



STATE OF TENNESSEE  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
**DIVISION OF WATER RESOURCES**

Nashville Environmental Field Office  
711 R.S. Gass Boulevard  
Nashville, TN 37219

Phone 615-687-7000    Statewide 1-888-891-8332    Fax 615-687-7078

May 20, 2019

Mr. David McGowan  
6901 Lennox Village Dr., Ste. 107  
Nashville, TN 37211  
e-copy: [dcmcman@gmail.com](mailto:dcmcman@gmail.com)

CERTIFIED MAIL RECEIPT  
7016 3010 0000 9710 7475

Subject:        NOTICE OF VIOLATION  
                 Carothers Farms – (TNR 242073)  
                 Carothers Road, La Vergne, Tennessee

Mr. McGowan:

On May 16, 2019, staff from the Division of Water Resources (division) made a site visit to the Carothers Farms Phase 3 (Sections 2 & 3) TNR242073 development and identified violations that are in need of corrective actions. The violations included failure to install/maintain EPSC measures and sediment discharging into a stream. Additional information related to these violations and the requested corrective actions can be found on the following page.

Because unauthorized stream alterations and/or unauthorized discharges may impact the usefulness of the stream and its designated uses, including support of fish and aquatic life, livestock and wildlife watering, recreation, and irrigation they are violations of the *Tennessee Water Quality Control Act of 1977*. Therefore, this letter will serve as a formal Notice of Violation. Failure to remedy these violations within the specified timeframes may result in possible further action, which may include monetary penalties.

In order to begin bringing this site into compliance the division requests that you complete the corrective actions outlined on the following page within the specified timelines. If any corrective actions or stabilization measures have already been implemented, please submit photographic documentation of them along with your written response to this letter.

The division does not authorize access to private property and arrangements concerning the removal of sediment or other remediation efforts on adjoining properties must be settled between you and the adjacent landowners. No further work should be done in any stream or wetland areas until you have written authorization from the division.

During our site visit the division observed the following items that are in need of corrective actions:

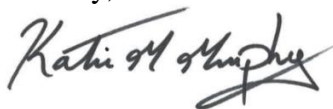
- EPSC measures have not been maintained/installed properly. Sediment basins/traps in Section 3 not installed/not functioning. Silt fences/drain protections are overloaded in several locations.
- Sediment has discharged off site and into two separate unnamed tributaries of the East Branch of Hurricane Creek in Section 3. Rip rap from outfall in Section 2 has entered the stream.
- Trash blowing into sediment basin in Section 2, then entering unnamed trib. BMPs need to be maintained onsite.
- Biweekly inspections not being performed in both sections. The last biweekly inspection report for Section 2 was performed on January 8, 2019.

Please submit the following items to the Nashville Environmental Field Office within the specified timeframe:

1. Immediately install effective EPSC measures to prevent sediment from leaving the site. This may include the installation of all required silt fences and outfall protections. Within 7 days of receipt of this letter provide date and time stamped photographic documentation showing EPSC measures have been installed.
2. Within 7 days of receipt of this letter, remove any sediment deposited in the stream. This work must be done without the use of heavy equipment where surface water is present (e.g. using only a shovel and bucket or tools that can be carried by hand). The division does not authorize access to private property. Arrangements concerning the removal of sediment on adjacent properties must be settled between you and the adjacent land owners.
3. Within 10 days of receipt of this letter, provide a copy of the full and complete site assessment for the sediment basins. Submission of monthly follow-up site assessments will be required, along with date and time stamped photographic documentation, until all structural EPSCs are constructed per the SWPPP.

Failure to remedy these violations within the specified timeframes will result in further actions, which may include monetary penalties. If you have any questions regarding this correspondence, please contact me at (615) 687-7115 or by E-mail at [Katie.Murphy@tn.gov](mailto:Katie.Murphy@tn.gov).


