

**CWA COMPLIANCE EVALUATION INSPECTION REPORT
U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 5**

Facility: J&G Storage
West of the Intersection Wisconsin State Route 47 and Larch Road
Parcel #10-706-01
Lac du Flambeau, Wisconsin 54538

NPDES Permit Number: WIR10I03S (No Permit at time of inspection)

Purpose: To evaluate compliance with applicable stormwater regulations under the Clean Water Act (CWA).

Date of Inspection: December 14-15, 2023

EPA Region 5 Water Enforcement Compliance Assurance Representatives:

- Keith Middleton, Environmental Engineer, middleton.keith@epa.gov, 312-886-6465
- William Jones, Environmental Engineer, jones.william@epa.gov, 312-886-6058

Lac du Flambeau Band of Lake Superior Chippewa Representatives:

- Ryan Gauthier, Chief Conservation Officer, 715-588-4172

Facility Representatives:

- Jerold Fahrner, Site Owner, jpfahrner@yahoo.com
- Gary Guernadt, Business Partner/Site Operator, garyg@pgainc.net
- Chuck Burgess, Site General Contractor

Report Prepared by: Keith Middleton, Environmental Engineer

Inspector Signature: KEITH MIDDLETON Digitally signed by KEITH MIDDLETON
Date: 2024.02.22 12:51:05 -06'00'

Approver Name and Title: Ryan Bahr, Section 2 Supervisor, Water Enforcement and Compliance Assurance Branch

Approver Signature and Date: RYAN BAHR Digitally signed by RYAN BAHR
Date: 2024.02.22 15:23:45 -06'00'

INTRODUCTION

On December 15, 2023, representatives from the U.S. Environmental Protection Agency conducted a Compliance Evaluation Inspection at the J&G Storage Construction Site in Lac du Flambeau, Wisconsin (“site”). This site was located within the Lac du Flambeau Band of Lake Superior Chippewa (Lac du Flambeau) reservation boundaries. Since the site is located within the Lac du Flambeau reservation boundaries, EPA is the delegated National Pollutant Discharge Elimination System (NPDES) permitting authority for this facility.

The purpose of this inspection was to evaluate this facility’s compliance with the Clean Water Act (CWA). This inspection consisted of the following: an opening conference, discussions concerning the site and the on-going construction activities, a facility site walk-through. EPA and J&G Storage representatives also had a closing conference on December 22, 2023, via phone. Any findings and concerns that EPA identified during the inspection are listed in the section entitled “Areas of Concern” starting on page 12 of this report.

SITE BACKGROUND

According to the Vilas County GIS website, the parcel where the site is located is owned by Jerold Fahrner. The total size of the parcel is 9.87 acres. The Stormwater Pollution Prevention Plan (SWPPP), developed by the site owner’s engineer (Dustin Vreeland), indicates that the proposed development of the site is a commercial storage unit building. During the inspection, EPA learned that this storage building would be storing items owned by Mr. Fahrner.

Site Development Timeline

- September 13, 2023 – site owners obtained a tree-cutting/zoning permit from the Town of Lac du Flambeau. Shortly after permit issuance, site owner/operators began the Commencement of Construction Activities by clearing trees and other vegetation from the site. See Exhibit 1, below, showing the site in September 2023.



Exhibit 1: September 2023 Google StreetView Site Picture

Source: Google Maps (2023)

- October 13, 2023 – soil samples taken onsite for the infiltration basin.
- October 17, 2023 – first site plan developed.
- Mid-November 2023 – grading/earth moving associated with construction starts onsite.
- November 16, 2023 – Site’s engineer submits a Notice of Intent (NOI) to U.S. EPA, requesting NPDES general permit coverage for the site.
- December 18, 2023 – NPDES permit coverage for the site is initiated by EPA.

Receiving Waters

The southern portion of the site is located approximately 800 feet from Fence Lake. According to EPA’s “How’s My Waterway” website, there are no water quality impairments for Fence Lake and only one NPDES permitted discharger (Island City Storage has an active construction stormwater permit).

There is a small spring located approximately 1,700 feet west of the site, just south of Wisconsin State Route 47. From this spring, there appears on various aerial mapping to be a surface water connection from the spring to Fence Lake.

According to the National Wetlands Inventory (NWI) mapping, there is a mapped wetland within the site’s property boundaries. This mapped wetland area is connected by other wetlands to Fence Lake. Exhibit #2 below shows the location of the mapped wetland. The NWI wetland type identification of “PF02B” designates this type of wetland is a Freshwater Forested/Shrub Wetland habitat. There may also be a small stream within this mapped onsite wetland area; EPA observed a culvert under Wisconsin State Highway 47 west of the site (Photograph 7 in Attachment A) .



