

Clean Water Act (CWA) Inspection Report

Inspection Entry Date/Time	03/21/2023 1:00 PM (PT)	Announced: No		
Inspection Exit Date/Time	03/21/2023 3:15 AM (PT)			
Weather	Sunny, 50° F			
Media	Water			
Statute(s)/Program(s)	Clean Water Act, NPDES, Stormwater – Construction			
Type of Inspection	CEI - Compliance Evaluation Inspection			
Permittee Name	Hamilton Excavating, LLC			
Facility or Site Name	Highland Terrace			
Facility/Site Physical Address	34305 NW Pacific Highway			
City, State, Zip Code	La Center, Washington 98629			
County/Borough/Parish	Clark County			
Facility GPS Coordinates	45.749657 N -122.682177 W			
Mailing Address	PO Box 1611			
City, State, Zip Code	Battle Ground, Washington 98604			
FRS ID	110071181384			
Permit Number	WAR308871			
NAICS	238910 (Site Preparation Contractors)			
Inspection Contacts:				
Organization	Name	Title	Present in Opening Conf.	Present in Closing Conf.
EPA Region 10	Jon Klemesrud	Lead Inspector	Yes	Yes
Washington Department of Ecology	Brian Johnson	Inspector	Yes	Yes
Hamilton Excavating LLC	Matt Hamilton	Member	Yes	Yes
Evergreen Homes NW	David (Dave) Besteman	Representative	Yes	Yes
Hamilton Excavating LLC	Lindsey Paris	CESCL	No	No
EPA Inspector Signature/Date	JON KLEMESRUD  Digitally signed by JON KLEMESRUD Date: 2023.04.14 07:40:48 -07'00'			
	Jon Klemesrud			
Supervisor Signature/Date	PETER CONTRERAS  Digitally signed by PETER CONTRERAS Date: 2023.04.14 07:47:50 -07'00'			
	Peter Contreras, Chief FDDWES			

This inspection report is based on information supplied by conversations with Mr. Matt Hamilton, Mr. David Besteman, or direct observations made at the time of the inspection, and records and reports maintained by the permittee. This inspection report may also include information gathered from a review of EPA, State, and/or public records.

SECTION I – INTRODUCTION

Entry and Inspection Chronology

This was an unannounced inspection; I was joined on the inspection by State of Washington Department of Ecology (Ecology) representative Brian Johnson. At approximately 11:35AM on the day of the inspection, I called and spoke with Mr. Matt Hamilton of Hamilton Excavating LLC. Mr. Hamilton is listed on the Notice of Transfer as the project's current operator/permittee contact. I introduced myself and discussed that I had been asked to conduct an on-site inspection at the Highland Terrace construction project to assess compliance with the project's coverage under Ecology's Construction Stormwater General Permit (CGP).

I further explained that the inspection was in coordination with Washington Department of Ecology and would include a walk-through of the construction site and a review of permit related documents. Mr. Hamilton explained that he was largely unaware that he was still listed as permittee for the full project, he believed the majority of the housing lots had been sold by the development's property owner to various homebuilders. Mr. Hamilton further explained that he hadn't spent much time at the site recently but would be willing to meet me there for the inspection. He discussed that in the interim, he would contact the development's property owner to find out more information on the current permitting/ownership status. We agreed to meet at the site at 1:00PM.

Mr. Johnson (Ecology) and I arrived on-site at approximately 1:00PM and met with Mr. Hamilton. Shortly after our arrival, we were also joined by the property owner representative, Mr. David (Dave) Besteman of Evergreen Homes NW. Following our initial introductions, I presented my EPA credentials, restated the purpose and expectations of the inspection, and provided my business card. We had a brief discussion regarding the project's general timeline and recent lot acquisitions by other homebuilders. Mr. Hamilton also stated that the stormwater pollution prevention plan (SWPPP) and site inspection reports were not on-site but with his Hamilton Excavating LLC's Certified Erosion and Sediment Control Lead (CESCL), Ms. Lindsey Paris.

The inspection consisted of an opening conference, a walk-through of the construction site, and concluded with a closing conference. During the closing conference, we discussed our walk-through observations, potential areas of concern and next steps, including requesting an electronic copy of the SWPPP and prior site inspection reports completed by the permittee. Mr. Johnson and I were accompanied throughout the inspection by Mr. Hamilton and Mr. Besteman.

Permit/Compliance History

The Highland Terrace construction project (hereinafter referred to as the "Project") is permitted to discharge to Packard Creek under the CGP, the permit tracking number assigned to the project is (WAR308871). Based upon my review within Ecology's Permitting and Reporting Information System (PARIS), the initial permit application (notice of intent) for the construction project was submitted by Evergreen Homes NW on April 11, 2019. Permit coverage was renewed by Evergreen Homes NW on May 2, 2020, and then transferred to new/current operator/permittee Hamilton Excavating LLC on December 10, 2020. See **Attachment A**, Signed ECY 020-87a Permit Transfer.

According to PARIS, field citations were issued to Hamilton Excavating LLC by Ecology on February 22, 2021 (Field Citation #01233) and March 22, 2021 (Field Citation #01234). On January 25, 2022, Ecology issued a penalty (Penalty No. 20822) to Hamilton Excavating LLC in the amount of \$136,000. The Notice of Penalty referenced multiple State code and permit condition violations, resulting in impacts to waters of the State. The project was last inspected by Washington Department of Ecology on March 1, 2022. The inspection report noted compliance concerns, including several areas of bare, unworked soils, erosion around the headwall, and turbid discharges above the CGP benchmark of 25 NTU.

