlarge in both uphill and downhill directions

Which of the following is not a form of wind erosion?

- a. Splash
- b. Surface creep
- c. Saltation
- d. Suspension

Which of the following accounts for the highest percentage of soil movement during wind erosion?

- a. Surface creep
- b. Suspension
- c. Splash
- d. Rill
- e. Saltation

Which of the following is not a factor of erosion?

- a. Climate
- b. Soil Characteristics
- c. Topography
- d. Vegetative cover
- e. None of the above

Climate will affect how much rainfall occurs and the intensity of the rainfall.

- True
- False

Which of the following is not a soil characteristic?

- a. Texture
- b. Temperature
- c. Organic matter percentage
- d. Structure
- e. Permeability

Topography includes which of the following?

- a. Slope length
- b. Slope steepness
- c. Vegetative cover
- d. Raindrop impact
- e. Both a and b

Vegetative cover provides which of the following?

- a. Protects against raindrop impact
- b. Increases water infiltration
- c. Protection against wind erosion
- d. Reduction of surface water runoff
- e. All of the above

Erosion controls are those controls, measures, or devices used to pond water and dissipate energy so sediment falls out.

- True
- False

Sediment controls are those controls, measures, or devices that cover the surface of the earth and dissipate the energy from the raindrop.

- True
- False

Which is not a basic principle of erosion and sediment control?

- a. Grade and disturb the entire site at once
- b. Fit the site to the terrain
- c. Reduce runoff velocities
- d. Inspect and maintain control measures
- e. Maximize the use of and protect as much of the existing vegetation as possible/

You do not need to take into consideration the stormwater run on from up gradient properties to yours?

- True
- False

Erosion controls and sediment controls are the same thing and used interchangeably.

- True
- False

The Storm Water Pollution Prevention Plan (SWPPP) is complete once it is written and never needs to be used during construction.

- True
- False

The SWPPP is only as good as it's - - - ?

- a. Design, details, and delineation
- b. Permit, site maps, and forms
- c. Implementation, installation, and maintenance
- d. Paper quality, notebook, and style
- e. Directions, inspections, and inflections

We use the word silt for soil that is picked up and moved by water or wind as we should use which of the following words?

- a. Dirt
- b. Texture
- c. Erosion
- d. Sediment

- e. Soil

BMP stands for?

- a. Best Maintenance Plan
- b. Best Management Practice
- c. Buy More Products
- d. Beat More Plans
- e. Best Management Principles

How many erosion and sediment controls need to be in place to be in compliance on a construction site?

- a. At least one
- b. At least two
- c. No more than three
- d. At least 20
- e. As many as it takes

Which of the following is not a Best Management Practice?

- a. Erosion Controls
- b. Sediment Controls
- c. Agency Inspections
- d. Stormwater Controls
- e. Perimeter Controls

Which statement is true of perimeter controls?

- a. These need to be installed first before grading occurs
- b. These are installed whenever you get around to it.
- c. These are not the most important controls installed on the site
- d. These are the last controls to be installed
- e. These controls do not need to be inspected

What does "treated" stormwater mean?

- a. Treat stormwater to dinner
- b. Treat stormwater nice
- c. All stormwater must flow through or over a control, measure or device to dissipate the energy and settle out as much sediment as possible before the stormwater leaves the construction site.
- d. Add chemicals to it
- e. Stormwater that is boiled to remove pollutants

## Pollution Prevention Module Exam

Which of the following is not a pollution prevention best management practice?

- a. Good housekeeping
- b. Ponds
- c. Construction exits
- d. Sequence of construction
- e. Dust control

Which of the following is not considered part of Good housekeeping?

- a. Solid waste
- b. Industrial waste
- c. Hazardous waste
- d. Sanitary waste
- e. None of the above

Which of the following is not true about solid waste?

- a. You do not need to mark the location of the dumpsters on your SWPPP.
- b. You need to properly maintain and empty the trash dumpsters
- c. Keep the site clean, pick up all solid waste and store in a trash dumpster
- d. Educate your site personnel that trash is a pollutant and must be placed in dumpsters
- e. Arrange for regular trash pick up on your construction site.

Which of the following is not true about material storage on a construction site?

- a. You must provide for secondary containment
- b. You should have a designated area to store materials on site
- c. You must show material storage areas on your SWPPP
- d. Material storage areas do not need to be inspected after a rain event
- e. Cover and contain all materials

Vehicle maintenance areas should be limited and maintained for spills.

- True
- False

Which of the following is not true about concrete wash-out?

- a. You should avoid concrete work during a rain event
- b. You do not need a designated wash-out area on the site
- c. Prevent saw cut slurry, concrete acid washes, and other wastes from entering storm drains
- d. Educate your subcontractors that they must use the wash-out area
- e. The liquid portion of the clean out contains the pollutants we are controlling

It is a good idea to provide signage to show where on the site the concrete wash-out is.

- True
- False

It is a violation to get caught washing out a concrete truck in an undesignated area where the liquid could enter a waterway.

- True
- False

There are manufactured containers and sacks for concrete wash-out that are easily maintained.

- True
- False

If there is a concrete batch plant set up on the construction site, where should it be located?

- a. Near a waterway
- b. Over a storm sewer inlet
- c. In a wetland
- d. In an upland area with perimeter controls
- e. As far from where the concrete is needed on the site as possible

No petroleum and hazardous spills need to be reported.

- True
- False

The SWPPP should describe the reportable quantities of both petroleum and hazardous materials and provide the agencies and phone numbers of those that need to be contacted.

- True
- False

The construction site should have a spill center and spill kit and they should be inspected and maintained with all over site best management practices.