Exhibit 2: Wetland/Tax Parcel Map

Source: Vilas County GIS Maps (2023)

National Pollutant Discharge Elimination System Permit

As previously mentioned, on November 16, 2023, the site's engineer applied for an NOI for NPDES permit coverage under EPA's General Construction Permit. This permit ("Stormwater Permit") was not effective at the time of EPA's inspection on December 15, 2023. Instead, the status of the NOI was "on hold." Permit coverage was initiated by EPA on December 18, 2023.

Stormwater Pollution Prevention Plan

Before the inspection of the site, EPA familiarized itself with the site's notice of intent (NOI) submittal, including the site's Stormwater Pollution Prevent Plan (SWPPP).

The SWPPP was developed by Vreeland Associate Land Surveyors & Engineers on October 31, 2023. The SWPPP includes the identification of the site's Stormwater Team (Section 1.2), a description of the construction activities (Section 2.3), an estimated construction schedule (Section 2.4), a description of onsite erosion and sediment controls (Section 4), potential sources of pollution (Section 5), and the site's inspection and maintenance procedures (Section 6). The SWPPP is signed on page 25 by Mr. Guerndt. In addition, the SWPPP appendices contain various site maps and site construction plans. The proposed erosion control plan drawing, dated October 30, 2023, shows the location of proposed storage building onsite, with the site's grading, erosion controls (including silt fence and tracking pad locations), and the proposed infiltration basin (located on the northwest portion of the site).

Relevant EPA Construction Stormwater Definitions

The following are definitions applicable to this inspection and included in the Stormwater Permit's Appendix A:

- “Commencement of Construction Activities” – the initial disturbance of soils (or ‘breaking ground’) associated with clearing, grading, or excavating activities or other construction-related activities (e.g., grubbing; stockpiling of fill material; placement of raw materials at the site).
- “Construction Activities” – earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., grubbing; stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants.
- “Earth-Disturbing Activity” – actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, grubbing, cutting, and filling), soil compaction, and movement and stockpiling of topsoil.
- “Exposed Soils” – soils that as a result of earth-disturbing activities are left open to the elements.
- “Final Stabilization” – on areas not covered by permanent structures, either (1) uniform, perennial vegetation (e.g., evenly distributed, without large bare areas) has been established, or for arid or semi-arid areas, will be established that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas, and/or (2) permanent non- vegetative stabilization measures (e.g., riprap, gravel, gabions, and geotextiles) have been implemented to provide effective cover for exposed portions of the site.
- “Indian Country” or “Indian Country Lands” – defined at 40 CFR §122.2 as:
 - All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
 - All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a State; and
 - All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.
- “Small Construction Activity” – defined at 40 CFR §122.26(b)(15) as: a small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one acre and less than five acres of land or will disturb less than one acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

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- “Wetland” – those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Onsite evaluations/delineations are typically required to confirm the presence and boundaries of wetlands.

SITE INSPECTION



Exhibit 3: Site Location¹

Source: Vilas County GIS Maps (2023)

THURSDAY, DECEMBER 14, 2023

The EPA inspection team, consisting of Mr. Keith Middleton and Mr. William Jones, drove by the site at approximately 1:30 pm the day before EPA’s inspection to observe the condition of the site. EPA observed the construction site that included three pieces of construction equipment (two excavators and a skid steer) and a large, excavated pit in the center of the site on the eastern side of the property. This excavated pit was approximately 15-feet deep. EPA noted that there was a drop-off in elevation along the west and south sides of the property (towards undistributed areas of the property) with the west drop-off being steeper. Photographs 1-7 in Attachment A are the photographs taken by EPA at the site during this time; EPA stayed within the Wisconsin State Route 47 right-of-way while at the site.

¹ Notes on Exhibit 1: The red box is the facility’s property parcel and cyan box is the approximate location the area where tree-cutting/tree-clearing occurred

Items of Note:

- EPA observed minimal sediment tracking from the site's entrance (Photograph 4 in Attachment A).
- Photograph 7 in Attachment A shows the upstream culvert and headwall for a small ditch that runs west of the site (referred to above in the Receiving Waters section of this report) and that would likely flow from north to south towards Fence Lake. At the time of this inspection, there was no water flowing through this culvert.

