

PHILLIP J. SHEPHERD  
SECRETARY



BRERETON C. JONES  
GOVERNOR

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

Kentucky Division of Water  
7964 Kentucky Drive, Suite 8  
Florence, Kentucky 41042

June 8, 1994

CERTIFIED MAIL NO P 121 864 146  
RETURN RECEIPT REQUESTED

Mr. George Finke  
c/o Finke Homes  
3180 Burlington Pike  
Burlington, Kentucky 41005

RE: Pebble Creek Subdivision  
Stormwater Permit #: KYR100106

Dear Mr. Finke:

On April 27, 1994, an inspection of the subject construction site was made to evaluate compliance with the regulations and requirements set forth in the above referenced Stormwater Permit. The inspection determined that violations existed with respect to the implementation and maintenance of the stormwater Best Management Practice (BMP) Plan and with the indicated occurrences of non-storm water discharges.

Our findings were that erosion control measures employed on the site were inadequate. Denuded areas had been exposed to rain and erosion for sufficient time to cause rills and gullies. Sediment from these eroded areas had been transported via stormwater into the unprotected storm sewers which discharge into natural drains. In the area presently under construction, the sediment is being transported into the Camp Ernst Lake. Unless a properly functioning BMP is implemented, this condition will have a continued adverse impact on the lake. Furthermore, as construction advances into other areas, the storm sewers will drain directly to Gunpowder Creek.

Mr. George Finke  
Pebble Creek Subdivision  
June 8, 1994  
Page 2

Additionally, it was noted that construction workers were cleaning their paint buckets directly into the storm drains. This is unacceptable practice and is expressly prohibited by the conditions stated in Part III F of the KPDES permit.

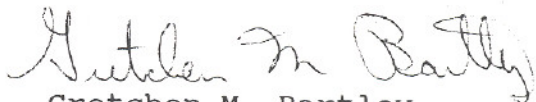
Part IV of your KPDES General Stormwater Permit requires that a Stormwater Best Management Practices Plan be developed and implemented. It also states that the signed BMP must be retained on-site at the facility which generates the stormwater discharge, along with a copy of the KPDES permit.

As a result of the observations made during our inspection, the Kentucky Division of Water is issuing a Notice of Violation (NOV). Also enclosed is a checklist that you might find helpful in developing the required BMP. It is a synopsis of the criteria outlined in publication EPA 832-R-92-009 Stormwater Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices.

The enclosed inspection report details the observations made at the time of the inspection. The Notice of Violation gives the deadline for completion of remedial measures. Failure to comply with the remedial measures in the time frame specified will result in this matter being referred to our Enforcement Branch for further action.

Please review the enclosed NOV and inspection report. If you have any questions, please feel free to contact our office at: 292-6411.

Sincerely,



Gretchen M. Bartley  
Environmental Inspector III  
Florence Regional Office

GMB:gad  
Enclosures

Copies: **File**

Ken Hunt, Boone County Parks

COMMONWEALTH OF KENTUCKY  
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER  
FRANKFORT, KENTUCKY 40601

NOTICE OF VIOLATION

TO: Mr. George Finke Facility: Pebble Creek Subdivision  
Finke Homes, Inc. I.D. #: KYR100106  
3180 Burlington Pike County: Boone  
Burlington, Kentucky 41005 Date of Violation: April 27, 1994

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 5:055 (5), 401 KAR 5:065 (1), and 401 KAR 5:065 (1)

A description of the violation(s) follows: Failure to implement and maintain adequate erosion and sediment control measures. Failure to comply with permit conditions by discharging pollutants other than stormwater from job site.

Remedial measures required include, but are not limited to: Develop and implement a properly functioning Best Management Practices Plan (BMP) for the subject site. Immediately cease discharging any substances beside stormwater from the site.

Remedial measures must be completed by: June 20, 1994 for BMP  
Immediately for cessation of  
unpermitted discharges

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: June 7, 1994

Name of person to whom copy was delivered:

George Finke Date: \_\_\_\_\_

How Delivered:  Certified Mail  Personal Service

### WASTEWATER TREATMENT PLANT SURVEILLANCE REPORT

TRANS. CODE <b>N</b> 1	<b>5</b> 2	<b>KYO</b> 3	<b>R</b> 4	KPDES # <b>1101011016</b> 11 12	YR <b>19</b> 13	MO <b>4</b> 14	DA <b>27</b> 15	TYPE <b>C</b> 16	INSPECTOR <b>S</b> 17	FAC. TYPE <b>2</b> 18
RATING <b>U</b> 22	REMARKS <b>Flat, 11/10/11/10/11/10/16</b>									
<b>BMP</b> 58					Reserved 67	DMR RELIABILITY 69	BI 70	QA 71	Reserved 72	EMPLOYEE NO. <b>71718</b> 73 74 75 76 77

Facility Name: Pebble Creek Subdivision County: Boone

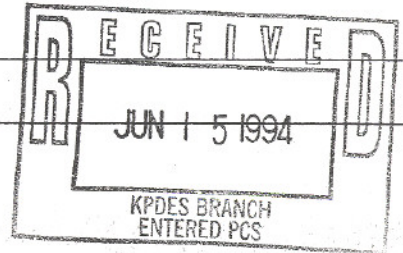
Facility Location: Camp Ernst Rd

Person(s) Contacted: \_\_\_\_\_

Remarks and General Observations: On the above date, the subject subdivision construction site was inspected to evaluate its compliance with the stormwater permit regulations. It was noted that erosion/sediment control measures employed were minimal. A few straw bales had been placed around the storm sewer inlet near the main ~~road~~ access roads; and some silt fencing had been placed along the road ditchline of Camp Ernst Rd, however these control features had been impacted by rains and were no longer functioning adequately.

The construction site, or active portion of it was observed to be predominantly in the front portion of the property along Camp Ernst Road. It did appear that the subdivision was in the process of being expanded toward the back (east) toward Gunpowder Creek.

Inspector's Signature: *Mitchell R. Baulty*



**WASTEWATER TREATMENT PLANT SURVEILLANCE REPORT**  
**PEBBLE CREEK SUBDIVISION**  
**KYR100106**  
**April 27, 1994**

At the time of the inspection, the job site consisted of some finished houses, some houses under construction, an appreciable number of vacant lots awaiting building, recently excavated areas, and the undisturbed area toward the back. In the areas currently under development, the streets and storm drains had been installed. The majority of storm drains were unprotected and silt from the denuded construction areas had been carried into the storm sewers and into natural drainage channels with each rain. In the area along Camp Ernst Road, the road/highway ditches had filled with silt from the construction site. The sloped areas of the areas awaiting construction were observed to be developing rill patterns and gullies. The sediment generated by this erosion was being transported into the storm sewers and road ditchlines and ultimately, into Camp Ernst Lake.

In addition to erosion and sediment control problems, it is apparent that the construction workers had been washing paint buckets and dumping the washings/wastewater into the storm sewers. This was evidenced by the milky discoloration of the water in at least two of the storm sewer outlets. This practice was also confirmed by several area residents.