SECTION II – OBSERVATIONS

Site Review

The Project includes the development of 25.3 acres into the construction of 98 single family residential lots, including associated driveways, stormwater infrastructure and utilities. Total disturbed area is listed in the SWPPP at 24.4 acres. For a general footprint, See **Attachment B**, General Construction Map.

Activities over the life of the project include the installation of temporary erosion controls, excavation, grading, installation of utilities, road/parking construction and building construction. According to Mr. Hamilton, there is generally two construction phases associated with the Project, Phase 1, and Phase 2. Phase 1 encompasses the lower areas, north of NW Pacific Highway. Phase 2 encompasses the upper (northern) portion of the development to NW Bolen Street.

Stormwater infrastructure for the development is designed to be routed to a single, southeastern stormwater pond. The pond overflows via piping to a headwall, which discharges to a small, vegetated wetland area prior to being conveyed to Jenny Creek, located just east of the development.

According to Mr. Hamilton and Mr. Besteman at the time of inspection, the site is generally nearing completion. Approximately 58 housing lots have been sold to SummerPlace Homes, Inc. and are in various stages of homebuilding. An additional sale of housing lots to homebuilder D.R. Horton is to be finalized in the upcoming week. Recent construction activity by Hamilton Excavating has been limited, Mr. Hamilton stated that he was last on-site approximately one week prior to the inspection, he removed a stockpile that was within the upper portion of the Project, within Phase 2.

At the time of inspection, it was discussed that Hamilton Excavating LLC was still the permittee for the entire Project, Mr. Hamilton stated that he would be working with the property owner (Evergreen Homes NW) to update the permitting status to reflect their current arrangement. Mr. Hamilton also stated that he had spoken with Ms. Paris (CESCL) just prior to the inspection and was informed that inspections were up to date through March (2023).

We began the walk-through along NW 15th Street, as we walked towards the Project's stormwater pond. Photographs taken during the site-walk through are attached to this inspection report as **Attachment C**, Photograph Log.

Walk-Through Observations:

Location: Stormwater Pond
Observation #: OB-001
We first observed the stormwater collection pond (Photo 1). Mr. Hamilton explained that the pond was engineered with a 10-foot wall that stretches across the length of the pond, separating it into two sub-basins to promote settling. It was discussed that the pond's intake piping is fairly low within the pond which seems to result in additional turbidity as inflow agitates previous settled solids on occasion. The pond slopes were observed to be well vegetated, we discussed that we would tour the pond's outfall and sample location at the end the walk-through, as it's only accessible from NW Pacific Highway.

Location: Southeast Construction Area(s) Along NW 15 th Street
Observation #: OB-002
At the time of our walk-through northwest of the stormwater pond along NW 15 th Street, we observed a small concrete washout pile just past the curb on the south end of NW 15 th Street (Photo 2). It was discussed that at the

current stage of the project there was no dedicated concrete washout area. We discussed generally the permit requirements regarding concrete washout. Disturbed areas in within the southeast construction areas appeared to be well vegetated/stabilized and the roadway was generally free of sediment and debris (**Photo 3 & Photo 4**).

Location: Southwest Construction Area(s) Near Lot #45

Observation #: OB-003

We continued the tour west within Phase 1 areas, we observed a housing lot under construction at or near lot #45. We observed a hose connected to the partially constructed house's outdoor spigot; homebuilders/contractors were on-site working within the partially constructed home. It appeared the hose had a poor connection as we observed water leaking from the spigot, downslope within the lot. The water was causing some channeled erosion below the home, within an unstabilized area of the lot (**Photo 5**). Mr. Besteman notified the homebuilders/contractors of the concern. We also observed a concrete washout pile at or near lot #45 and a second concrete washout pile across the street from lot #45 (**Photo 6 & Photo 7**).

Location: Southwest Construction Area(s) Near Lot #40 & Lot #41

Observation #: OB-004

To the west of housing lot #45, we observed unstabilized areas at or near lot #40 and #41 (**Photo 8**). It appeared both housing lots had been cleared for vertical construction, no stormwater BMPs were observed within the two lots. Downslope of this area was only a small vegetative area north of NW Pacific Highway.

Location: Central Construction Area(s) Near Lot #52

Observation #: OB-005

We continued the walk-through to north, along the main access road toward the southern areas of Phase 2. We observed unstabilized areas at or near lot #52, near a roadside catch basin (**Photo 9**). It appeared the lot had been cleared for vertical construction, no stormwater BMPs were observed within the cleared area. Catch basin inserts were installed within roadside catch basins.

Location: Northwest Perimeter of Phase 1

Observation #: OB-006

We continued north and observed the northwest perimeter of Phase 1. Disturbed areas appeared to be well vegetated/stabilized with hydroseed and/or straw mulch, silt fencing extended along the western perimeter (**Photo 10**). One section of perimeter silt fencing appeared to be in need maintenance.

Location: Phase 2 Area(s)

Observation #: OB-007

We continued the walk-through to Phase 2. We observed unstabilized areas generally throughout the southern areas Phase 2 (**Photo 11**). Mr. Hamilton discussed that within Phase 2, a covered stockpile was removed the week prior by Hamilton Excavating LLC. We also observed some straw bales staged near the southern perimeter of Phase 2.

Location: Northeast Perimeter of Phase 2**Observation #:** OB-008

We continued to northeast corner of Phase 2, we observed straw mulch and silt fencing as BMPs within this area. Two sections of silt fencing were observed to be in need of maintenance, one section of silt fencing was down, and another had eroded beneath the fence allowing for pass-through (**Photo 12**). Adjacent areas within the northeast corner of Phase 2 were observed to be unstabilized (**Photo 13**).