FRIDAY, DECEMBER 15, 2023

Initial Inspection Discussion

The EPA inspection team, consisting of Mr. Middleton and Mr. Jones, arrived at the facility at approximately 9:05 am on Friday, December 15, 2023. The weather was cloudy and damp with a temperature of approximately 35° Fahrenheit. The site appeared unchanged from the previous day, except for the site representatives' vehicles parked within the site. The EPA inspectors first parked along Wisconsin State Route 47 before moving their vehicle to inside the site, near the other parked vehicles. Here EPA inspectors met the site representatives: Mr. Jerold Fahrner, Mr. Gary Guerndt, and Mr. Chuck Burgess. Mr. Ryan Gauthier, representing the Lac du Flambeau Tribe, was also present. After Mr. Middleton explained that EPA was here to conduct a CWA construction stormwater inspection. Mr. Middleton and Mr. Jones then presented their EPA inspector credentials to Mr. Fahrner, Mr. Guerndt, and Mr. Burgess. Next, EPA discussed EPA's authority within Indian County and how it applied to this site, EPA's Confidential Business Information (CBI) provisions, and a tentative schedule for the inspection.

EPA then began asking Mr. Fahrner and Mr. Guerndt questions related to the site. A timeline of the site is summarized above in the Facility Background section on page 2 of the inspection report. In addition to the timeline, EPA learned the following information during this discussion:

- Most of the site grading had occurred in the last two weeks and there was no further planned activities due to frozen ground conditions. Construction activity would restart in the spring after the ground thawed.
- Soil testing in 3-4 locations occurred on the site on October 13, 2023. This soil testing was related to the stormwater infiltration basin design.
- The SWPPP submitted to EPA as a part of the NOI submittal was the most current version of the SWPPP.
- According to Mr. Guerndt, the stormwater infiltration basin, proposed in the site plans, was designed to accommodate the 25-year design storm event.
- A formal wetland delineation had not been performed on the site; however, the site's plan did take into account the wetland boundary on the Vilas County GIS website.

- Mr. Guerndt explained that when tree-cutting occurred, a Fecon mulching unit on the skid steer was used to cut up branches in order to create mulch. EPA observed this mulch through the site in areas that had been cleared of vegetation/trees but were not yet graded.
- Both Mr. Fahrner and Mr. Guerndt indicated that although the original plan was to disturb a portion of the site with the size of approximately 1.5 acres, recently a decision had been made to not grade 40 feet further south, in order to stay below 1 acre of total disturbance.
- The excavated material from the pit was a sandy soil and is being taken to another property owned by Mr. Fahrner nearby.
- The silt fence onsite was installed immediately after tree cutting began.
- Mr. Fahrner told EPA that straw matting had been added along Wisconsin State Route 47 to prevent soil erosion and to establishing vegetation (north side of the site).
- Mr. Fahrner informed EPA that the driveway to this site was already here before land clearing activities began in September 2023.
- Mr. Fahrner indicated that there had been a tracking pad in place, but the construction equipment had disrupted the pad's rocks.
- Mr. Fahrner told EPA there have been no observed soil/sediment deposits off-site from the site.
- Mr. Fahrner also told EPA that:
 - Fueling of construction equipment occurs onsite.
 - Other than when gasoline is brought to the site, there are no other chemicals stored onsite.
 - There is no dewatering of the site planned as a part of the site's construction activities.

Site Walk-Through

At approximately 10:00 am, Mr. Middleton, Mr. Jones, Mr. Fahrner, Mr. Guerndt, Mr. Burgess and Mr. Gauthier began a walk-through of the site, starting with the silt fence along Wisconsin State Route 47. Here EPA observed the straw matting that was recently added along Wisconsin State Route 47. Then EPA walked to the northwest corner of the site. At this location, EPA observed some issues with the silt fence along the west side, in terms of either not being properly installed and posts that were broken (Photographs 9, 12, 14, 15, 16, 17, and 19 in Attachment A).

Next, EPA continued to walk on the west property line; taking pictures of this location of the site (Photographs 9-19, 22, 25-27, 35, 46, and 61-63 in Attachment A). EPA continued to observe issues with improper silt fence installation along the west side of the property, as indicated above. Mr. Middleton discussed the silt fence concerns with Mr. Guerndt during this portion of the walk-through; Mr. Guerndt acknowledge the concerns with the silt fence and indicated that the silt fence would be fixed as soon as possible. Soon after this conversation, at approximately 10:20 am, Mr. Fahrner and Mr. Burgess ended their participation in the inspection and left the site.

