City of Bartlett

A. KEITH McDONALD, Mayor

ENGINEERING & UTILITIES
W. R. McCLANAHAN - Director and City Engineer
WADE TOWLES - Assistant City Engineer

March 28, 2017

91 7199 9991 7034 9793 9210

Mr. Jason Shackelford
Daybreak Homes, LLC
2083 W. Glenalden Drive
Germantown TN 38139

RE: Notice of Violation with Stop Work Order & Compliance Orders
The Bluffs of Winding Oaks PD, Lot 149
NPDES Permit Number TNR150716.26

Dear Mr. Shackelford,

On March 27, 2017, a monthly Construction Stormwater Pollution Prevention Compliance Inspection was conducted for Brookemeade Planned Development. The purpose of the inspection was to ensure the subject project was in compliance with the Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities as well as the City of Bartlett storm water ordinance. On that day, the inspector found the project neither in compliance with the General NPDES permit nor the City of Bartlett storm water ordinance. A copy of the inspection report is attached.

You are hereby advised that you are in violation of your State of Tennessee NPDES Permit for Discharges of Stormwater Associated with Construction Activities and the City of Bartlett storm water ordinance. You are also advised that a Stop Work Order has been issued for this project. No work other than that which is required to correct the identified deficiencies is permitted.

You are also directed to accomplish the following:

1. Immediately maintain, repair, replace or install the sediment control best management practices for your sites.
2. Immediately remove accumulated sediment from streets, curbs and gutters.
3. On or before April 17, 2017, provide a copy of your Twice-weekly inspection forms for the months of February and March 2017 to this office.
4. On or before April 17, 2017, provide a written response concerning what actions you have taken to correct the problems and what actions you have taken to prevent future occurrences.

You are also advised that the City of Bartlett may, in addition to issuing stop work orders, withhold inspections, withhold the issuance of permits, withhold the issuance of Use and Occupancy Certificates or assess administrative penalties for continued non-compliance. Administrative penalties may be assessed for each day of the violation, with each day being

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considered a separate violation, beginning with the March 27, 2017 inspection. We would prefer the non-compliance cease. Any actions the City of Bartlett takes does not preclude the State of Tennessee from taking concurrent actions for violations of their regulations or permits.

A follow-up inspection is scheduled for April 10, 2017. Please have the deficiencies corrected by then. If you have any questions, you can contact the inspector, Mr. Don Fent, at 385-6499.

Sincerely,

W.R. McClanahan, P.E.
City Engineer

Attachments:

1. March 27, 2017 Compliance Inspection Report
2. Photos from March 27, 2017 inspection
3. List of possible administrative assessments (extracted from the City of Bartlett Storm Water Ordinance)

cc: Tennessee Department of Environment and Conservation
City of Bartlett Department of Code Enforcement

CITY OF BARTLETT
Department of Engineering 901-385-6499
Department of Code Enforcement 901-385-6425
6382 Stage Road, Bartlett TN 38134-3739

General NPDES Permit for Stormwater Discharges from Construction Activities (CGP)

Monthly Construction Stormwater Pollution Prevention Compliance Inspection Report

Site or Project Name: The Bluffs of Winding Oaks P/D		**NPDES Tracking Number: TNR**	**TNR150716.26**
Lot # or Address: Lot 149		Date of Inspection: March 27, 2017	
Contact Name: Mr. Jason Shackleford	Contact Phone: 283-4540 (homes.daybreak@gmail.com)	Name of Inspector: Don Fent	
Type Inspection: Routine ☒ Complaint ☐ Follow-up ☐		Inspector's TNEPSC Certification Number:	113908

Please check the box if the following items are on-site: NOT OBSERVED

☐ Notice of Coverage (NOC) ☐ Stormwater Pollution Prevention Plan (SWPPP) ☐ Site contact information

Best Management Practices (BMPs).

Are the Erosion Prevention and Sediment Controls (EPSCs) functioning correctly?				
1.	Are all applicable EPSCs installed and maintained (silt fences, inlet protection, check dams, etc.)?	☐ N/A	☐ Yes	☒ No
2.	Are EPSCs functioning correctly at all disturbed areas/material storage areas?	☐ N/A	☐ Yes	☒ No
3.	Are EPSCs functioning correctly at outfall/discharge points such that there is no objectionable color contrast in the receiving stream, and no other water quality impacts?	☐ N/A	☐ Yes	☒ No
4.	Are EPSCs functioning correctly at ingress/egress points such that there is no evidence of track out?	☐ N/A	☐ Yes	☒ No
5.	Are temporary sediment basins installed, maintained and functioning with sufficient capacity?	☒ N/A	☐ Yes	☐ No
6.	If applicable, have discharges from dewatering activities been managed by appropriate controls?	☒ N/A	☐ Yes	☐ No
7.	Have inactive areas been stabilized within 14 days?	☒ N/A	☐ Yes	☐ No
8.	Are vegetated areas being maintained (mowed, pruned, irrigated, etc.)?	☒ N/A	☐ Yes	☐ No
9.	Are clearing limts, tree protection zones or other buffer zones in place and being observed?	☒ N/A	☐ Yes	☐ No
10.	Have pollution prevention measures been installed, implemented, and maintained to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters?	☒ N/A	☐ Yes	☐ No
11.	If a concrete washout facility is located on site, is it clearly identified on the project and maintained?	☒ N/A	☐ Yes	☐ No
12.	Have all previous deficiencies been addressed?	☒ N/A	☐ Yes	☐ No

Explanation of problems and/or pertinent observations:
EPSCs either missing, installed improperly or require maintenance. Mud/debris in streets and gutters.