- True
- False

Which of the following should be done if there is an accidental spill of petroleum or hazardous waste?

- a. Contractor will immediately contain the spill
- b. All material cleaned up will be disposed of in a manner specified by federal, states, and local regulations
- c. If the spill is reportable, it will be reported to the appropriate agencies
- d. A written record of the spill and clean up will be made and the SWPPP amended

- e. All of the above

Perimeter BMPs should be installed prior to earth disturbing activity in that area.

- True
- False

As construction progresses, you do not need to modify the SWPPP or move the controls as necessary.

- True
- False

All of the following are true about sequencing construction except which one?

- a. Disturb the entire site at once and remove all existing vegetation
- b. Re-establish vegetation as soon as you can after the soil is disturbed
- c. Vegetate the permanent basins and ponds immediately after they are constructed.
- d. How you sequence construction is a best management practice
- e. The less you disturb at once the less potential for erosion of the site

Which of the following is not a dust control device?

- a. Water trucks
- b. Polymer emulsions
- c. Soil tackifiers
- d. Spit in the wind
- e. Soil cover

Which of the following is not true about track out?

- a. It is the one failed BMP the public drives through
- b. You can wash the sediment off the street
- c. You should sweep the street each day
- d. Track out is a form of sediment discharge
- e. You can get a violation for track out

Which of the following best describes how a construction exit works?

- a. It cleans the truck tires as they enter the site
- b. The gravel sticks to the mud to keep it on the tires as it travels down the street
- c. The rocks jump up and scrape the tires as they drive by
- d. The bouncing over the rocks jars the truck and the loose dirt and mud fall off
- e. The rocks are thrown at the tires to scrape the mud from them

Wheel washes are becoming more popular as more violations are written for track out.

- True
- False



Rumble plate products are popular. Why?

- a. They create a vibration rather than making the truck bounce
- b. They have a pit that collects the soil from the tires and are easy to maintain
- c. They are reusable
- d. They reduce the amount and size of rocks needed at the exit
- e. All of the above

Which of the following BMPs would not fit under the pollution prevention category covered in this module?

- a. Dust control
- b. Dumpster
- c. Inlet protection
- d. Concrete wash-out
- e. Port-a-potties

Port-a-potties are considered a best management practice since they contain sanitary wastes.

- True
- False

Which of the following is correct about port-a-potties?

- a. They are a best management practice that controls sanitary waste
- b. They should be located on the site map
- c. They should be inspected and properly maintained
- d. They should not be located near waterways or inlets
- e. All of the above

## **APPENDIX I**

## **Listed Contractors**

1. Earthmoving Contractors
2. Storm Drain Installation Contractors
3. Water and Sewer Installation Contractors
4. Paving Contractors (including curb and gutter installation)
5. Masonry Contractors
6. Interior and Exterior Painting and Staining Contractors
7. Stucco Contractors
8. Landscape Installation Contractors
9. Framing/Siding Contractors
10. Drywall Contractors
11. Latrine Contractors

**APPENDIX J**

**Stormwater Pollution Prevention and Control:  
List of Contractor Do's and Don'ts**

**DO:**

- **DO** go to the Site Storm Water Compliance Representative with any questions regarding storm water pollution prevention or this list.
- **DO** place all trash and debris in the receptacles provided.
- **DO** use designated washout areas for (and only for) cleaning equipment (e.g., concrete trucks must use the designated concrete washout area).
- **DO** immediately report any spills of petroleum or other chemicals to the Site Storm Water Compliance Representative.
- **DO** immediately comply with instructions given by the Site Storm Water Compliance Representative or other Hovnanian personnel.

**DON'T:**

- **DON'T** allow any solvents or chemicals to drain into a street, storm drain, creek, waterway, or other water body.
- **DON'T** disable, damage, or interfere with any silt fence or similar erosion control.
  - For example, **DON'T** run over a silt fence or straw wattle or forget to replace any silt fence or straw wattle you temporarily relocate, damage or dislodge.
- **DON'T** disable, damage, or interfere with any inlet controls.
  - For example, **DON'T** remove inlet controls (unless an action is needed to prevent flooding) or place dirt or debris in or adjacent to inlet controls.
- **DON'T** disable, damage, evade or interfere with any storm water pollution prevention controls at construction entrances.
  - For example, **DON'T** evade stone construction entrances.
- **DON'T** disable, damage, drive over, or interfere with any geotextile, matting, or mulch.
- **DON'T** disable, damage, or interfere with any other storm water pollution prevention controls.

**Remember: The failure to comply with storm water requirements at this Site is a breach of your contractual obligations and may result in economic sanctions or termination.**

**APPENDIX K**

**List of Sites Subject to Covenant Not to Sue**

The following list is intended to include all of the Sites:

- a. Sites where Plaintiffs have knowledge, through inspections conducted by Plaintiffs or Plaintiffs’ consultants, responses to information requests issued by Plaintiffs pursuant to Section 308 of the Clean Water Act (“CWA”) or equivalent state law, or information obtained from a non-Party, of an alleged violation of: (i) Section 308 of the CWA or a state law equivalent to Section 308, relating to Storm Water Requirements, (ii) the prohibition in Section 301(a) of the CWA or an equivalent prohibition under state law, against discharging pollutants without an Applicable Permit;(iii) the requirements to timely apply for a stormwater permit, or (iv) the conditions, limitations and requirements of an Applicable Permit; or
- b. Sites that Builder owned or operated at any time on or between September 30, 2009 and March 31, 2010; or
- c. Sites where Builder has information that there is or was a governmental enforcement action regarding Storm Water Requirements during the time between February 1, 2001 and March 31, 2010.

