

### WASTEWATER TREATMENT PLANT SURVEILLANCE REPORT

TRANS. CODE	KPDES #	YR	MO	DA	TYPE	INSPECTOR	FAC. TYPE		
1N1 151 IK1YIR1110101110161		19	10	18	10	13	1	1	2
RATING	REMARKS								
22	IFIIIIIIIIInIgl I&I ICloInIsIrlulcltIilolnI IInI I I I								
	Reserved	DMR RELIABILITY	BI	QA	Reserved	EMPLOYEE NO.			
58	66	67	69	70	71	73	74	1778 I & 828	
								75	

Facility Name: Pebble Creek Subdivision -- Plum Creek County: Boone

Facility Location: East of Camp Ernst Road above confluence of South Fork with the main trib. of Gunpowder Creek

Person(s) Contacted: George Finke Jr. at site

Remarks and General Observations: Accompanied by Ghasem Pour Ghasemi, Floodplain Section, and Mark Jones Florence Regional Office.

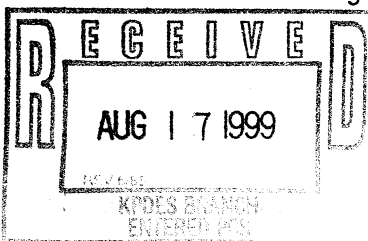
We observed the subject construction site as follow-up to inspections of May 20, 1999 and May 28, 1999, and subsequent Notices of Violation for Floodplain, Water Quality, 404/401 and Stormwater Violations. The NOV's were the result of the developer, Finke Homes, placing fill for an apparent bridge abutment, and constructing a low water crossing across Gunpowder Creek. Additionally there had been three hundred and fifty linear feet of in-stream work. The previously referenced work was done without the appropriate Division of Water Permits and Certifications.

We observed that the in-stream work had ceased, as required by the Notices of Violation. However it was apparent that the low water crossing was continuing to be used to access the active construction site from the Wolf Creek portion of the Pebble Creek site. Pebble Creek is the name of the subdivision, Wolf Creek and Plum Creek are two of the different phases of the development. Wolf Creek is accessible off of Camp Ernst Road. The original plans/designs were for the Plum Creek phase to be accessed from Wolf Creek via a bridge across Gunpowder Creek.

We noted that the construction on the Plum Creek side of Gunpowder was being accessed via a dirt road that came in from the north and east, presumably off of Pleasant Valley Road. It appeared that the heavy truck and construction equipment traffic were using this dirt road to access the site, however as stated earlier, the low water crossing was still in use. This was evidenced by the fresh tire tracks and ruts in the mud in the stream bed and the immediately adjacent stream bank areas. Additionally, DOW personnel had instructed Mr. Finke to cease using the stream as access, and recommended the construction of berms and water bars to restrict vehicular access to the stream. The berms, water bars and revegetation, seeding and mulching, had not been done as of the August 3, 1999 inspection.

The area of active construction observed on August 3, 1999 was in the Plum Creek section of the Pebble Creek Subdivision. An area of approximately ten acres of floodplain along South Fork of Gunpowder Creek, just upstream of its confluence with the main tributary of Gunpowder Creek, was observed to have been filled. The depth of fill placed on the subject floodplain area was observed to be between six and eight feet. The placement of this fill would be required to be permitted under KRS151 and 401KAR4:060 Section 2. There are no permits for this activity on file with the Kentucky Division of Water.

In addition to the filling/construction within the floodplain area, we also observed the erosion and sediment control measures being employed at the site. This is required under KRS 224, 401KAR 5:0660 and 401KAR5:065, the KPDES Stormwater Permit Requirements. Our observations were that although some silt fencing had been installed along the perimeter of some of the fill area, there was an appreciable amount of area immediately adjacent to the stream and stream bank that was not under control of silt fencing. Additionally, the silt fencing that had been installed had been compromised by being undercut or pushed over. There was no indication that any maintenance had been performed on the controls that had been installed. There is some vegetative buffer between the toe of the fill slope and the top of the creek bank. However this vegetative strip ranges in width from ten to fifty feet. It is highly unlikely that this "filter strip" would be adequate to control silt from the surface disturbance areas during a ten year storm event.



Pebble Creek Subdivision

August 3, 1999 surveillance Report

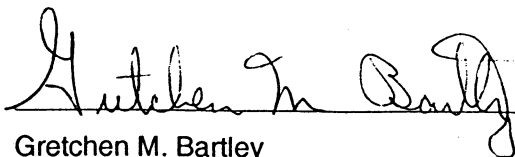
Page 2

Additionally, the equipment fueling area consisted of a diesel tank that was only partially bermed. This tank was located within the filled floodplain area in close proximity to a drainage swale that routes flow to Gunpowder Creek. This is not an acceptable site for the location of a fuel tank.

During an earlier inspection, the writer discussed the necessity of having a written Best Management Practice Plan for the site, and required a copy of the written plan be submitted to the Florence Regional Office. This requirement was formally stated as a remedial measure specified in a Notice of Violation dated June 18, 1999. The BMP document was to have been submitted by July 15, 1999; as of the date of this report the BMP has not been submitted to the Regional Office.

Based on the findings of the August 3, 1999 inspection, a Notice of Violation is being issued for the Floodplain Construction and Stormwater Erosion and Sediment Control Violations. The Notice of Violation is attached to this document.

Review of the Regional Office files has also determined that a sewerline extension for Plum Creek was approved on June 28, 1996. The ID Number for this Sewerline Extension was 96-0487. No construction was begun on the Plum Creek section until after May, 1999. The sewerline extension approval from 1996 is no longer valid. Unless the site has applied for and obtained approval for sewerage of the Plum Creek area, construction of sewerline without prior written approval from the Division of Water is a violation of 401KAR 5:005 and is subject to enforcement action and associated penalties.



Gretchen M. Bartley

Environmental Inspector III

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

NOTICE OF VIOLATION

TO: George Finke Facility: Pebble Creek Subdivision  
Finke Homes, Inc. I.D. #: KYR100106  
3180 Burlington Pike County: Boone  
Burlington, Ky. 41005 Date of Violation: August 3, 1999

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

Regulation: 401KAR 4:060 Section 2; 2. 401 KAR 5:065 Section 1

A description of the violation(s) follows: 1. Construction and filling in a floodplain area without The appropriate permit from Kentucky Division of Water. 2. Failure to implement adequate erosion and sedimentation control measures as required by KPDES Stormwater Permit.

Remedial measures required include, but are not limited to: 1. A. Immediately cease all work in the floodplain area: No additional work is to be done in the area of the floodplain until the appropriate permit has been approved and issued by the Division of Water's Floodplain Section. B. Submit application for stream construction permit reflecting completed and proposed work in floodplain by September 1, 1999 C. Pursue issuance of permit. D. Comply with requirements prescribed by Floodplain Section. 2. Immediately Implement Best Management Practice Plan for erosion and sediment control to protect immediately adjacent streams 3. Attend Administrative Conference to be scheduled by the Division's Enforcement Branch.

Remedial Measures must be completed by: As stipulated above.

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: *Kevin D. Flowers* Date: August 10, 1999  
Kevin D. Flowers

Name of person to who copy was delivered: \_\_\_\_\_

Date: \_\_\_\_\_

How Delivered:  Certified Mail  Personal Service