EPA then walked to the southwest corner of the site and observed the south portion of the property (Photographs 20, 21, 23, 24, 28-34, 36- 39, 41-45, 47-49 in Attachment A). The south part of the site was covered with a small dusting of snow. In this area of the site, EPA noticed a pile of tree stumps (Photograph 23, 36, 41, 48, and 49 in Attachment A). Mr. Guerndt informed EPA that these tree stumps were removed from the site and were being piled up in this location in order to be buried per Lac du Flambeau's request. Note that throughout the south and the west portions of the site, EPA observed the use of mulch in the cleared areas outside of the portions of the site being graded. This mulch consisted of varying sizes of bark and other portions of the tree and also varied in thickness on the ground (some areas had multiple layers of mulch, others had one layer). The mulch was also mixed with sticks and leaves from the removed trees. Photograph 24 in Attachment A shows the use of mulch in the southwest portion of the site; which was similar with the other portions of the site where mulch was utilized. Although the south and west portions of the site have steep slopes into undisturbed areas downslope; EPA did not observe any signs of erosion that had occurred.

After EPA observed the southern portion of the site, EPA walked to the excavated area of the site (Photograph 40 in Attachment A). Note that the eastern property line is roughly the same grade as the property with a minimal likelihood of erosion occurring in these areas from the property to offsite areas. EPA then walked back to the southwest corner of the site, walking past the excavator shown in Photograph 41 in Attachment A. EPA continued observations of the southern and western areas of the site, including taking more pictures of these areas. At this time, Mr. Guerndt indicated to EPA that he needed to leave the site to attend to another project within the Town of Lac du Flambeau, but that it was ok for EPA to be there after he left. EPA indicated that they would meet up with Mr. Guerndt at this location to conduct a closing conference inspection. Mr. Guerndt left the site at approximately 10:45 am. Soon after Mr. Guerndt left the site, Mr. Gauthier also left the site.

At approximately 10:50 am, EPA walked to the southwest corner of the site where land clearing had occurred and walked offsite into the undisturbed area. Photographs 50-53 in Attachment A document this undisturbed area. In this undisturbed area, EPA observed soft/wet soil and forest undergrowth consistent with a potential forested wetland area. EPA did not observe flowing water or a waterbody in the undisturbed area, although EPA was only able to traverse approximately 75 feet into the undisturbed area.

After turning around and exiting the undisturbed area, EPA walked back to the vehicle to obtain a 100-foot tape measure to determine the approximate area of the site. This site measurement included measuring the site boundary of the cleared land and measuring the area with exposed soil (no mulch).

- Total Cleared Area $\approx$ 1.57 acres
- Unmulched Cleared/Disturbed Area $\approx$ 0.996 acres

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* Please note that the area measurements above should be considered estimates with a potential high amount of error. In particular, the unmulched area was measured only on the east and north side and “squares-off” the south and west sides. EPA notes that there are areas of unmulched, disturbed area that go beyond this approximation and within the approximation (in other words, the south and west line are not straight and have some amount of variance, particularly on the west side of this approximation).*

EPA also took pictures with a camera capable of recording GIS coordinates (PENTAX Optio WG-1 GPS). The results of that information are included in the image below.



Exhibit 4: Site Location with GIS Camara Coordinates

Source: Vilas County GIS Maps (2023)

The camera utilized was able to record only five GIS coordinates, corresponding to five pictures. EPA notes that the GIS coordinates do not appear to be specific enough to be utilized for a site area computation, with the first picture in the top right corner of the image (Photograph 59 in Attachment A) clearly taken from within the site and not on the road.

#	Photo ID	Latitude	Longitude
1	IMGP0027	45.977648	89.83858
2	IMGP0028	45.977532	89.83915
3	IMGP0029	45.977322	89.8389
4	IMGP0030	45.976625	89.8388
5	IMGP0031	45.976553	89.83881
6	IMGP0032	45.976553*	89.83881*
7	IMGP0033	45.976553*	89.83881*
8	IMGP0034	45.976553*	89.83881*

Table 1: GIS Camera Data

* denotes data that is likely an error

EPA finished its walk-through of the site at approximately 11:50 am and left the site soon after. EPA drove to the location where Mr. Guerndt indicated he had expected to be, but he had left that location. Later, Mr. Guerndt and Mr. Middleton talked by phone at approximately 1:00 pm and agreed to have a closing conference by phone, at a later date.