Location: Northwest Perimeter of Phase 2**Observation #:** OB-009

We continued west and observed silt fencing and hydroseeded areas within the northwest corner of Phase 2 (**Photo 14 & Photo 15**). Northwest areas appeared to be well vegetated/stabilized with hydroseed. Silt fencing did not extend the full length of the property boundary.

Location: Northern Area(s) of Phase 2**Observation #:** OB-010

The walk-through continued back east to the northern areas of Phase 2, along Bolen Street and the development's main access road. An uncovered/unstabilized stockpile was observed within this northern area of Phase 2, areas around the stockpile were also unstabilized (**Photo 16**).

Location: Southwest Perimeter of Phase 1**Observation #:** OB-011

We returned to the southwest area of Phase 1 to view the area(s) below housing lots #40 and #41 (previously observed in Observation #OB-04). We observed a curtain drain installed to capture and route stormwater off the hillside (between the housing lots and NW Pacific Highway) to the stormwater pond (**Photo 17 & Photo 18**). It was observed that a small trench/channel was dug from one of the above housing lots to connect to the curtain drain and/or stormwater manhole. Based on our observations, the trench was likely constructed to drain ponded stormwater from the above lot. Mr. Hamilton stated that he was previously unaware of the small trench and assumed it was likely the work of a contractor associated with the homebuilder.

Location: Outfall Area**Observation #:** OB-012

Following our walk-through of the construction areas, we observed the stormwater pond outfall area and associated headwall (**Photo 19 & Photo 20**). The pond was discharging at the time of inspection. According to Mr. Hamilton, stormwater samples for permit compliance are collected at this location by Ms. Paris. We observed the discharge entering a heavily vegetative/wetland area. According to Mr. Hamilton, the discharge is conveyed from this location to Jenny Creek located just east of the project. Following the closing conference, we briefly observed Jenny Creek from NW Pacific Highway.

SECTION III – RECORDS REVIEW**Record:** Stormwater Pollution Prevention Plan (SWPPP)**Ref #:** RR-001

As indicated earlier in this report, the project's SWPPP was not on-site at the time of inspection. According to Mr. Hamilton, the working copy of the SWPPP was located off-site, in the possession of the project's Certified Erosion and Sediment Control Lead (CESCL), Ms. Lindsey Paris of Hamilton Excavating LLC. During the

closing conference, it was discussed that Mr. Besteman or Mr. Hamilton would email an electronic version of the SWPPP post-inspection. On Wednesday, March 29, 2023, I submitted a follow-up request via email to Mr. Hamilton and Mr. Besteman for an electronic version of the SWPPP, as discussed during the closing conference. Mr. Besteman provided an electronic copy of the original SWPPP via email on March 30, 2023. See **Attachment D**, Post Inspection Correspondence.

The SWPPP was reviewed post-inspection on March 31, 2023. The SWPPP was prepared by Zach Carter of SGA Engineering. The SWPPP listed a preparation date of April 1, 2019 and included the applicable 12 elements required/discussed within Part S9.D. of the CGP and also referenced the Stormwater Management Manual for Western Washington for BMP selections observed during the on-site walkthrough. The electronic/original copy of the SWPPP had not been updated to include a contractor or CESCL (Hamilton Excavating LLC) and did not include any documented modifications or specific installation and maintenance of BMPs. The electronic/original SWPPP included a general location map but did not include a dedicated site map as discussed within Part S9.E of the CGP.

On April 3, 2023, I submitted a follow-up request to Mr. Hamilton asking if there was a dedicated site map as discussed in the permit, Mr. Hamilton responded stating that he would look into it. Upon the completion of this inspection report, a site map hadn't been received. See **Attachment D**, Post Inspection Correspondence.

Record: Site Inspection Reports

Ref #: RR-002

As indicated earlier in this report, the project's site inspection reports were not on-site at the time of inspection. According to Mr. Hamilton, site inspections and associated inspection reports were being completed Ms. Lindsey Paris of Hamilton Excavating LLC. Mr. Hamilton stated that Ms. Paris informed him just prior to meeting for the inspection that site inspection reports were complete through March of 2023. During the closing conference, it was discussed that Mr. Hamilton would contact Ms. Paris and provide electronic copies of the site inspection reports to me via email. I discussed that I would like to receive the site inspection reports by the end of the following week (March 31, 2023).

On Wednesday, March 29, 2023, I submitted a follow-up request to check-in on the status of the site inspection reports and again on April 3rd and April 5th. Mr. Hamilton had responded to the March 29th and April 3rd requests, stating that he would check-in on the status of the reports. Upon the completion of this inspection report, no site inspection reports had been received. See **Attachment D**, Post Inspection Correspondence.

Record: Discharge Monitoring Reports (DMRs)

Ref #: JK6-RR-003

DMRs were reviewed as part of this inspection using Ecology's Permitting and Reporting Information System (PARIS). I reviewed months dating back to the last Ecology inspection on March 1, 2022. DMRs were submitted by Ms. Paris, the review indicated reported benchmark exceedances above the turbidity CGP benchmark (25 NTU) on fifteen occasions since March 1, 2022. The reported turbidity exceedances are listed below: 3/7/2022 (32.14 NTU), 11/7/2022 (222.4 NTU), 11/14/2022 (73 NTU), 11/28/2022 (45.26 NTU), 12/5/2022 (76.4 NTU), 12/12/2022 (126.7 NTU), 12/19/2022 (55.2 NTU) 12/27/2022 (162.1 NTU), 1/2/2023 (120.5 NTU), 1/9/2023 (88.98 NTU), 1/16/2023 (63.23 NTU), 1/23/2022 (50.82 NTU), 1/30/2023 (40.42 NTU), 2/7/2023 (25.94 NTU), 2/27/2023 (31.23 NTU).

