



COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FLORENCE REGIONAL OFFICE
8020 VETERANS MEMORIAL DR STE 110
FLORENCE KY 41042-7570

April 5, 2002

CERTIFIED MAIL NO 7001 0320 0005 6102 3110
RETURN RECEIPT REQUESTED

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

RE: ~~Pebblecreek~~ & Howe Acres
KPDES #: KYR100106

Dear Mr. Finke:

Enclosed for your review are copies of the March 6 and March 19, 2002 Stormwater Inspection reports completed on the above-referenced facilities. These inspections are completed to determine compliance with the said facilities' KPDES permit. Also enclosed are two Notices of Violation (NOV), which are being issued to address the continuing noncompliance issues at both sites.

At the time of the inspection, the facilities were found to be in an **unsatisfactory** condition. Summaries of the findings are given on the enclosed inspection reports.

Due to the noncompliance issues discovered at Howe Acres and the failure to comply with the terms of Agreed Order #99069 relating to Pebblecreek, these incidents will be referred to the Enforcement Branch. You will be required to attend an Administrative Conference at a date to be named. Additionally, you must comply with the remedial measures listed on the enclosed NOV's.

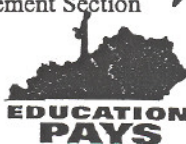
If you have any questions, please feel free to contact our office at (859) 525-4923.

Sincerely,

A handwritten signature in black ink, appearing to read "Alice Garrigues".

Alice Garrigues
Environmental Inspector II
Florence Regional Office
Kentucky Division of Water

AJG
Enclosures
Copy: Vickie Prather, Inventory & Data Management Section



STORMWATER SURVEILLANCE REPORT

TRANS. CODE	KPDES #	YR	MO	DA	TYPE	INSPECTOR	FAC. TYPE								
N 5 K Y R 1 0 0 1 1 0 6	11	10	12	10	13	11	19								
1	2	3	17	18	SI	2	20								
RATING	REMARKS														
U	i n s l u f f i l c l e n t B I M I P s														
22	30	Reserved					DMR RELIABILITY	BI	QA	Reserved	57				
	66		67		69		70		71		73		74	8 4 3	75
58	66	67	69	70	71	73	74	75							

Facility Name: Pebblecreek

County: Boone

Facility Location: off of Camp Ernst Road


Person(s) Contacted:

Remarks and General Observations:

The site is a large residential development, which is partially complete. There is a large area of disturbed land, and part of the site is disturbed with homes being built on lots. At the bridge over Gunpowder Creek, I observed a large amount of muddy water entering the creek. It appeared to be coming mostly from a development on the other side of the creek, Carters Mill. There were a few places, however, where muddy stormwater from Pebblecreek was observed to be entering the creek. Past the bridge and to the right is the area where homes are being built. There were many disturbed lots here with few BMPs in place, and sediment was present in the roads and observed to be washing into the storm sewer. Past the bridge and to the left is the large disturbed area where building has yet to begin. I saw no BMPs present in this area and much sediment in the road and washing into the storm sewer.

All disturbed sites in Pebblecreek need to have erosion control measures (BMPs) in place. Even if building is occurring on a disturbed site, BMPs should be in place at the end of the day when work is done. A BMP inspection/maintenance logbook should be kept to document all installation, maintenance, and inspections of BMPs. This inspection should occur at least weekly or after any significant rainfall event (0.5 inch).

Because this site has had violations in the past and has previously been under an Agreed Order, a Notice of Violation (NOV) will be issued, and this site shall be referred to the Enforcement Branch once again.

Inspector's Signature: 

STORMWATER PERMIT INSPECTION CHECKLIST

Name of Facility: <u>Pebblecreek</u>	KPDES #: <u>KYR100106</u>
County: <u>Boone</u>	Inspection Date: <u>3/19/02</u>

Yes No

Copy of permit kept on site

Copy of Best Management Practice (BMP) Plan kept on site
site specific description of timing and implementation

Adequate Site Map

- drainage patterns
- approximate slopes after major grading
- area of soil disturbance
- undisturbed areas and vegetative buffer zones
- location of structural and non-structural controls
- areas where stabilization practices are to be employed
- surface waters
- stormwater discharge locations

Gunpowder Creek

Name of receiving stream

>10 acres

Total area of site

>10 acres

Area disturbed

S M U

Condition of receiving stream

Is BMP adequately implemented?