Closing Conference

On Friday December 22, 2023, Mr. Middleton conducted the closing conference at approximately 9:00 am, by phone, with Mr. Fahrner and Mr. Guerndt. After thanking Mr. Fahrner and Mr. Guerndt for their time during the inspection, Mr. Middleton let Mr. Fahrner and Mr. Guerndt know that EPA would develop an inspection report that summarized its inspection of this site and anticipated that it would finalize the report and provide a copy in approximately 60 days. Mr. Middleton then confirmed that Mr. Fahrner and Mr. Guerndt would not be making any CBI claims regarding the information obtained during the inspection. Mr. Middleton went over the preliminary concerns it found during its inspection, some of which are listed below. After Mr. Middleton went over some of Mr. Fahrner's and Guerndt's questions and concerns, the closing conference ended at approximately 9:35 am.

DOCUMENTS REQUESTED AFTER THE INSPECTION:

On December 21, 2023, EPA requested the following documents electronically from Mr. Fahrner and Mr. Guerndt by email. These documents were also requested during the inspection onsite.

- A. Most Recent Stormwater Pollution Prevention Plan
- B. Soil sample information (from October 2023)
- C. Site acreage calculation
- D. Any documentation regarding onsite stormwater inspection(s) conducted

On February 2, 2024, EPA reiterated its request by asking for the onsite soil sample information, site acreage calculation, and an onsite stormwater inspection documentation, via email. Note that EPA was told during the closing conference that the most recent and only developed SWPPP had been submitted to EPA as a part of the NOI submittal. On February 10, 2024, Dustin

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Vreeland submitted the other three requested documents to EPA by email. Of note, Mr. Vreeland indicated that the onsite disturbance area was 1.48 acres.

AREAS OF CONCERN:

EPA has identified areas of concern based on findings during the inspection of the J&G Storage site inspection. An enumerated list of the areas of concern are listed below:

1. Commencement of Construction Activities Before Stormwater Permit Coverage: As indicated above in this inspection report, the site owners began the Commencement of Construction Activities, which included Earth-Disturbing Activity (clearing of trees and vegetation), soon after September 13, 2023. The construction site continued construction activities throughout September, October, November, and December 2023, with grading onsite beginning in November 2023. On November 16, 2023, the site submitted its NOI to EPA, requesting Stormwater Permit coverage for the site. Stormwater Permit coverage was initiated by EPA on December 18, 2023.
EPA's website, including the Stormwater Permit Frequently Asked Questions section at <https://www.epa.gov/system/files/documents/2022-01/cgp-frequent-questions.pdf>, indicates that the site owner/operators must wait "14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied." EPA initiated permit coverage on December 18, 2023 while the Commencement of Construction Activities for the J&G Storage site occurred in September 2023.
2. Disturbed Acreage of Construction Site: Although the site's submitted NOI listed the amount disturbed area onsite as 1.5 acres and Mr. Vreeland sent EPA an email indicating the disturbed area was 1.48 acres, site representatives repeatedly told EPA during the inspection that the site would change the site design to disturb under 1.0 acres in order to not be subject to requiring an EPA Stormwater Permit. EPA is concerned that when it did a rough site measurement of the area where Earth-Disturbing Activity (tree-clearing) occurred, inspectors estimated that the size of the area was approximately 1.57 acres. In addition, the unmulched area calculation was so close to 1 acre, that the site might still be considered a small construction site if accurately measured. Note that as of the date of this inspection report, the site is under EPA Stormwater permit coverage.
3. Silt Fence Concerns: During the inspection, EPA observed implementation issues related to the silt fence on the west boundary of the property. These issues included broken posts and silt fence fabric not being trenched in and buried along the bottom. Photographs 9, 12, 13, 14, 15, 16, 19, and 60 in Attachment A show these various silt fence concerns. During a phone call on December 18, 2023, Mr. Guernndt indicated that they were not able to trench in new silt fence due to frozen ground conditions. Instead, Mr. Guernndt told EPA that they would purchase erosion control filter sock and implement that in lieu

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of the silt fence. EPA has not received an update regarding the implementation of the erosion control filter sock and it is unclear if this erosion control measure has been implemented.