Recommendations:
Install/repair/replace/maintain applicable EPSCs. Clean mud/debris from streets and gutters.

Date of Scheduled Follow-up Inspection (if required): APRIL 10, 2017

Site Supervisor Name and Title:	Signature:	Date:
Inspector: Donald W. Fent	Signature: [signature]	Date: 3/27/2017

Monthly Construction Stormwater Pollution Prevention Inspection Report

Purpose of this form/ Instructions

An inspection shall be performed at least monthly for all priority constructions sites and documented on this form.

Inspectors performing the monthly inspections must be a minimum of EPSC Level 1 certified in the Tennessee Erosion Prevention & Sediment Control Program.

Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the site's drainage system. Erosion prevention and sediment control measures shall be observed to ensure that they are operating correctly.

Outfall points (where discharges leave the site and/or enter waters of the state) shall be inspected to determine whether erosion prevention and sediment control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

Trained certified inspectors shall complete inspection documentation to the best of their ability. Falsifying inspection records or other documentation or failure to complete inspection documentation is a violation of the NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems and any other applicable acts or rules.

NOTES:
Item 1: Silt fence should be entrenched and have less than 50% of the height of the silt fence covered in sediment. Inlet protection (other than silt fence) should be kept cleared of accumulated sediment.
Item 2: If a material storage yard is associated with the construction site, it shall be inspected for applicable BMPs.
Item 3: Sediments are being maintained on site. Outlets are free of obstructions such as sediment, litter, etc. Rip-rap and filter cloth are properly installed.
Item 4: Construction entrances built per specifications. Maintenance is being performed to include rock replacement and street sweeping.
Item 5: Installed per specifications with outlet structures functioning properly. Basins being maintained with sediment removed at clean-out elevations. Berms in good condition with no erosion.
Item 6: Water sediment free prior to discharge/draining. Outlet structure control maintained closed except for draining.
Item 7: Seed and mulch applied or other stabilization efforts in effect.
Item 8: Vegetated areas being maintained in accordance with property maintenance ordinances. Height of grass, absence of trash and other construction debris, etc.
Item 9: Delineation devices (safety fence) in place.
Item 10: Wash water being maintained on site and treated prior to discharge.
Item 11: Concrete wash area contained.
Item 12: If this is a follow-up inspection, all previous deficiencies have been corrected.

Attachment 1. Table of Initial Assessments (continued)

Liquid from solid wastes disposal containers	§14-205(2)		$100
Domestic animal waste	§14-205(2)		$50
Illicit Connection	§14-205(4)		$2500
Illegal Dumping	§14-205(7)		$2500
Failure to comply with compliance order	§14-211(1)(d)		$2500
B. Construction			
Violation	**Reference**		**Assessment**
Site graded or drained to increase surface runoff to sinkholes, dry wells or drainage wells	§14-206(10)(e)	< one acre	$2500
		One acre or greater	$5000
Failure to maintain buffer zones	§14-206(10)(h)	< one acre	$2500
		One acre or greater	$5000
Failure to obtain notice of coverage prior to construction start	§14-206(11)(a)	< one acre	$2500
		One acre or greater	$5000
Failure to comply with requirements of applicable permits	§14-206(11)	< one acre	$2500
		One acre or greater	$5000
Failure to obtain appropriate permits prior to construction start	§14-206(11)	< one acre	$2500
		One acre or greater	$5000
Failure to submit plans for review prior to construction start	§14-206(11)(a)	< one acre	$2500
		One acre or greater	$5000
Failure to install appropriate BMPs prior to construction start	§14-206(11)(a)	< one acre	$2500
		One acre or greater	$5000
Failure to conduct a pre-construction meeting with the City prior to construction start	§14-206(11)(a)	< one acre	$1250
		One acre or greater	$2500
Failure to control wastes	§14-206(11)(b)	< one acre	$1250
		One acre or greater	$2500
Failure to maintain adequate BMPs	§14-206(11)(c)	< one acre	$2500
		one acre or greater	$5000
Changing grades prior to submitting and receiving approval of a revised grading plan	§14-206(11)(d)		$2500
Failure to obtain notice of termination	§14-206(11)(e)		$500
Failure to submit as-built plans	§14-207(1)		$500
Failure to stabilize site	§14-207(2)	< one acre	$2500
		one or more acres	$5000
Failure to comply with compliance orders	§14-211(1)(d)		$2500
C. Permanent Storm Water Facilities			
Violation	**Reference**		**Assessment**
Failure to maintain records	§14-207(5)		$600
Failure to perform required maintenance	§14-207(6)		$1000
Failure to meet or maintain design or maintenance standards	§14-207(8)		$2500