

HENRY C. LIST
SECRETARY



PAUL E. PATTON
GOVERNOR

Entire

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

FRANKFORT OFFICE PARK
14 REILLY RD
FRANKFORT KY 40601

November 25, 2003

Certified Mail # 7002 2030 0002 3578 7242 & Facsimile
Return Receipt Requested

Mr. Lee J. Otte, President
Otte Enterprises
505 Stevenson Road
Erlanger, Kentucky 41018

RE: Finke Homes, Inc.
Pebble Creek Subdivision
DOW 99069 & 02272
Boone County, Kentucky

Dear Mr. Otte:

Confirming our numerous telephone conversations the following are the civil penalty assessments in the above captioned cases:

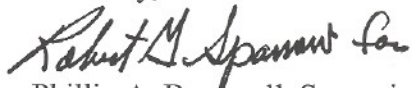
1. Agreed Order DOW 99069 filed April 24, 2000:
 - \$10,000 performance civil penalty for failure to restore the stream by September 1, 2000, violation of paragraph 7 of the Order.
 - \$5,000 performance civil penalty for failure to implement and maintain the BMP plan approved by DOW on January 11, 2000, violation of paragraph 10 of the Order.
2. Case No. DOW 02271 NOV dated April 11, 2002:
 - \$2,700 civil penalty for failure to implement adequate BMPs and failure to mitigate, violations of 401 KAR 5:065 and degradation of the waters of the Commonwealth, violation of 401 KAR 5:031.

The Division of Water would consider appropriate Supplemental Environmental Projects to offset a portion of the above referenced civil penalties on a 3:1 ratio.



If the Division of Water has not received a response you or your client within thirty (30) days, we will assume that your client wishes the Cabinet to proceed with its legal remedies regarding the violations. Should you have any questions regarding this correspondence, please contact Robert G. Sparrow at (502) 564-3410, 659.

Sincerely,

A handwritten signature in black ink that reads "Phillip A. Broomall for". The signature is written in a cursive style.

Phillip A. Broomall, Supervisor
Case Preparation Section
Enforcement Branch
Division of Water