This description of the list is provided for explanatory purposes and does not modify the list. The release and covenant not to sue is only applicable to the Sites on this list. The list may be modified pursuant to Paragraph 69 of the Consent Decree to add Sites that were inadvertently omitted, but that meet the above criteria.

Site No.	Project Name	State	County and/or Municipality
1	Crismon Creek	AZ	Maricopa/Mesa
2	Escalante at Entrada Del Oro	AZ	Pinal/Apache Junction
3	Marley Park	AZ	Maricopa/Surprise
4	Paseo at Entrada Del Oro	AZ	Pinal/Apache Junction
5	Rancho Del Lago	AZ	Pima / Vail
6	Redhawk at Roger's Ranch	AZ	Maricopa/Phoenix
7	Riverbend	AZ	Maricopa/Phoenix
8	Rogers Ranch	AZ	Maricopa/Phoenix
9	Tolleson Meadows	AZ	Maricopa/Tolleson
10	Vinsanto	AZ	Maricopa/Phoenix
11	Vintage at Crossriver	AZ	Maricopa/County Island
12	Vintage Villas	AZ	Maricopa/Chandler
13	Willows	AZ	Maricopa/Gilbert
14	Almond Estates	CA	Yuba
15	Almond Tree Estates	CA	Madera
16	Gridley Unit 1	CA	Butte
17	Jaeger Ranch	CA	Sacramento
18	Live Oak Ranch II	CA	Sutter
19	Melanie Meadows	CA	Madera
20	Peterson Ranch	CA	Salano
21	Schmidt Ranch Unit 1	CA	Sacramento

Site No.	Project Name	State	County and/or Municipality
22	Aliso	CA	Los Angeles
23	Azul/Brisa	CA	Kern
24	Bella Lago	CA	San Diego
25	Canyon Heights	CA	Riverside
26	Carrera Collection	CA	Kern
27	Common Costs	CA	Riverside
28	Cooperstown	CA	Los Angeles
29	Corcoran	CA	Kings/Corcoran
30	Country Glenn	CA	Riverside
31	Country Glenn II	CA	Riverside County
32	Dinuba	CA	Tulare/Dinuba
33	Dos Palos	CA	Merced/Merced
34	El Dorado Ranch	CA	Kern
35	Euer Ranch Four Seasons	CA	El Dorado
36	Fiddymment Ranch	CA	Placer
37	Firebaugh	CA	Fresno/Firebaugh
38	Fresno 79	CA	Fresno/Fresno
39	FS at Moreno Valley	CA	Riverside
40	FS at Palm Springs	CA	Riverside
41	Iwasaki	CA	Yolo
42	La Laguna 4	CA	Riverside
43	Lake Rancho Viejo	CA	San Diego
44	Legends, Masters, Invitationals & Championships	CA	Riverside
45	Livingston	CA	Merced/Livingston
46	Los Banos	CA	Merced
47	Malan Park	CA	Imperial
48	Natomas	CA	Sacramento/Sacramento
49	Parlier	CA	Fresno/Parlier
50	Paseo Del Norte	CA	Placer/Roseville
51	Piazza Serena	CA	Riverside
52	Pioneer Trails	CA	San Bernardino
53	Porterville	CA	Tulare/Porterville
54	Rosemary Lantana Cmn	CA	Kern
55	Santa Nella	CA	Merced/Santa Nella
56	Star Point Ranch	CA	Los Angeles
57	Stetson Ranch	CA	LA County
58	Stockton	CA	San Joaquin/Stockton
59	The Palms	CA	La County
60	Vallecitos Ridge	CA	San Diego
61	Vista Del Sol Estates	CA	San Bernardino
62	West View Estates	CA	LA County
63	Wheeler Ranch	CA	Yuba
64	Emerson Park	DC	Washington, D.C.
65	Nassau Grove	DE	Sussex County
66	Stonewater Creek	DE	Sussex County
67	Village at Herring Creek	DE	Sussex County
68	Monteverde	FL	Palm Beach
69	Southbay	FL	Manatee County
70	Southbay	FL	Manatee County



Site No.	Project Name	State	County and/or Municipality
71	Baldwin Park	FL	Orlando
72	Catalina	FL	Palm Beach
73	Firenze	FL	Palm Beach
74	FishHawk Ranch	FL	Hillsborough
75	FS at Delray Beach - Community Center	FL	Palm Beach
76	Harbor Isle	FL	Hillsborough
77	Highland Park	FL	Hillsborough
78	Lake Arnold Reserve	FL	Orlando
79	Lakeshore Ranch	FL	Pasco County
80	Lakeside Preserve	FL	Manatee County
81	Loch Leven	FL	Mt Dora
82	Long Leaf	FL	Pasco County
83	Meadow Oaks	FL	Pasco
84	Palm Beach Plantation	FL	Palm Beach
85	Panther Trace Ballymore	FL	Hillsborough
86	Pepper Place	FL	Orlando
87	Sabal Grove	FL	Palm Beach
88	Silverado Ranch	FL	Pasco/Zephyrhills
89	South Fork	FL	Hillsborough
90	Southhampton	FL	Palm Beach
91	Spencer Creek	FL	Hillsborough
92	Spencer Creek/Mixon Sub-Division	FL	Hillsborough
93	Spring Ridge	FL	Hernando
94	The Pointe at Middle River	FL	Broward
95	Vistabella	FL	Palm Beach
96	Shell Pointe	GA	Brunswick, Glynn County
97	Southwinds	GA	Brunswick, Glynn County
98	The Gates	GA	Pooler, Chatham County
99	Sweetwater	GA	Brunswick, Glynn County
100	Westbrook	GA	Pooler, Chatham County
101	Churchill Club	IL	Kendall County/ Village of Oswego
102	Cider Grove	IL	McHenry County/ City of Huntley
103	Hunt Club	IL	Kendall County/ Village of Oswego
104	Liberty Lakes East	IL	Lake County/ Village of Wauconda
105	Oaks at Irish Prairie	IL	McHenry County/ City of McHenry
106	Providence	IL	Kane County/ City of Elgin
107	Remington Pointe	IL	Lake County/ Village of Volo
108	Salem Country Estates	KY	Boone
109	Arbor West	MD	Prince George's County
110	Bellehaven Estates	MD	Prince George's County
111	Blackwater Creek	MD	Dorchester
112	Bowie New Town Center	MD	Prince George's County
113	Brandywine (Chaddsford) & Village	MD	Prince George's County
114	Burmout	MD	Baltimore County
115	Carriages at Russett, Parcel 13 DR	MD	Anne Arundel
116	Chaddsford Crossing & Station	MD	Prince George's County
117	Charles Hill	MD	Prince George's County
118	Colonial Park	MD	Anne Arundel County
119	Columbia Town Center (Governors Grant)	MD	Howard

