

WASTEWATER TREATMENT PLANT SURVEILLANCE REPORT

TRANS. CODE	KPDES #	YH	MO	DA	TYPE	INSPECTOR	FAC. TYPE
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		Reserved	DMR RELIABILITY	BI	QA	Reserved	EMPLOYEE NO.
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Facility Name: Pebble Creek Subdivision

County: Boone

Facility Location: Camp Ernst Road South of Pleasant Valley Road

Person(s) Contacted: Dan Brumett, Russ Rankin, Ashley Poulin and George Finke

Remarks and General Observations: Area adjacent to Gunpowder Creek near its confluence with South Fork of Gunpowder Creek has been channelized in construction of a low water crossing/ ford and in site preparation to construct a bridge. Heavy equipment is accessing the creek as part of the site preparation as well as to cross the stream to access the area that is about to be graded. Amount of surface disturbance across the stream is minimal at this time. However, an appreciable portion of this area is in close proximity to the stream and erosion control needs to be employed.

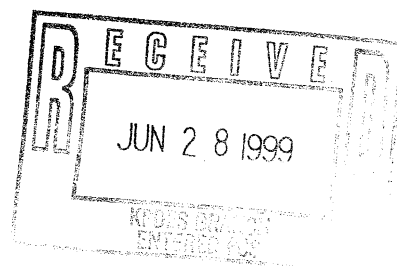
No Best Management Practices have been employed to protect the stream from sedimentation in the area of active construction along the stream. The facility had a Stream Construction Permit issued in 1995 and revised in 1996. The permit expired in November of 1997.

The amount of disturbance in the stream and along the streambed involves approximately three hundred fifty (350) linear feet. This amount of stream impact would require the application for and issuance of a Water Quality Certification from the Kentucky Division of Water, and quite possibly a permit from the US Army Corps of engineers.

Personnel present at the site were issued a copy a Notice of Violation requiring all activities involving work and transport of equipment, through the stream to cease immediately. This was done at the request of the Division's Flood Plain Section.

The original of the Notice of Violation was hand delivered to the Finke Homes Offices off of Burlington Pike. The information stated above was relayed to Mr. Finke directly via telephone and to his contractor Mr. Russ Rankin and Ashley Poulin at the facility office.

Photographs, both still and digital camera were taken of the subject site at the time of the above referenced inspection.



Inspector's Signature: *Dwight M. Bailey*

JAMES E. BICKFORD
SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FLORENCE REGIONAL OFFICE
8020 EWING BLVD STE 110
FLORENCE KY 41042

June 18, 1999

CERTIFIED MAIL NO.: Z 123 361 298
RETURN RECEIPT REQUESTED

Mr. George Finke
Finke Homes, Inc.
3180 Burlington Pike
Burlington, Kentucky 41005

RE: Pebble Creek Subdivision
Stream Construction along & across
Gunpowder Creek

Dear Mr. Finke:

On Thursday, May 20, 1999, personnel from the Division of Water's Florence Regional Office conducted an inspection of the area of the Pebble Creek Subdivision where your contractors had constructed a stream crossing, and appeared to be doing site preparation, including filling, to construct a bridge. In addition an area of stream and streambank of at least three hundred fifty (350) linear feet had been disturbed.

On October 4, 1995 Stream Construction Permit No. 6537 was issued by the Division's Floodplain Section to place two "CON-SPANS" across Gunpowder Creek at the subject location. On November 21, 1996, the above reference Permit was revised to allow for construction of a clear span box beam bridge. This permit expired on November 21, 1997. Therefore the construction and site preparation noted on May 20, 1999 was being done without the appropriate/required permit. In addition to creation of a new "ford" or low water crossing the construction/disturbance within the stream was in excess of 200 linear feet. The in-stream disturbance included channelization of the stream and removal of vegetation from the streambanks.



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Pebble Creek Subdivision
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As a result of our findings during the May 20, 1999 inspection, a Notice of Violation was issued at the your main office and a copy left at the job site. The original Notice of Violation only included the construction of a stream crossing without the required permit; it did not include the disturbance in the stream that involved greater than two hundred (200) linear feet, or the lack of adequate erosion and sedimentation control measures. An addendum to the Notice of Violation is enclosed that includes these deficiencies.