The DMR review also noted late DMR submittals for April 9, 2022 (submitted June 9, 2022), July 2022 (submitted August 23rd, 2022), August 2022 and September 2022 (both submitted November 8, 2022).

SECTION V - AREAS OF CONCERN

Areas of Concern may not be in sequential order.

The presentation of Areas of Concern (AOC) does not constitute a formal compliance determination or violation.

AOC #1: Concrete Washout Areas

Regulation and/or Permit Requirement:

Part S9.D.9.h. states “assure that washout of concrete trucks is performed off-site or in designated concrete washout areas only. Do not wash out concrete truck drums onto the ground, or into storm drains, open ditches, streets, or streams. Washout of small concrete handling equipment may be disposed of in a formed area awaiting concrete where it will not contaminate surface or groundwater. Do not dump excess concrete on site, except in designated concrete washout areas. Concrete spillage or concrete discharge directly to groundwater or surface waters of the State is prohibited. At no time shall concrete be washed off into the footprint of an area where an infiltration BMP will be installed.”

Observation:

At the time of inspection during the walk-through, we observed and discussed three separate concrete washout piles within the construction areas. One concrete washout pile was located on the south end of the NW 15th Street (**Photo 2**), and two concrete washout piles were located near a homebuilder lot (lot #45) (**Photo 6 & Photo 7**). At the time of inspection, it was discussed that the Project did not have a designated concrete washout area. The concern is that these instances of concrete washout was not disposed of in a designated or formed area as required by the CGP.

At the time of inspection during the closing conference, Mr. Hamilton stated he would address the concern by removing the washout piles. On March 29, 2022, I received an email from Mr. Hamilton stating that “we have taken care of all the issues that we spoke of to include concrete wash out.” See **Attachment D**, Post Inspection Correspondence.

Observation Reference #: OB-002	Location: Southeast Construction Area(s) Along NW 15 th Street
Observation Reference #: OB-003	Location: Southwest Construction Area(s) Near Lot #45

AOC #2: Unstabilized Soils

Regulation and/or Permit Requirement:

Part S9.D.5 of the permit states “the Permittee must stabilize exposed and unworked soils by application of effective BMPs that prevent erosion.”

Section S.9.D.5.d of the permit states: the Permittee must not allow soils to remain exposed and unworked for more than the time period set forth to prevent erosion (West of the Cascade Mountains Crest – During the wet season (October 1 – April 30): 2 Days).”

Observation:

At the time of inspection during our walk-through, we observed numerous areas of unstabilized soils. Specifically, in the southwest construction areas below lot #45 (**Photo 5**), areas near lot #40, #41 (**Photo 8 & Photo 17**), lot #52 (**Photo 9**) and areas within Phase 2 (**Photo 11, Photo 13 & Photo 16**). According to Mr. Hamilton, he was last on-site approximately one week prior to the inspection, he removed a stockpile that was within the upper portion of the Project, within Phase 2. The concern is the number of exposed construction areas being unstabilized/unworked for a period over 2 days, when compared to the language in the CGP.

At the time of inspection during the closing conference, Mr. Hamilton stated he would address the concern. On March 29, 2022, I received an email from Mr. Hamilton stating that “we have taken care of all the issues that we spoke of to include concrete wash out.” See **Attachment D**, Post Inspection Correspondence.

Observation Reference #: OB-003	Location: Southwest Construction Area(s) Near Lot #45
Observation Reference #: OB-004	Location: Southwest Construction Area(s) Near Lot #40 & Lot #41
Observation Reference #: OB-005	Location: Central Construction Area(s) Near Lot #52
Observation Reference #: OB-007	Location: Phase 2 Area(s)
Observation Reference #: OB-008	Location: Northeast Perimeter of Phase 2
Observation Reference #: OB-010	Location: Northern Area(s) of Phase 2

AOC #3: Unstabilized Stockpile Observed Within Northern Area of Phase 2

Regulation and/or Permit Requirement:

Section S.9.D.5.d of the permit states: the Permittee must not allow soils to remain exposed and unworked for more than the time period set forth to prevent erosion (West of the Cascade Mountains Crest – During the wet season (October 1 – April 30): 2 Days)”

Section S.9.D.5.f of the permit states: “the Permittee must stabilize stockpiles from erosion, protected with sediment trapping measures, and where possible, be located away from storm drain inlets, waterways, and drainage channels.

Observation:

At the time of inspection, during our walk through within the northeastern area of Phase 2, we observed/discussed an uncovered stockpile (**Photo 16**). According to Mr. Hamilton, he was last on-site approximately one week prior to the inspection, he removed a stockpile that was within the upper portion of the Project, within Phase 2. The concern is the unstabilized stockpile being unstabilized/unworked for a period over 2 days, when compared to the language in the CGP.

At the time of inspection during the closing conference, Mr. Hamilton stated he would address the concern. On March 29, 2022, I received an email from Mr. Hamilton stating that “we have taken care of all the issues that we spoke of to include concrete wash out.” See **Attachment D**, Post Inspection Correspondence.

Observation Reference #: OB-010	Location: Northern Area(s) of Phase 2
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AOC #4: Silt Fencing in Need of Maintenance

Regulation and/or Permit Requirement:

Part S9.D.11.a of the permit states: “Permittees must maintain and repair all temporary and permanent erosion and sediment control BMPs as needed to assure continued performance of their intended function in accordance with BMP specifications.”

The Stormwater Management Manual for Western Washington (July 2019) lists maintenance standards for BMP C233 (Silt Fence) which includes: “Repair any damage immediately” and “Remove sediment deposits when the deposit reaches approximately one-third the height of the silt-fence, or install a second silt-fence.