Site No.	Project Name	State	County and/or Municipality
120	Cottages at Glenarden	MD	Prince George's County
121	Covington , Parcel 5	MD	Prince Georges
122	Crawfords Ridge	MD	Anne Arundel
123	Dodge Park	MD	Prince Georges
124	Eagle Pointe	MD	Anne Arundel
125	Forest Run II	MD	Prince Georges
126	Fox Chase	MD	Prince Georges
127	Franklin Overlook	MD	Baltimore
128	Gilley Terrace	MD	Baltimore
129	Glendale Forest	MD	Prince Georges
130	Greens @ Piscataway	MD	Prince Georges
131	Greenspring (Compass Pointe)	MD	Anne Arundel
132	Greenway Village @ Clarksburg	MD	Montgomery
133	Hillcrest Reserve	MD	Baltimore
134	Hollaway Estates	MD	Prince Georges
135	Holly Ridge	MD	Baltimore
136	Lennings Crossing	MD	Baltimore
137	Linwood Knolls	MD	Prince Georges
138	Marlborough Station	MD	Prince Georges
139	Misty Meadows	MD	Baltimore
140	Orchard Crossing	MD	Baltimore
141	Oxon Run Hills	MD	Prince Georges
142	Paddocks, The	MD	Anne Arundel
143	Pegg Run	MD	St. Mary's
144	Perrywood, Sec. 8 & 9	MD	Prince Georges
145	Renaissance Plaza	MD	Montgomery
146	Retreat at Fairwood, Ph. 1 & 2	MD	Prince Georges
147	Rose Valley	MD	Prince Georges
148	Rustic Ridge	MD	Prince Georges
149	South River Colony	MD	Anne Arundel
150	Southdown Shore	MD	Anne Arundel
151	St. Charles/Dorchester, Sheffield 1, 2 & 3	MD	Charles
152	Sunshine Acres	MD	Montgomery County
153	Arora Hills	MD	Montgomery County
154	Boone Farm	MD	Prince George's County
155	Cider Mill	MD	Howard County
156	Estates at Woodyard Farm	MD	Prince George's County
157	FS at Saint Margarets	MD	Anne Arundel County
158	Greenway Farm	MD	Harford County
159	Jones Station	MD	Howard County
160	Kensington Villas	MD	Washington County
161	Kent Island	MD	Queen Anne County
162	Lakeview at Brandywine	MD	Prince George's County
163	Mannington	MD	Prince George's County
164	MetroPlace	MD	Prince George's County
165	Middletown Manor	MD	Baltimore County
166	Mill Village	MD	Kent County
167	Monticello	MD	Anne Arundel County
168	Patuxent Overlook	MD	Prince George's County

<b>Site No.</b>	<b>Project Name</b>	<b>State</b>	<b>County and/or Municipality</b>
169	Roddy Woods (Sellner Estates)	MD	Prince George's County
170	Rolling Oaks	MD	Baltimore County
171	Sloop Cove Landing	MD	Anne Arundel County
172	South Woodmore	MD	Prince George's County
173	Sun Meadow	MD	Frederick County
174	Taskers Chance	MD	Frederick County
175	The Greens at Chaddsford	MD	Prince George's County
176	The Lakes at Chaddsford	MD	Prince George's County
177	The Preserve (Maryland)	MD	Prince George's County
178	The Ridings at Upper Marlboro	MD	Prince George's County
179	The Timbers & Crossings at Chaddsford	MD	Prince George's County
180	Waterford Cove	MD	Prince George's County
181	Winshire Estates	MD	Prince George's County
182	Woodmore Estates	MD	Prince George's County
183	Tartan South	MD	Prince Georges
184	Town Center at Camp Springs	MD	Prince Georges
185	Villas at Southampton	MD	Charles
186	Woodmore at Oak Creek	MD	Prince George's County
187	Woodmore Town Center	MD	Prince George's County
188	Woodyard, The	MD	Prince Georges
189	FS at Rush Creek	MN	Hennepin/Maple Grove
190	Heritage Square	MN	Ramsey/Maplewood
191	Heritage Square II	MN	Ramsey/Maplewood
192	Heritage Square IV	MN	Ramsey/Maplewood
193	Hidden Creek Estates	MN	Hennepin/Maple Grove
194	Highland Shores of Chaska	MN	Carver/Chaska
195	Liberty on Bluff Creek	MN	Carver/Chanhasen
196	Silverwood	MN	Washington/Cottage Grove
197	Symphony at Town Center	MN	Anoka county, City of Ramsey
198	Timbres at Elm Creek	MN	Hennepin/Maple Grove
199	Wood Hill	MN	Dakota/Lakeville
200	Anderson Pointe	NC	Wake/Raleigh
201	Bradley Terrace	NC	Wake/Raleigh
202	Carriage Woods	NC	Guilford County
203	Chestnut Bend	NC	Guilford County
204	Heritage Pines	NC	Wake/Cary
205	Parkway Village	NC	Guilford County
206	Stowecroft	NC	Wake/Raleigh
207	Ardmore Vista	NC	Forsyth County/Winston Salem
208	Back Creek Downs	NC	Mecklenburg County
209	Belmont	NC	Town of Cary
210	Brightwood Farm	NC	Guilford County
211	Brookstone	NC	City of Greensboro
212	Candace Ridge	NC	Guilford County
213	Carrington Estates	NC	Town of Holly Springs
214	Cottesmore	NC	City of High Point
215	Davenport	NC	Town of Creedmoor
216	Eagle Ridge	NC	Wake County/Town of Garner
217	Gramercy Park West	NC	City of Greensboro