4. Site Entrance Tracking Pad: EPA observed during the inspection that there did not appear to be a tracking pad implemented at the site entrance, as indicated by the SWPPP.² Although Mr. Fahrner told EPA that the tracking pad had been implemented and then altered by construction equipment leaving the site, EPA did not observe the size of rock (3-inch to 6-inch washed stone) on and around the construction entrance as described in the tracking pad detail in Appendix A of the site's SWPPP.
5. Wetland Impacts: Throughout the walkthrough of the site, including the walk off-site to the undisturbed area, EPA spent time observing the west extent of the site's Earth-Disturbing Activity on the property. It was unclear if the Earth-Disturbing Activity onsite extended into the wetland, especially given the absence of a formal wetland delineation.
6. Stormwater Permit Issues: As mentioned previously in this inspection report, the site was not subject to EPA's Stormwater Permit at the time of the inspection. EPA does note the following concerns that it observed during the inspection that may have not met the Stormwater Permit requirements if permit coverage had been initiated and/or would like the site representatives to be aware of:
 - a. Section 1.5 of the Stormwater Permit - A sign or other notice of the site's permit coverage must be posted at a safe, publicly accessible location in close proximity to the construction site (no sign/notice posted at time of inspection).
 - b. Section 2.1.4 of the Stormwater Permit - All stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness (silt fence and tracking pad issues observed during inspection).
 - c. Section 2.1.9 of the Stormwater Permit - In areas of the site where final vegetative stabilization will occur or where infiltration practices will be installed, the site should avoid soil compaction (it was not clear to EPA if the proposed infiltration basin in the SWPPP had been staked out on the site and site operators knew to avoid this area with equipment to prevent compaction).
 - d. Section 2.2.14(c) of the Stormwater Permit - Final stabilization criteria list (for any areas not covered by permanent structures). EPA notes that the use of mulch is not listed as an example of permanent non-vegetative stabilization measures in footnote #46 (this is particularly important for when the site representatives begin the process for terminating Stormwater Permit coverage after the completion of all construction activities onsite).

² Note that the SWPPP indicates the tracking pad will be implemented after permit coverage is complete; since construction activities started before the permit was issued, the tracking pad should have been implemented prior to any construction activities.

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- e. Section 5 of the Stormwater Permit – Corrective Action Requirements (some of the identified silt fence and tracking pad issues may require the site to take corrective actions and follow this section’s permit requirements)
 - f. Section 7.3 of the Stormwater Permit – The site must keep a current copy of the SWPPP at the site or at an easily accessible location so that it can be made available at the time of an onsite inspection or upon request by EPA; a State, Tribal, or local agency approving stormwater management plans (no copy of the SWPPP available onsite other than copy of the SWPPP online).
7. Stormwater Pollution Prevention Plan Typographical Error: When reviewing the SWPPP, EPA noticed a potential typographical error on page 12. Section 4.5 of the SWPPP mentions that there is little anticipated dust generation due to the short haul to State Highway 54. EPA believes that this should be Wisconsin State Highway 47 instead.

LIST OF ATTACHMENTS:

- A. Photograph Log

Attachment A: J&G Storage Inspection Photolog
EPA Inspection – December 14-15, 2023
Photos taken by Keith Middleton, Environmental Engineer, U.S. EPA (Photographs 1-58)
and William Jones, U.S. EPA (Photographs 59-69)
Camera: Canon PowerShot SX230 HS and PENTAX Optio WG-1 GPS



1. IMG_0839

Description: J&G Storage Construction Site

Location: J&G Storage – From Wisconsin State Route 47 Right-of-Way

Camera Direction: South

Date/Time: December 14, 2023 – 1:30 pm CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



2. IMG_0840

Description: J&G Storage Site - Entrance

Location: J&G Storage Construction Site – From Wisconsin State Route 47 Right-of-Way

Camera Direction: East

Date/Time: December 14, 2023 – 1:30 pm CDT



3. IMG_0841

Description: J&G Storage Site – Northwest Corner

Location: J&G Storage Construction Site – From Wisconsin State Route 47 Right-of-Way

Camera Direction: Southwest

Date/Time: December 14, 2023 – 1:31 pm CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



4. IMG_0842

Description: J&G Storage Site - Entrance

Location: J&G Storage Construction Site – From Wisconsin State Route 47 Right-of-Way

Camera Direction: East

Date/Time: December 14, 2023 – 1:32 pm CDT



5. IMG_0843

Description: J&G Storage Site

Location: J&G Storage Construction Site – From Wisconsin State Route 47 Right-of-Way

Camera Direction: South

Date/Time: December 14, 2023 – 1:32 pm CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



6: IMG_0844

Description: J&G Storage Site – Entrance/North Side of Site

Location: J&G Storage Construction Site – From Wisconsin State Route 47 Right-of-Way

Camera Direction: West

Date/Time: December 14, 2023 – 1:35 pm CDT



7: IMG_0845

Description: Culvert Under Route 47 – North of the J&G Storage Site

Location: J&G Storage Construction Site– From Wisconsin State Route 47 Right-of-Way

Camera Direction: South

Date/Time: December 14, 2023 – 1:39 pm CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