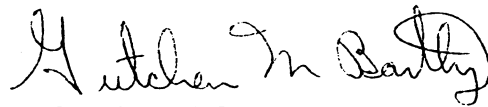
On May 27, 1999, we conducted a follow-up inspection at the Pebble Creek Subdivision site, and met with you on-site. At that time you were apprised of the forthcoming addendum to the Notice of Violation and also informed that this matter would be referred to the Division of Water's Enforcement Branch for further action. At the following-up inspection on May 27, 1999, we did observe that the active construction in the stream itself had ceased, and that the surface disturbance immediately adjacent to the stream had been seeded and mulched. However, the workmen were still driving their trucks through the stream to access the currently active job site, and it appeared that the heavy equipment being used on the construction site had been "trammed" across the stream. At that time we recommended that this practice cease and that berms and water bars be constructed to prevent traffic through the stream, and to route any runoff from disturbed areas from entering directly into the stream.

Although the disturbance areas associated with the work in and along the stream had been seeded and mulched, the grade-work and active surface disturbance associated with the subdivision expansion was observed to have continued to progress. Pebble Creek Subdivision has been issued KPDES General Stormwater Permit KYR100106 for construction activities. This permit is required for all surface disturbance/construction activities of at least five (5) acres in area. The Stormwater Permit **requires** that these sites have developed a comprehensive, written Best Management Practice plan (BMP) that includes periodic checking and maintenance of the erosion and sedimentation control methods employed at the site. The active phase of the construction site, observed on May 27, 1999 did not have adequate sediment and erosion control practices in place. Information as to the design and implementation of the best management practice plan was provided to Ashley Poulin on May 28, 1999.

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Pebble Creek Subdivision
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Please review the attached Notice of Violation issued on May 20, 1999, and Notice of Violation Addendum referenced in this letter. You will be notified directly by the Enforcement Branch as to the time and date of the Administrative Conference. If you have any questions regarding the NOV, the remedial measures, specified deadlines, or if you need additional clarification, please contact our office at (606) 292-6411.

Sincerely,



Gretchen M. Bartley
Environmental Inspector III
Florence Regional Office
Kentucky Division of Water

Enclosure

Copies: Ghasim Pour Ghasimi – Floodplain Section
John Dovak - Water Quality Section
Greg Wilson - Enforcement Branch
Larry Parker - U S Army Corps of Engineers

**COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER**

**NOTICE OF VIOLATION
ADDENDUM**

TO: George Finke Facility: Pebble Creek Subdivision
Finke Homes, Inc. I.D. #: KYR100106
3180 Burlington Pike County: Boone
Burlington, Kentucky 41005 Date of Violation: May 20, 1999
Stormwater issues: May 28, 1999

This is to advise you that, as specified below, you are in violation of the provisions of () KRS 146, () KRS 151, () KRS 223, (X) KRS 224

Regulation: 401 KAR 5:031 Sect. 4 (C) & 401 KAR 5:065 Sec. 1

A description of the violation(s) follows: 1. Filling and channelization of a stream and streambed area greater than 200 linear feet. 2. Stream degradation by impacting warm water aquatic habitat. 3. Failure to have adequate written and implemented Best Management Practice (BMP) Plan for erosion/sediment control.

Remedial measures required include, but are not limited to: 1. Immediately cease all in-stream work. 2. Stabilize affected stream bank areas with seed and mulch to protect from erosion and further stream degradation. 3. Comply with requirements of initial NOV issued 5/20/99. 4. Immediately implement Best Management Practices for erosion control, and develop comprehensive written BMP. 5. Attend Administrative Conference to be held at DOW Central Office in Frankfort, KY, at time and date specified by Enforcement Branch.

Remedial Measures must be completed by: 1. As stated above and as per dates specified by original NOV and as determined at Administrative Conference. 2. Submit copy of Best Management Practice Plan for erosion control to Florence Regional Office by July 15, 1999.

Violations of the above cited statutes and regulations are subject to penalties of up to \$25,000 per day. Compliance with remedial measure deadlines does not provide exemption from liability for violations during the period of remediation. Any person who knowingly violates the aforementioned statutes may be subject to criminal prosecution. To discuss this Notice of Violation, please contact the undersigned at: (606) 292-6411

Issued By:  Date: June 18, 1999
Kevin D. Flowers

Name of person to who copy was delivered:

Date: _____

How Delivered: Certified Mail Personal Service