Stabilization practices

- timely seeding and mulching
- revegetation
- condition of slope area
- inlet protection

Structural Controls

- silt fences
- straw bales
- rock check dams
- sediment pond
- other

Stormwater Permit Inspection Checklist

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Facility Name: Pebblecreek

KPDES #: KYR100106

Inspection Date: 3/19/02

S M U

Other Controls

- secondary containment for fuel and maintenance area
- concrete tailings, proper disposal of concrete tailings in designated area
- other
- off site tracking of sediment

Compliance with State and Local Regulations

- waste disposal, fertilizer, pesticide/herbicide storage/disposal
- sewage

Operation and Maintenance of BMP

- maintenance plan incorporated into written BMP
- maintenance plan followed
- maintenance documented
- inspection done as required and documented
- inspection reports completed and maintained on site/in file

Contractor Certification

Plan Certification

Comments: Inadequate BMPs present at site. NOV will be issued and referral to Enforcement Branch made to address continuing violations after site has been under an agreed order in the past.

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

NOTICE OF VIOLATION

TO: FINKE HOMES INC.
3180 BURLINGTON PIKE
BURLINGTON KY 41005
Attn: MR. FINKE

SITE: PEBBLE CREEK
BURLINGTON KY 41005

Site ID #: KYR100106
County: Boone

Notifications/Complaints System #:
NOV Tracking #: 3596

Date(s) Violation(s) Observed: 03/19/2002

OIG Case #:
OLS Case #:

This is to advise that you are in violation of the provisions cited below:

Statute/Regulation(No. 1): KRS 224 401 KAR 5:065 SECTION 5

A description of the violation:

Failure to implement adequate Best Management Practices as per current KPDES Stormwater permit.

The required remedial measure(s), and date(s) to be completed by; are as follows:

Install adequate BMPs at the Pebblecreek development, as per the current KPDES permit. To be completed by: 04/19/2002

Statute/Regulation(No. 2): KRS 224 401 KAR 5:065 SECTION 1

A description of the violation:

Failure to mitigate.

The required remedial measure(s), and date(s) to be completed by; are as follows:

Attend an Administrative Conference. The Division of Water Enforcement Branch will contact you with the date and time of the conference. To be completed by: 04/19/2002

Statute/Regulation(No. 3): KRS 224.70-110

A description of the violation:

Failure to comply with the terms of Agreed Order #99069.

The required remedial measure(s), and date(s) to be completed by; are as follows:

Attend an Administrative Conference. The Division of Water Enforcement Branch will contact you with the date and time of the conference. To be completed by: 04/19/2002

Statute/Regulation(No. 4): KRS 224 401 KAR 5:031 SECTION 2

A description of the violation:

Stream degradation of Gunpowder Creek.

The required remedial measure(s), and date(s) to be completed by; are as follows:

Implement adequate BMP's that would allow for permit compliance and eliminate stream degradation. To be completed by: 04/19/2002

Violations of the above cited statute(s) and/or regulation(s) are subject to a civil penalty per day per violation. Violations carry civil penalties of up to \$25,000 per day per violation depending on the statutes/regulations violated. In addition, violations may be concurrently enjoined. Compliance with remedial measures and their deadlines does not

provide exemption from liability for violations during the period of remediation, nor prevent additional remedial measures from being required.

If you have questions or need further information, write or call the undersigned:

Division Of Water
Florence Regional Office
8020 Veterans Memorial Drive
Suite 110
Florence, Ky 41042
(859) 525-4923 (M-F 8-4:30)

Alice Garrigues, Environmental Inspector II

Issued By:

Alice Garrigues by Todd Giles

Date: 04/11/2002

Alice Garrigues, Environmental Inspector II

Issued By:

Todd V. Giles

Date: 04/11/2002

Todd Giles Environmental Control Supervisor

How Delivered:

Certified/registered # (if applicable)

cc: Copies to