8. IMG_0846

Description: J&G Storage–Excavated Area

Location: J&G Storage Construction Site

Camera Direction: South

Date/Time: December 15, 2023 – 9:58 am CDT



9: IMG_0847

Description: Silt Fence on Northwest Corner of the J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: West

Date/Time: December 15, 2023 – 10:01 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



4. IMG_0848

Description: Area West of J&G Storage Site – Note Culvert under Route 47

Location: J&G Storage Construction Site

Camera Direction: West

Date/Time: December 15, 2023 – 10:02 am CDT



11. IMG_0849

Description: Silt Fence on Northwest/West Sider of the J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:02 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



12. IMG_0850

Description: Silt Fence on West Site of the J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:03 am CDT



13. IMG_0851

Description: Silt Fence on West Site of the J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:03 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



14. IMG_0852

Description: Zoomed in Silt Fence Issue on West Site of the J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:06 am CDT



15. IMG_0853

Desc Description: Silt Fence on Northwest Corner of the J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: West

Date/Time: December 15, 2023 – 10:06 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



16. IMG_0854

Description: Silt Fence and Area Beyond on West Side of J&G Storage

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:06 am CDT



17. IMG_0855

Description: Silt Fence and Area Beyond on West Side of J&G Storage; Further South than Photograph #16

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:08 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



5. IMG_0856

Description: Property Boundary on West Side of J&G Storage

Location: J&G Storage Construction Site

Camera Direction: South

Date/Time: December 15, 2023 – 10:08 am CDT



19. IMG_0857

Description: Southern Section of Silt Fence on West Boundary

Location: J&G Storage Construction Site

Camera Direction: West

Date/Time: December 15, 2023 – 10:09 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



6 IMG_0858

Description: Property Boundary on Southwest Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:09 am CDT



21. IMG_0859

Description: Property Boundary on Southwest Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: West

Date/Time: December 15, 2023 – 10:11 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



72. IMG_0860

Description: Property Boundary on West Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: West

Date/Time: December 15, 2023 – 10:14 am CDT



83: IMG_0861

Description: South/Southwest Side of J&G Storage Site with Tree Stump Pile

Location: J&G Storage Construction Site

Camera Direction: South

Date/Time: December 15, 2023 – 10:15 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



9: IMG_0862

Description: South/Southwest Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: South

Date/Time: December 15, 2023 – 10:19 am CDT



10: IMG_0863

Description: West Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: West

Date/Time: December 15, 2023 – 10:21 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



11: IMG_0864

Description: West Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Northwest

Date/Time: December 15, 2023 – 10:22 am CDT



12 IMG_0865

Description: West Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Northwest

Date/Time: December 15, 2023 – 10:22 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



28. IMG_0866

Description: Southwest Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: South

Date/Time: December 15, 2023 – 10:23 am CDT



13 IMG_0867

Description: Southwest Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:23 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



30. IMG_0868

Description: South Portion of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: East

Date/Time: December 15, 2023 – 10:23 am CDT



31. IMG_0869

Description: Southwest Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:24 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



32. IMG_0870

Description: South Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: East

Date/Time: December 15, 2023 – 10:24 am CDT



14. IMG_0871

Description: Southwest Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:25 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



34. IMG_0872

Description: Southwest Side of J&G Storage Site – Looking Into Forested Area

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:27 am CDT



35. IMG_0873

Description: West Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Northwest

Date/Time: December 15, 2023 – 10:27 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



36. IMG_0874

Description: Tree Stump Pile on Southern Portion of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Northeast

Date/Time: December 15, 2023 – 10:27 am CDT



37. IMG_0875

Description: Southwest Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:29 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



38. IMG_0876

Description: South Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: South

Date/Time: December 15, 2023 – 10:31 am CDT



39. IMG_0877

Description: Southern Portion of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: West

Date/Time: December 15, 2023 – 10:32 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



40. IMG_0878

Description: Excavated Area of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: North

Date/Time: December 15, 2023 – 10:32 am CDT



41. IMG_0879

Description: South Side of J&G Storage Site and Tree Stump Pile

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:27 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



42. IMG_0880

Description: South/Southwest Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: East

Date/Time: December 15, 2023 – 10:35 am CDT



43. IMG_0881

Description: Southwest Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: West

Date/Time: December 15, 2023 – 10:35 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



44. IMG_0882

Description: Southwest Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:37 am CDT



45. IMG_0883

Description: Southwest Side of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:37 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