Observation:

At the time of inspection during our walk-through, we observed areas of silt fencing in need of maintenance.

Specifically, one area of silt fencing along the northwest perimeter of Phase 1 was observed to have deposited material above one-third the height of the silt fence. Two sections of silt fencing along in the northeast corner of Phase 2 were observed to need maintenance, as one section was down, and another had eroded beneath the fence allowing for pass-through (**Photo 12**). It was also observed that silt fencing was not extended fully to the northern perimeter along the northwest corner of Phase 2 (**Photo 14**). The concern is the BMP in need of maintenance based upon the written standard.

At the time of inspection during the closing conference, Mr. Hamilton stated he would address the concern. On March 29, 2022, I received an email from Mr. Hamilton stating that “we have taken care of all the issues that we spoke of to include concrete wash out.” See **Attachment D**, Post Inspection Correspondence.

Observation Reference #: OB-006	Location: Northwest Perimeter of Phase 1
Observation Reference #: OB-008	Location: Northeast Perimeter of Phase 2
Observation Reference #: OB-009	Location: Northwest Perimeter of Phase 2

AOC #5: Constructed Trench to Curtain Drain Along NW

Regulation and/or Permit Requirement:

Part S9.D.4.c of the permit states: “Direct stormwater runoff from disturbed areas through a sediment pond or other appropriate sediment removal BMP, before the runoff leaves a construction site or before discharge to an infiltration facility.”

Part S9.D.5 of the permit states: “the Permittee must stabilize exposed and unworked soils by application of effective BMPs that prevent erosion.”

Observation:

At the time of inspection during our walk-through of the unstabilized areas south of lot # 40 and #41, we observed that a small trench/channel had been dug from one of the above housing lots to connect to the curtain drain and/or stormwater manhole. Based on our observations, the trench was likely constructed to drain ponded stormwater from the above lot (**Photo 17 & Photo 18**). The concern is the unstabilized channel directing stormwater directly to the curtain drain and/or stormwater manhole within out any additional BMPs. Mr. Hamilton stated that he was previously unaware of the small trench and assumed it was likely the work of a contractor associated with the homebuilder.

At the time of inspection during the closing conference, Mr. Hamilton stated he would address the concern. On March 29, 2022, I received an email from Mr. Hamilton stating that “we have taken care of all the issues that we spoke of to include concrete wash out.” See **Attachment D**, Post Inspection Correspondence.

Observation Reference #: OB-011	Location: Southwest Perimeter of Phase 1
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AOC #6: Availability of Site Inspection Reports

Regulation and/or Permit Requirement:

Part G3.B. of the permit states: “The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law: To have access to and copy, at reasonable times and at reasonable cost, any records to be required to be kept under the terms and conditions of the permit.”

As discussed earlier in this report, the project’s site inspection reports were not on-site at the time of inspection. According to Mr. Hamilton, site inspections and associated inspection reports were being completed Ms. Lindsey Paris of Hamilton Excavating LLC. Mr. Hamilton stated that Ms. Paris informed him just prior to meeting for the inspection that site inspection reports were complete through March of 2023. During the closing conference, it

was discussed that Mr. Hamilton would contact Ms. Paris and provide electronic copies of the site inspection reports to me via email. I discussed that I would like to receive the site inspection reports by the end of the following week (March 31, 2023).

On Wednesday, March 29, 2023, I submitted a follow-up request to check-in on the status of the site inspection reports and again on April 3rd and April 5th. Mr. Hamilton had responded to the March 29th and April 3rd requests, stating that he would check-in on the status of the reports. Upon the completion of this inspection report, no site inspection reports had been received. See **Attachment D**, Post Inspection Correspondence.

The concern is that site that upon completion of this inspection report, site inspection reports which include records of site inspections, water quality information and descriptions of BMP implementation and repairs were not made available to review.

Records Reference #: RR-002	
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SECTION VI – CLOSING CONFERENCE

Closing Conference

Following the walk-through, a closing conference was held with Mr. Hamilton and Mr. Besteman. We discussed our general observations and areas of concern (AOC #1 – AOC #5). We also discussed a follow-up records request for a digital copy of the SWPPP and Site Inspection Reports.

Following the closing conference, we observed Jenny Creek (receiving water) from NW Pacific Highway with Mr. Hamilton and Mr. Besteman prior to departing.

SECTION VII – POST INSPECTION CORRESPONDENCE

On Wednesday, March 29, 2023, I submitted a follow-up request to check-in on the status of the site inspection reports and again on April 3rd and April 5th. Mr. Hamilton had responded to the March 29th and April 3rd requests, stating that he would check-in on the status of the reports. Upon the completion of this inspection report, no site inspection reports had been received. See **Attachment D**, Post Inspection Correspondence.

SECTION VIII – LIST OF APPENDICES

Attachment A - Signed ECY 020-87a Permit Transfer
 Attachment B – General Construction Map
 Attachment C – Photograph Log
 Attachment D – Post Inspection Correspondence

ATTACHMENT A

Signed ECY 020-87a Permit Transfer



Transfer of Coverage

Permit # WAR _____

Construction Stormwater General Permit

This form transfers permit coverage for all, or a portion of a site to one or more new operators.

DEPARTMENT OF ECOLOGY

DEC 16 2020

WATER QUALITY PROGRAM

Type of permit transfer (check one): ☐ Partial transfer (complete the Partial Transfer acreage below) ☒ Complete transfer

Specific date that permit responsibility, coverage, and liability is transferred to new operator: 12/10/2020

*If no date is indicated Ecology will determine the date of transfer.