Site No.	Project Name	State	County and/or Municipality
218	Granite Crest	NC	Wake/Rolesville
219	Kensington Manor	NC	Wake County
220	Meadowfield	NC	Davidson County
221	Meadows on Fairview	NC	Mecklenburg County
222	Newport Landing	NC	Gaston County
223	Old Stone Crossing	NC	Mecklenburg County
224	Olde Liberty	NC	Youngsville
225	Parkway Oaks	NC	Mecklenburg County
226	Pearman Estates	NC	Guilford County
227	Pheasant Ridge	NC	Guilford County
228	Providence Place	NC	Morrisville
229	Richland Hills	NC	Wake Forest
230	Riley Village	NC	City of Greensboro
231	Riverdale Ridge	NC	City of Greensboro
232	Rockbridge	NC	Wake County
233	Stonegate on Sharon	NC	Mecklenburg County
234	Stoneybrook	NC	Durham
235	Timberlake	NC	Gaston County
236	Trinity Lake	NC	Guilford County
237	Tuscany	NC	Union County
238	Twin Creeks	NC	Rockingham County
239	Upchurch Farms	NC	Town of Cary
240	Weatherly	NC	Franklinton
241	Waterbury	NC	Guilford County
242	Four Seasons at Mirage	NJ	Ocean County
243	Franklin Village	NJ	Gloucester County
244	FS at Smithville Wexford	NJ	Atlantic County
245	Seaboard Point.	NJ	Cape May County
246	77 Hudson Street	NJ	Hudson / Jersey City
247	Bayport	NJ	Atlantic County, Egg Harbor Twp
248	Beachfront North Phase II	NJ	Monmouth/Long Branch
249	Bel Air at West Orange	NJ	Essex County, West Orange
250	Chesterfield Downs	NJ	Burlington, Chesterfield Twp
251	City Place	NJ	Edgewater/Bergen County
252	Crescent Court	NJ	Hudson, Jersey City
253	Cross Creek	NJ	Burlington, Chesterfield Twp
254	Crossroads	NJ	Burlington, Florence Twp
255	Estates at Hilltop	NJ	Essex/North Caldwell
256	Estates at North Caldwell	NJ	Essex/North Caldwell
257	Freedom Hills	NJ	Ocean County, Barnegat Twp
258	FS at Bridgewater	NJ	Somerset/Bridgewater
259	FS at Great Notch	NJ	Passaic/Woodland Park
260	FS at Harbor Bay	NJ	OceanCounty, Little Egg Harbor Twp
261	FS at Manalapan	NJ	Monmouth/Manalapan
262	FS at Metedeconk	NJ	Ocean/Jackson
263	FS at Millville	NJ	Cumberland/Millville
264	FS at Monroe	NJ	Middlesex/ Monroe
265	FS at Mount Olive	NJ	Morris/Mount Olive
266	FS at North Caldwell	NJ	Essex/North Caldwell

Site No.	Project Name	State	County and/or Municipality
267	FS at Parsippany	NJ	Morris / Parsippany
268	FS at Ridgmont	NJ	Bergen/Montvale
269	FS at Sea Crest Pines	NJ	Ocean / Barnegat
270	FS at Smithville	NJ	Atlantic/Galloway
271	FS at South Knolls	NJ	Ocean/Jackson
272	FS at Stone Harbor	NJ	Cape May County, CM Court House
273	FS at Verona	NJ	Essex/Verona
274	FS at Weatherby	NJ	Gloucester/Woolwich
275	Governor Estates	NJ	Morris / Mendham
276	Hartland Square	NJ	Middlesex/North Brunswick
277	Heritage	NJ	Burlington, Chesterfield Twp
278	Hidden Pines II	NJ	Atlantic County, Egg Harbor Twp
279	Hilltop Soccer Field	NJ	Essex / Verona
280	Hilltop Water Booster Pump Station & Elevated Tank	NJ	Essex / Verona
281	Hudson Pointe	NJ	Hudson/North Bergen
282	Hunter's Brook	NJ	Warren/Hackettstown
283	Jockey Club	NJ	Monmouth/Oceanport
284	Lancaster	NJ	Atlantic/Galloway
285	Landis Point	NJ	Cumberland/Vineland
286	Lofts at Riverwalk	NJ	Hudson/West New York
287	Manors at Hilltop	NJ	Essex/Cedar Grove
288	Maple West Front St	NJ	Monmouth/Red Bank
289	Meadow Creek	NJ	Monmouth/Manalapan
290	Monarch Riverwalk Commons	NJ	Monmouth/Red Bank
291	Oak Manor	NJ	Atlantic County, Egg Harbor Twp
292	Port Imperial North	NJ	Hudson/West New York
293	Promenade at Warren	NJ	Somerset/Warren Twp.
294	Valley View at Montvale	NJ	Bergen / Montvale
295	Wildwood Mini Storage	NJ	Cape May/Wildwood
296	Grove at New Windsor	NY	Orange/New Windsor
297	Bay Shere Vista	OH	Ottawa
298	Bridgeside	OH	Lorain/Avon Lake
299	Crimson Hollow	OH	Lucas
300	Crosscreek Woods, Winterbourne Station	OH	Lucas
301	Forest Oak	OH	Mahoning
302	Gardner Ridge	OH	Sandusky
303	Hidden Springs	OH	Belmont
304	Hidden Springs	OH	Belmont
305	Hidden Woods Acres	OH	Belmont
306	Highland Park	OH	Belmont
307	Holly Pines	OH	Ohio
308	Hull Prairie	OH	Wood
309	Hull Prairie	OH	Wood
310	Hunters Ridge Estates	OH	Belmont
311	Hunters Ridge Estates	OH	Belmont
312	Ironwood Subdivision	OH	Wood
313	Lewis Acres	OH	Greene
314	LJ Acres	OH	Franklin
315	Martin's Run	OH	Lorain