46. IMG_0884

Description: West Side of J&G Storage Site – Looking Towards Silt Fence Section

Location: J&G Storage Construction Site

Camera Direction: Northwest

Date/Time: December 15, 2023 – 10:37 am CDT



47. IMG_0885

Description: Southwest Side of J&G Storage Site – Looking Into Forested Area

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:48 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



48. IMG_0886

Description: Tree Stump Pile and Southern Portion of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: East

Date/Time: December 15, 2023 – 10:49 am CDT



49. IMG_0887

Description: Tree Stump Pile and Southern Portion of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: East

Date/Time: December 15, 2023 – 10:49 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



50. IMG_0888

Description: Undisturbed Forested Area - Southwest of J&G Storage Site (Looking Towards Construction Site)

Location: J&G Storage Site - Forested Area

Camera Direction: Northeast

Date/Time: December 15, 2023 – 10:51 am CDT



51. IMG_0889

Description: Undisturbed Forested Area - Southwest of J&G Storage Site (Looking Towards Construction Site)

Location: J&G Storage Construction Site

Camera Direction: Northeast

Date/Time: December 15, 2023 – 10:51 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



52. IMG_0890

Description: Undisturbed Forested Area - Southwest of J&G Storage Site (Looking Towards Construction Site)

Location: J&G Storage Site - Forested Area

Camera Direction: Northeast

Date/Time: December 15, 2023 – 10:51 am CDT



53. IMG_0891

Description: Undisturbed Forested Area - Southwest of J&G Storage Site (Looking Away From Construction Site)

Location: J&G Storage Site - Forested Area

Camera Direction: Southwest

Date/Time: December 15, 2023 – 10:54 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



54. IMG_0892

Description: Construction Site Entrance

Location: J&G Storage Construction Site

Camera Direction: Northeast

Date/Time: December 15, 2023 – 10:59 am CDT



55. IMG_0893

Description: Excavated Area of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: Southwest

Date/Time: December 15, 2023 – 11:11 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



56. IMG_0894

Description: Excavated Area of J&G Storage Site

Location: J&G Storage Construction Site

Camera Direction: West

Date/Time: December 15, 2023 – 11:12 am CDT



57. IMG_0895

Description: Excavated Area of J&G Storage Site and Area West of Excavation

Location: J&G Storage Construction Site

Camera Direction: South

Date/Time: December 15, 2023 – 11:33 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



58. IMG_0896

Description: Town of Lac du Flambeau Zoning Permit Posting

Location: J&G Storage Construction Site

Camera Direction: South

Date/Time: December 15, 2023 – 11:47 am CDT



59. IMG0027.JPG

Description: J&G Storage Site Entrance

Location: J&G Storage Construction Site

Camera Direction: Northwest

Date/Time: December 15, 2023 – 9:58 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



60. IMGP0028

Description: Northwest Corner of Site Silt Fence

Location: J&G Storage Construction Site

Camera Direction: N/A

Date/Time: December 15, 2023 – 10:02 am CDT



61. IMGP0029

Description: Silt Fence on West Side of Site

Location: J&G Storage Construction Site

Camera Direction: Northwest

Date/Time: December 15, 2023 – 10:06 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



62. IMGP0030

Description: West Side of Site

Location: J&G Storage Construction Site

Camera Direction: North

Date/Time: December 15, 2023 – 10:11 am CDT



63. IMGP0031

Description: West Side of Site

Location: J&G Storage Construction Site

Camera Direction: North

Date/Time: December 15, 2023 – 10:11 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



64. IMGP0032

Description: South Side of Site

Location: J&G Storage Construction Site

Camera Direction: South

Date/Time: December 15, 2023 – 10:18 am CDT



65. IMGP0033

Description: Southeast Corner of Site

Location: J&G Storage Construction Site

Camera Direction: South

Date/Time: December 15, 2023 – 10:19 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



66. IMGP0034

Description: East Side of Site

Location: J&G Storage Construction Site

Camera Direction: North

Date/Time: December 15, 2023 – 10:19 am CDT



67. IMGP0035

Description: East Side of Site and Southeast Site Corner

Location: J&G Storage Construction Site

Camera Direction: South

Date/Time: December 15, 2023 – 10:20 am CDT

J&G Storage, Lac du Flambeau, Wisconsin – December 14-15, 2023



68. IMGP0036

Description: East Side of Site

Location: J&G Storage Construction Site

Camera Direction: North

Date/Time: December 15, 2023 – 10:32 am CDT



69. IMGP0037

Description: East Side of Site

Location: J&G Storage Construction Site

Camera Direction: North

Date/Time: December 15, 2023 – 10:37 am CDT