Please see instructions for details on type of transfer.

For PARTIAL TRANSFERS indicate the acreage remaining under your operational control:

- List total size of project/site remaining under your operational control following the partial transfer: _____ acres.
- List total area of soil disturbance remaining under your operational control following the partial transfer: _____ acres.
- Submitting this form meets the requirement to submit an updated NOI (General Permit Condition G9)

Current Operator/Permittee Information

Current Operator/Permittee Name: CHRIS E. Sundstrom, president		Company: Hyland Terrace Subdivision, Evergreen Homes NW	
Business Phone: See below	Ext:	Mailing Address: 13217 NW 30th Ct.	
Cell Phone: 360-624-3116	Fax (optional):	City: Vancouver	State: WA
Email: CHRIS@EvergreenHomesNW.com		Zip+4: 98685	
Signature* (see signatory requirements in Section VIII): Chris E. Sundstrom		Title: President	Date: 12/10/2020

New Operator/Permittee Information

(the remainder of this form applies to the new Operator/Permittee)

I. New Operator/Permittee (Party with operational control over plans and specifications or day-to-day operational control of activities which ensure compliance with Stormwater Pollution Prevention Plan (SWPPP) and permit conditions. Ecology will send correspondence and permit fee invoices to the permittee on record.)

Name: Matt Hamilton		Company: Hamilton Excavating LLC	
Business Phone: 360-910-3928	Ext:	Unified Business Identifier (UBI): 603-501-336 (UBI is a nine-digit number used to identify a business entity. Write "none" if you do not have a UBI number.)	
Cell Phone (Optional): 360-513-0553	Fax (Optional):	E-mail: Matt@hamiltonexc.com	
Mailing Address: PO Box 1611		City: Battle Ground	State: WA
		Zip + 4: 98604	

II. Property Owner (The party listed on the County Assessor's records as owner and taxpayer of the parcel[s] for which permit coverage is requested. Ecology will **not** send correspondence and permit fee invoices to the Property Owner. The Property Owner information will be used for emergency contact purposes.)

Name: Chris Sundstrom		Company: Felida Rose, LLC	
Business Phone: 360-624-3116	Ext:	Unified Business Identifier (UBI): (UBI is a nine-digit number used to identify a business entity. Write "none" if you do not have a UBI number.)	
Cell Phone (Optional): 360-624-3116	Fax (Optional):	E-mail: chris@evergreenhomesnw.com	
Mailing Address: 13217 NW 30th Court		City: Vancouver	State: WA
		Zip + 4: 98685	

III. On-Site Contact Person(s) (Typically the Certified Erosion and Sediment Control Lead or Operator/Permittee)

Name: Lindsey Paris		Company: Hamilton Excavating LLC		
Business Phone: 360-910-3928	Ext:	Mailing Address: PO Box 1611		
Cell Phone: 360-836-9860	Fax(Optional):	City: Battle Ground	State: WA	Zip+4: 98604
Email: Lindseyparis36@gmail.com				

IV. Site/Project Information

Site or Project Name Highland Terrace		Site Acreage Total size of your site/project (that you own/control): <u>15.6</u> acres. (Note: 1 acre = 43,560 sq. ft.)
Street Address or Location Description (If the site lacks a street address, list its specific location. For example, Intersection of Highway 61 and 34.) 34305 NW Pacific Hwy LaCenter WA 98629		Total area of soil disturbance for your site/project over the life of the project: <u>25.3</u> acres. Include grading, equipment staging, excavation, borrow pit, material storage areas, dump areas, haul roads, side-cast areas, off-site construction support areas, and all other soil disturbance acreage associated with the project. (Note: 1 acre = 43,560 sq. ft.)
Parcel ID#: _____ (Optional)		
Type of Construction Activity (check all that apply): ☒ Residential ☐ Commercial ☐ Industrial ☐ Highway or Road (city, county, state) ☐ Utilities (specify): _____ ☐ Other (specify): _____		
City (or nearest city): LaCenter	Zip Code: 98629	Estimated project start-up date (mm/dd/yy): 8/24/2020
County: Clark		Estimated project completion date (mm/dd/yy): 7/30/2021
Record the latitude and longitude of the <i>main entrance</i> to the site or the approximate center of site. Latitude: <u>45°52'12.6"</u> °N Longitude: <u>122°41'08.9"</u> °W		

V. Existing Site Conditions

- Are you aware of contaminated soils present on the site? ☐ Yes ☒ No
 - Are you aware of groundwater contamination located within the site boundary? ☐ Yes ☒ No
 - If you answered yes to questions 1 or 2, will any contaminated soils be disturbed or will any contaminated groundwater be discharged due to the proposed construction activity? ☐ Yes ☐ No
- ("Contaminated" and "contamination" here mean containing any hazardous substance (as defined in WAC 173-340-200) that does not occur naturally or occurs at greater than natural background levels.)
- If you answered yes to Question 3, please provide detailed information with the NOI (as known and readily available) on the nature and extent of the contamination (concentrations, locations, and depth), as well as pollution prevention and/or treatment Best Management Practices (BMPs) proposed to control the discharge of soil and/or groundwater contaminants in stormwater. This should include information that would be included in related portions of the Stormwater Pollution Prevention Plan (SWPPP) that describe how contaminated and potentially contaminated construction stormwater and dewatering water will be managed.