Site No.	Project Name	State	County and/or Municipality
316	Piccolo Place	OH	Lorain/Avon Lake
317	Pleomeyer's Sharon Heights Subdivision "B"	OH	Butler
318	Plum Creek Meadows Development	OH	Richland
319	River Trace North	OH	Cuyahoga
320	Sandy Point	OH	Washington
321	Sandy Point	OH	Washington
322	School View	OH	Sandusky
323	Sunrise Hill-Sixth Addition	OH	Belmont
324	Arlington Place	OH	Lorain/Avon
325	Ashberry Farms	OH	Fulton
326	Clarkwood Subdivision #3	OH	Lorain
327	Cypress Station	OH	Lorain/North Ridgeville
328	Eastgate 1	OH	Lorain/Avon
329	Gramercy Place	OH	Lorain/Avon Lake
330	Halsted Village	OH	Lorain/Avon
331	Herrington Place	OH	Summit/Reminderville
332	Indian Ridge	OH	Lorain/Vermilion
333	North Ridge at Bremen	OH	Fairfield
334	Northpointe	OH	Lorain/Amherst
335	Pine Meadow	OH	Lorain/Avon Lake
336	Stone Creek Estates	OH	Lorain/North Ridgeville
337	Stone Wheel Run	OH	Lorain/Avon
338	The Meadows of Wintergreen	OH	Summit
339	Windsor Point/Avalon Estates	OH	Lorain/North Ridgeville
340	York Gate Estates	OH	Licking
341	The Woods at Buckeye Lake	OH	Licking
342	Walker Meadows	OH	Union
343	Watts Subdivision	OH	Delaware
344	Wilkins Meadow	OH	Muskingum
345	Willow Creek	OH	Lorain/Avon
346	Woodhaven Estates	OH	Sandusky
347	Allegheny Valley Development - Golf View Estates	PA	Forest
348	Borough of Jefferson Hills	PA	Allegheny
349	Brandywine at Thornbury	PA	Chester County
350	Buffalo Trails Hoemowners Association	PA	Butler
351	Dandyview Estates Plan #1	PA	Westmoreland
352	Deerbrook a/k/a Valley Day School	PA	Bucks County
353	DL Development Group LLC	PA	Somerset
354	Estates at Huntingdon Valley	PA	Montgomery County
355	Ethan Hill Subdivision	PA	Butler
356	Folmont Property Owners Association - Lot 110	PA	Somerset
357	Forest Manor	PA	Indiana
358	Forest Manor Additon	PA	Indiana
359	Four Seasons at Hershey's Mill	PA	Chester County
360	Four Seasons at Saucon Valley	PA	Lehigh County
361	Fox Run	PA	Montgomery County
362	Hidden Meadows Subdivision	PA	Allegheny
363	Kirby Development	PA	Greene
364	Majestic Point	PA	Washington

