

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

NOTICE OF VIOLATION

TO:

Finke Homes
Attn: Mr. George Finke
3180 Burlington Pike
Burlington, KY 41005

County: Boone

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

<u>Requirement</u>	<u>Subject Item</u>	<u>Description of Non-Compliance</u>
PART IV, BEST MANAGEMENT PRACTICES Plan Modification: The permittee shall modify the BMP plan when there is a change in design, construction, operation, or maintenance of the site which has a significant effect on the potential for the discharge of pollutants to waters of the Commonwealth and shall implement the changes within seven (7) days. [401 KAR 5:065 Section 2(10)]	GINS0000000001	The plan needs to be modified as per the comments in this report.
PART IV, BEST MANAGEMENT PRACTICES Minimum Requirements: C. Other Control Measures: No solid materials, including building materials, shall be discharged to waters of the Commonwealth, except as authorized by a Section 404 permit. Off-site vehicle sediment tracking and dust generation shall be minimized. Waste disposal methods and sanitary sewer or septic systems shall comply with applicable state or local regulations. [401 KAR 5:065 Section 2(10)]	GINS0000000001	Sediment from the site appears to be migrating in an area where a trench was dug from a headwall outlet to a tributary of Gunpowder Creek. This trench was not designated on the site map and Tessie Finke was advised to contact the site engineer to address the situation. The trench provides a direct pathway for sediment to travel to a creek.
PART IV, BEST MANAGEMENT PRACTICES H. Contractors and Subcontractors: The BMP plan shall clearly state the contractor or subcontractors that will implement each control measure identified in the BMP plan. All contractors and subcontractors identified in the BMP plan must sign a copy of the certification statement below in accordance with PART II of this permit before conducting any professional service at the site: "I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification."The	GINS0000000001	The contractor certification page is blank.

certification must include the name and title of the person providing the signature, the name, address, and telephone number of the contracted firm, the address, or other identifying description of the site and the date the certification is made. All certification statements must be included in the BMP plan. [401 KAR 5:065 Section 2(10)]

PART IV, BEST MANAGEMENT PRACTICES Minimum Requirements: The BMP plan shall include, as a minimum, Items A through H. [401 KAR 5:065 Section 2(10)]

PART IV, BEST MANAGEMENT PRACTICES Signature and Plan Review: The BMP plan shall be signed in accordance with PART II and shall be kept onsite. The permittee shall make the BMP plan available upon request to the Director, to a state or local agency approving sediment, erosion, grading or storm water management plans, or in the case of a storm water discharge to a MS4 with a KPDES permit, to the operator of the system. After a review, the permittee may be notified that the BMP plan does not meet the minimum requirements of this PART. In that case, the permittee shall modify the BMP plan within seven (7) days of notification and shall submit a written certification that the requested changes have been made. BMP plans required by this permit are considered reports that shall be made available to the public, upon written request by the public, in accordance with Section 308(b) of the Clean Water Act (CWA). However, the permittee may claim any portion of the BMP plan as confidential, in accordance with 40 CFR Part 2. [401 KAR 5:065 Section 2(10)]

PART III, OTHER REQUIREMENTS D. Releases in Excess of Reportable Quantities: The presence of hazardous substances or oil in the storm water discharge shall be minimized in accordance with the BMP plan. Coverage under this permit does not relieve the permittee of the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302. [401 KAR 5:065 Section 2(10)]

PART IV, BEST MANAGEMENT PRACTICES F. Inspections: Qualified personnel shall inspect all storm water control measures, discharge locations, vehicle exits, disturbed areas of the construction site and material storage areas at least once every seven (7) days (and within 24 hours of the end of a storm that is 0.5 inches or greater) and areas that have been temporarily or finally stabilized at

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The BMP plan contains a blank contractor certification page. The site map should be altered to reflect the actual practices employed at the site.

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The copy of the BMP plan provided to me is not signed. Tessie Finke brought the BMP plan to the site, so it was not being kept there.

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The BMP plan addresses spill prevention, but not spill reporting. The plan should be amended to include this.

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The inspection logbook is kept separately from the BMP plan. Review of the logbook shows that inspections have not been performed weekly. A headwall outlet was in need of maintenance, as it was full of sediment.

least once a month. Revisions to the BMP plan based on the results of the inspection shall be implemented within seven (7) days. Control measures shall be inspected to ensure correct operation. Accessible discharge locations shall be inspected to ensure that velocity dissipation devices are effective in preventing significant impacts to receiving waters. Vehicle exits shall be inspected for evidence of, or the potential for, off-site sediment tracking. Disturbed areas and material storage areas that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. A report summarizing the scope of the inspection, names and qualifications of personnel making the inspection, the date of the inspection, major observations relating to the implementation of the BMP plan, and any corrective actions taken shall be made and kept as part of the BMP plan for at least three (3) years after the date of inspection, or until one (1) year after coverage under this permit ends. The report shall be signed in accordance with Part II of this permit.

[401 KAR 5:065 Section 2(10)]

PART IV. BEST MANAGEMENT

PRACTICES A storm water Best Management Practices (BMP) plan shall be developed in accordance with good engineering practices for each site covered by this permit. The BMP plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges from the site. The BMP plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in storm water discharges and to assure compliance with the terms and conditions of this permit. Facilities must implement the BMP plan required by this PART as a condition of this permit. [401 KAR 5:065 Section 2(10)]

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BMPs have not been implemented as per the BMP plan. Specifically, silt fence shown on the site map does not exist on site at this time.

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

Remedial Measures

Henceforth, BMPs shall be implemented as per the BMP plan. Any additional measures employed at the site shall be added to the BMP plan/site map as they are installed. [401 KAR 5:065 Section 2(10)]
The BMP plan shall be amended to include all requirements stipulated in the KPDES permit by December 30, 2003. A signed copy of the plan shall be submitted to the Florence Regional Office by this date. Once the BMP plan is complete, a signed copy shall be maintained at the site. Henceforth, inspections shall be performed weekly or after a significant rainfall event and they shall be recorded in a logbook that will also be maintained on site with the BMP plan. [401 KAR 5:065 Section 2(10)]

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, Ste 110
Florence, Kentucky 41042
(859) 525-4923 (8:00 AM – 4:30 PM)
Alice Hale, Environmental Inspector II

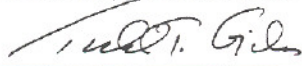
Issued By:



Date: November 25, 2003

Alice Hale, Environmental Inspector II

Issued By:



Date: November 25, 2003

Todd Giles, Environmental Control Supervisor

How Delivered: Certified Mail

Certified/Registered # 7002 2030 0002 8042 8299