VI. WQWebDMR (Electronic Discharge Monitoring Reporting)

You must submit monthly discharge monitoring reports using Ecology's WQWebDMR system. To sign up for WQWebDMR, or to register a new site, go to <https://www.ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance>. If you are unable to submit your DMRs electronically, you may contact Ecology to request a waiver. Ecology will generally only grant waiver requests to those permittees without internet access. Only a permittee or representative, designated in writing, may request access to or a waiver from WQWebDMR. To have the ability to use the system immediately, you must submit the **Electronic Signature Agreement with your transfer of coverage form**. If you have questions on this process, contact Ecology's WQWebDMR staff at WebDMRPortal@ecy.wa.gov or 800/633-6193 or 360-407-7097 (local). Note: DMRs are optional for permitted sites under 1 acre that do not discharge to impaired waterbodies.

VII. Discharge/Receiving Water Information

Indicate whether your site's stormwater and/or dewatering water could enter surface waters, **directly and/or indirectly**:
☒ Water will discharge directly or indirectly (through a storm drain system or roadside ditch) into one or more surface waterbodies (wetlands, creeks, lakes, and all other surface waters and water courses).

If your discharge is to a storm sewer system, provide the name of the operator of the storm sewer system:
 (e.g., City of Tacoma): N/A

☐ Water will discharge to ground with 100% infiltration, with no potential to reach surface waters under any conditions.

If your project includes dewatering, you **must** include dewatering plans and discharge locations in your site Stormwater Pollution Prevention Plan.

Location of Outfall into Surface Waterbody

Enter the outfall identifier code, waterbody name, and latitude/longitude of the point(s) where the site has the potential to discharge into a waterbody (the outfall). Enter all locations. **See illustration of Surface Waterbody Outfall locations at the end of this form.**

- Include the names and locations of both direct and indirect discharges to surface waterbodies, even if the risk of discharge is low or limited to periods of extreme weather. **Attach a separate list if necessary.**
- Give each point a unique 1-4 digit alpha numeric code. This code will be used for identifying these points in WQWebDMR.
- Some large construction projects (for example, subdivisions, roads, or pipelines) may discharge into several waterbodies.
- If the creek or tributary is unnamed, use a format such as "unnamed tributary to Deschutes River."
- If the site discharges to a stormwater conveyance system that in turn flows to a surface waterbody, include the surface waterbody name and location.

Outfall Identifier Code. These cannot be symbols. (Maximum of 4 characters).				Surface Waterbody Name at the Outfall	Latitude Decimal Degrees	Longitude Decimal Degrees
Example: 001A				Example: Puget Sound	47.5289247° N	-122.3123550° W
0	0	1	A	Jenny Creek	45.868222 ° N	-122.683722 ° W
					° N	° W
					° N	° W

If your site discharges to a waterbody that is on the impaired waterbodies list (e.g., 303[d] list) for turbidity, fine sediment, high pH, or phosphorus, Ecology will require additional documentation before issuing permit coverage and these sites will be subject to additional sampling and numeric effluent limits (per Permit Condition S8). Ecology will notify you if any additional sampling requirements apply. Information on impaired waterbodies is available online at: <https://www.ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>.

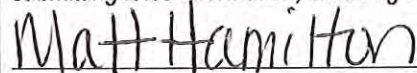
Before signing, please use the following checklist to ensure this form is complete:

- ☐ All spaces on this form have been completed. (Attach additional sheets if necessary)
- ☐ The transfer form has been signed by both the current permittee (see Page 1) **and** the new permittee (see Section VIII below).
- ☐ The date permit responsibility was transferred is specified. (See Page 1)
- ☐ New Operator/Permittee: Before you submit this form to Ecology, please retain a copy for your records – this will serve as proof of permit coverage until documentation arrives from Ecology.
- ☐ For partial transfers: If the original permittee no longer owns or controls any portions of the site that meet the criteria for termination, the original permittee must submit a Notice of Termination (NOT) to terminate permit coverage. See the CSWGP website for a link to the NOT form: www.ecology.wa.gov/constructionstormwaterpermit.
- ☐ For sites with contaminated soils/groundwater or a new discharger to an impaired waterbody: Any special provisions to protect water quality put in place at the time of initial coverage have been reviewed and adopted by the new permittee.

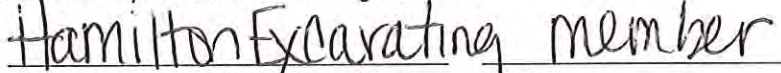
Administrative Order Docket No. _____

VIII. Certification of New Permittee

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."



Printed/Typed Name



Company (operator/permittee only)

Title



Signature of New Operator/Permittee

12/10/2020

Date

Signature of Operator/Permittee requirements:

- A. For a corporation: By a responsible corporate officer.
- B. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively.
- C. For a municipality, state, federal, or other public facility: By either a principal executive officer or ranking elected official.

Please sign and return this **ORIGINAL** document to the following address:

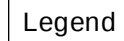
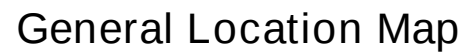
Department of Ecology – Construction Stormwater
PO Box 47696
Olympia, WA 98504-7696

If you have questions about this form, contact the following Ecology staff:

Location	Contact Name	Phone	E-mail
City of Seattle, and Kitsap, Pierce, and Thurston counties	Josh Klimek	360-407-7451	josh.klimek@ecy.wa.gov
Island, King, and San Juan counties	RaChelle Stane	360-407-6556	rachelle.stane@ecy.wa.gov
Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Skagit, Snohomish, Spokane, Stevens, Walla, Whatcom, and Whitman counties.	Shawn Hopkins	360-407-6442	shawn.hopkins@ecy.wa.gov
Benton, Chelan, Clallam, Clark, Cowlitz, Douglas, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Mason, Okanogan, Pacific, Skamania, Wahkiakum, and Yakima counties.	Joyce Smith	360-407-6858	joyce.smith@ecy.wa.gov