Sincerely,



Katie Murphy


cc: Jessica Murphy, DWR Compliance and Enforcement Manager  
Michael Hunt, Nashville/Davidson MS4 Program Manager, [Michael.Hunt@nashville.gov](mailto:Michael.Hunt@nashville.gov)

# Photographic Log

<b>Client or Facility Name:</b> Carothers Farms – Phase 3, Sections 2 & 3		<b>Site Location:</b> 35.984244, -86.613608	<b>Project No.:</b> TNR 242073
<b>Photo No.</b> 1	<b>Date</b> 5/16/2019		
<b>Description</b> Outfall from sediment basin in Section 2			

<b>Photo No.</b> 2	<b>Date</b> 5/16/2019		
<b>Description</b> Rip rap, sediment, and trash entering stream (Unnamed trib to E. Branch of Hurricane Creek #1) from outfall in Section 2			


# Photographic Log

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<b>Photo No.</b> 3	<b>Date</b> 5/16/2019		
<b>Description</b> Rip rap in stream (Unnamed trib to E. Branch of Hurricane Creek #1) from outfall in Section 2			

<b>Photo No.</b> 4	<b>Date</b> 5/16/2019		
<b>Description</b> Improve BMPs in Section 2, trashing blowing into sediment basin.			

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<b>Photo No.</b> 5	<b>Date</b> 5/16/2019		
<b>Description</b> Maintain EPSC measures around active lots in Section 2			

<b>Photo No.</b> 6	<b>Date</b> 5/16/2019		
<b>Description</b> Sediment basin not functioning/stabilized in Section 3			

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<b>Photo No.</b> 7	<b>Date</b> 5/16/2019
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**Description**  
Ditch dug from sediment basin in Section 3





<b>Photo No.</b> 8	<b>Date</b> 5/16/2019
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**Description**  
Ditch directing sediment to overloaded silt fence in Section 3




# Photographic Log

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<b>Photo No.</b> 9	<b>Date</b> 5/16/2019	 <p>05 16 2019</p>	
<b>Description</b> Sediment from overloaded silt fence entering Unnamed trib. to E. Branch of Hurricane Creek #2 in Section 3			

<b>Photo No.</b> 10	<b>Date</b> 5/16/2019	 <p>05 16 2019</p>	
<b>Description</b> Sediment traps not installed properly in Section 3			

# Photographic Log

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<b>Photo No.</b> 11	<b>Date</b> 5/16/2019	 <p>05 16 2019</p>	
<b>Description</b> Inlet for sediment trap in Section 3, no protections in place.			

<b>Photo No.</b> 12	<b>Date</b> 5/16/2019	 <p>05 16 2019</p>	
<b>Description</b> Outlet from sediment trap in Section 3			



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<b>Photo No.</b> 13	<b>Date</b> 5/16/2019
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**Description**

Overloaded silt fence, sediment from outlet of sediment trap in Section 3. Sediment observed leaving site.



<b>Photo No.</b> 14	<b>Date</b> 5/16/2019
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**Description**

Sediment accumulating offsite/entering Unnamed trib. to E. Branch of Hurricane Creek #2



# Photographic Log

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<b>Photo No.</b> 15	<b>Date</b> 5/16/2019	
<b>Description</b> Sediment basin not functioning properly (Section 3)		

<b>Photo No.</b> 16	<b>Date</b> 5/16/2019	
<b>Description</b> Outfall from sediment basin not being maintained/protections not functioning.		

# Photographic Log

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<b>Photo No.</b> 17	<b>Date</b> 5/16/2019
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**Description**  
Need to maintain EPSCs in Section 2




<b>Photo No.</b> 18	<b>Date</b> 5/16/2019
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**Description**  
Concrete washout near edge of property.



# Photographic Log

Client or Facility Name:		Site Location:	Project No.:
Carothers Farms – Phase 3, Sections 2 & 3		35.984244, -86.613608	TNR 242073
Photo No.	Date		
19	5/16/2019		
Description			
Need to maintain EPSCs in Section 2 to prevent sediment/rip rap/concrete washout from leaving site. Channel behind silt fence drains into stream.			