Site No.	Project Name	State	County and/or Municipality
365	National at Old City	PA	Philadelphia County
366	National Products - West	PA	Philadelphia County
367	Park Place	PA	Washington
368	Patriot Pointe (Phase 1)	PA	Allegheny
369	Patriot Pointe (Phase 1)	PA	Allegheny
370	Point West Phase-11	PA	Allegheny
371	Ramwood Estate	PA	Westmoreland
372	Sam C Presutti & Mary Ann Presutti Plan	PA	Beaver
373	Scenery Hill Plan of Lots	PA	Westmoreland
374	Stewart	PA	Fayette
375	Bella Vista	PA	Cumberland/Silver Springs Twp
376	Byers Station	PA	Chester/Upper Uwchlan
377	Carriage Hill Estates	PA	Allegheny
378	Enclave at Camp Hill	PA	Cumberland/Camp Hill
379	Forest Manor Addition #4	PA	Indiana
380	FS at Elm Tree	PA	Lancaster/Rapho Twp
381	FS at Farmington	PA	Lehigh/Lower Macungie
382	Kirby Development LLC	PA	Greene
383	Red Oak Estates	PA	Franklin County
384	Sawmill	PA	Chester/Thornbury
385	The Hills at Lockridge	PA	Lehigh County
386	Wilshire Glen	PA	Bucks County
387	Windsor Woods	PA	Washington
388	Wooded Estates Subdivision	PA	Cambria
389	Woods at Northampton	PA	Bucks County
390	Alston Park at New Riverside	SC	Bluffton, Beaufort County
391	Barton's Run	SC	Bluffton, Beaufort County
392	Ellis Pond	SC	York County
393	Kimbrell Crossing	SC	Fort Mill
394	Lawton Station	SC	Bluffton, Beaufort County
395	Shelly Woods	SC	Lancaster County
396	Boardwalk	TX	Dallas
397	Brittany Lakes	TX	Harris/City of League City
398	Falcon Ranch	TX	Fort Bend
399	Highpoint Hill	TX	Tarrant
400	Legacy Townhomes Ph 2	TX	Collin
401	Arcadia Park	TX	Tarrant
402	Audubon Lakes	TX	Harris/County
403	Autumn Lakes Secs. 1 & 3	TX	Harris / City of League City
404	Avalon Square	TX	Dallas
405	Barrow Ranch	TX	Chambers / County
406	Barton Woods	TX	Montgomery/City of Conroe
407	Bayou Lakes	TX	Galveston/City of Dickinson
408	Bayou Oaks at West Orem	TX	Harris / City of Houston
409	Bellavita at Green Tee	TX	Harris/City of Pearland
410	Bonbrook Plantation South	TX	Fort Bend/County
411	Branch Forest	TX	Harris/County
412	Bridgestone Lakes	TX	Harris/County
413	Brookstone-TX	TX	Collin

Site No.	Project Name	State	County and/or Municipality
414	Cambridge Crossing	TX	Dallas
415	Cedar Ridge Estates	TX	Collin
416	Cedar Springs	TX	Harris/County
417	Centerpointe	TX	Galveston/City of League City
418	City Park	TX	Harris/City of Houston
419	Cove at Cotton Creek	TX	Chambers/County
420	Creekside at Cotton Creek	TX	Chambers/County
421	Creekwood	TX	Tarrant
422	Crockett Park	TX	Harris/City of Baytown
423	Crown Ridge	TX	Collin
424	Cypress Creek Lakes	TX	Harris/County
425	Cypress Village	TX	Brazoria County
426	Devinwood	TX	Chambers/City of Baytown
427	East Meadows	TX	Harris/City of Deer Park
428	Eastpoint	TX	Harris/City of Baytown
429	Estates at Mira Lagos	TX	Tarrant
430	Fall Creek	TX	Tarrant
431	Fall Creek - Houston	TX	Harris / County
432	Friendswood Lakes Section 4	TX	Galveston / City of Friendswood
433	Gosling Pines	TX	Harris/County
434	Grand Peninsula	TX	Dallas
435	Heritage Addition	TX	Tarrant
436	Heritage at Towne Lake	TX	Harris/County
437	Heritage Bend	TX	Collin
438	Heritage Grand	TX	Fort Bend/County
439	Heritage Oaks	TX	Tarrant
440	Highland Meadows	TX	Dallas
441	Hunters Glen	TX	Dallas
442	Hunters Ridge	TX	Collin
443	Ivy Oaks	TX	Harris/City of Deer Park
444	Kendall Lakes	TX	Brazoria/County
445	Kings Mill	TX	Montgomery/County
446	La Villita	TX	Dallas
447	Lake Shore Harbour	TX	Fort Bend / County
448	Lakemont Cove	TX	Fort Bend/County
449	Lakemont Grove	TX	Fort Bend/County
450	Lakemont Shores, Secs. 1 & 2	TX	Fort Bend / County
451	Lakes at Mason Park	TX	Harris/County
452	Lakes at Northpointe	TX	Harris/County
453	Lakes in Bay Colony	TX	Galveston/City of League City
454	Lakes of Bella Terra	TX	Fort Bend / County
455	Lakeville	TX	Harris/County
456	Legacy Town Center Phase 3	TX	Collin
457	Legacy Townhomes	TX	Collin
458	Mason Lakes	TX	Harris/County
459	Maxwell Creek	TX	Collin
460	Mustang Crossing	TX	Brazoria/City of Alvin
461	New Forest West	TX	Harris/County
462	Newton Ranch	TX	Tarrant



Site No.	Project Name	State	County and/or Municipality
463	Oak Ridge Meadows	TX	Harris/City of Seabrook
464	Oakbrook Estates	TX	Brazoria/City of Pearland
465	Old Orchard	TX	Fort Bend/County
466	Olive Hills Court	TX	Harris/City of Houston
467	Park at Main	TX	Harris/City of Houston
468	Park at Meadowhill Run	TX	Harris/County
469	Park at Prince	TX	Harris/ City of Houston
470	Park at Sherwin	TX	Harris / City of Houston
471	Parkland Place	TX	Harris/County
472	Parkside (Plano)	TX	Collin
473	Pelican's Nest	TX	Harris/City of Seabrook
474	Preston Lakes	TX	Collin
475	Remington Ranch	TX	Harris/County
476	River's Edge	TX	Denton
477	Royal Oaks Court	TX	Harris/City of Houston
478	Savannah Cove	TX	Brazoria/City of Pearland
479	Savannah Meadows	TX	Brazoria/City of Pearland
480	Shaddock Creek Estates	TX	Denton
481	Shaddock Park	TX	Collin
482	Silhouette	TX	Collin
483	Silver Ranch	TX	Fort Bend/County
484	South Shore Harbour	TX	Galveston / City of League City
485	Southwind	TX	Tarrant
486	Stone Creek	TX	Rockwall
487	Stonelake Estates	TX	Collin
488	Sunrise Creek	TX	Galveston/City of Hitchcock
489	Sunset Ridge	TX	Harris/County
490	Terra Vista	TX	Harris / County
491	Terraces on Memorial	TX	Harris/City of Houston
492	The Preserve (Plano)	TX	Rockwall
493	The Tribute Gardens & Glens	TX	Denton
494	The Villages at Marys Creek	TX	Brazoria/City of Pearland
495	Trails of Fossil Creek	TX	Tarrant
496	Trophy Club	TX	Denton
497	Victory Lakes	TX	Galveston/City of League City
498	Villa D'Este	TX	Harris
499	Village Park	TX	Collin
500	Villages of Stonelake Estates	TX	Collin
501	Villas at Waterchase	TX	Tarrant
502	Vista West	TX	Tarrant
503	Wallingford Place	TX	Houston
504	Waterford Parks	TX	Collin
505	Willow Creek Estates	TX	Harris/County
506	Wilshire Court	TX	Harris/City
507	Winding Creek	TX	Collin
508	Woodbridge	TX	Dallas
509	Wyndham Lake	TX	Harris/City of Jersey Village
510	The Aviary	TX	Collin
511	Twin Creeks	TX	Collin

Site No.	Project Name	State	County and/or Municipality
512	Ashland Sec 23 & 27	VA	Prince William County
513	Barrington Oaks - 5	VA	Prince William County
514	Bealeton Station	VA	Fauquier
515	Breeden Grove	VA	Prince William County
516	Brenbrooke	VA	Prince William County
517	Cameron Chase 4 (Collier Prop)	VA	Loudoun
518	Cedar Crest, Sections 1 and 2	VA	Fairfax
519	Cedar Ridge	VA	Loudoun
520	Chancellors Grove (Ewell Property)	VA	Fairfax
521	Christy Estates	VA	Stafford County
522	Fairfax Gateway	VA	Fairfax
523	Glenkirk Section 1	VA	Prince William County
524	Hampstead Landing	VA	Prince William County
525	Hampton Oaks - 13B	VA	Stafford County
526	Hawks View Glen	VA	Loudoun
527	Hidden Pond Singles	VA	Loudoun
528	Lake Ridge Crossing	VA	Prince William County
529	Lakeview Townhouses & Villas	VA	Culpeper
530	Locust Grove	VA	Loudoun
531	Merrimans Chase	VA	Frederick
532	Perry Farms 4 & 5	VA	Stafford County
533	Potomac Station, Sections 8 D-F	VA	Loudoun
534	Salem Farms	VA	Loudoun
535	Saratoga Hunt	VA	Prince William County
536	Sommerset	VA	Prince William County
537	Alford	VA	Loudoun County
538	Aquia Overlook	VA	Stafford County, VA
539	Artillery Ridge - Section 2	VA	Spotsylvania County
540	Barretts Crossing	VA	Prince William County
541	Brentsmill Estates - Section 1	VA	Stafford County
542	Brittany Estates	VA	Stafford County, VA
543	Cameron Station	VA	City of Alexandria
544	Carriage Hills	VA	Stafford County/
545	Cobblestone Square	VA	City of Fredericksburg/
546	Coppermine Crossing	VA	Fairfax County
547	Eagles Pointe LB 'C' Section 1	VA	Prince William County
548	England Run Section 19C	VA	Fredericksburg
549	Evergreen Hamlet 1 &	VA	Loudoun
550	Fairfax Farms	VA	Fairfax County
551	Farmwell	VA	Loudoun County
552	Forest View	VA	Loudoun County
553	FS at Ashburn Village	VA	Loudoun County
554	FS at Charlottesville	VA	Greene County
555	FS at Historic VA Ph 9-1	VA	Prince William County
556	FS at New Kent Vineyards	VA	New Kent County
557	Garrison Woods	VA	Prince William County
558	Heritage Hills	VA	Spotsylvania County
559	Highpoint	VA	Culpeper County
560	Hirst Farm	VA	Loudoun County

<b>Site No.</b>	<b>Project Name</b>	<b>State</b>	<b>County and/or Municipality</b>
561	Jackson Fields	VA	Fairfax County
562	Katie's Grove	VA	Prince William County
563	Lake Terrapin	VA	Prince William County
564	Laurel Highlands Section 1 & 2	VA	Prince William County
565	Meadows of Culpeper	VA	Town of Culpeper
566	North Ridge	VA	Culpeper County
567	Oakland Park	VA	King George County
568	Poplar Estates	VA	Stafford County
569	Ridgeview Estates	VA	Loudoun County
570	Riverwalk	VA	Stafford County/ City of
571	Roseville Downs	VA	Clarke County
572	Tamar Lane	VA	Stafford County
573	The Easton	VA	Arlington
574	Westmarket Landbay 4	VA	Prince William County
575	Willow Park	VA	Stafford County
576	Wright Farm	VA	Loudoun County
577	Victory Lakes/Pembrooke	VA	Prince William County
578	Vint Hill Land Bay G	VA	Prince William County
579	Westbrooke	VA	Culpeper
580	Willoughby Woods	VA	Fairfax
581	Winding Creek	VA	Loudoun
582	DeLong Landing	WV	Pleasant
583	Hidden Woods Acres	WV	Brooke
584	Hightland Ranch Development	WV	Preston
585	P & K Inc.	WV	Brooke
586	Preston Meadows	WV	Preston
587	Huntfield	WV	Jefferson County
588	Liberty Run	WV	Berkeley County
589	Sheridan Estates	WV	Jefferson County
590	Stone Ridge Estates	WV	Wood
591	The Gallery	WV	Berkeley County