ATTACHMENT B

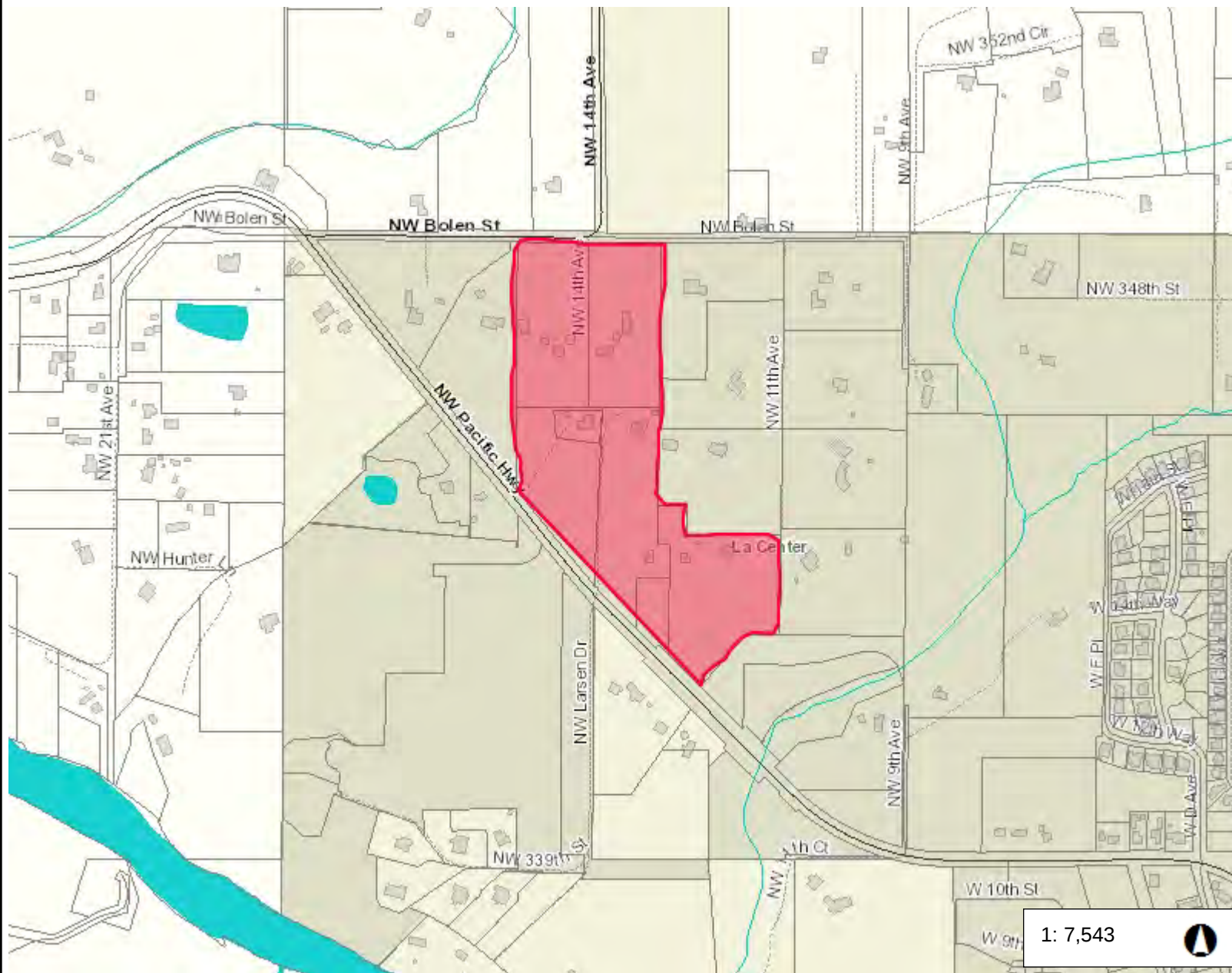
General Construction Map



-  Building Footprints
-  Taxlots
-  Cities Boundaries
-  Urban Growth Boundaries

Notes:

Highland Terrace Subdivision



1,257.2	0	628.59	1,257.2 Feet
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WGS_1984_Web_Mercator_Auxiliary_Sphere
Clark County, WA. GIS - <http://gis.clark.wa.gov>

This map was generated by Clark County's "MapsOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.

ATTACHMENT C

Photograph Log

All photographs taken by Jon Klemesrud on March 21, 2023

Nikon Coolpix AW100

Photograph Log- Highland Terrace



Photo #:01 (DSCN3180)

Description: Facing southeast, photo of the project's stormwater pond.



Photo #:02 (DSCN3181)

Description: Facing east, photo of the southeast access road, northwest of the stormwater pond. Small pile of concrete washout observed on the south end of NW 15th.



Photo #:03 (DSCN3182)

Description: Facing east, photo of the area north of NW 15th and straw application on disturbed areas.



Photo #:04 (DSCN3183)

Description: Facing north, photo of the southern portion of the development north of NW 15th.

Photograph Log- Highland Terrace



Photo #:05 (DSCN3184)

Description: Facing south, photo of unstabilized south and southwest areas near lot #45. Water observed leaking from the outdoor spigot and channeling downslope.



Photo #:06 (DSCN3185)

Description: Facing southeast, photo of concrete washout observed near lot #45.



Photo #:07 (DSCN3187)

Description: Facing west, concrete washout observed across the street from lot #45.



Photo #:08 (DSCN3186)

Description: Facing south, photo of disturbed areas within lot #40 and #41.

Photograph Log- Highland Terrace



Photo #:09 (DSCN3188)
Description: Facing northeast, photo of unstabilized lot (lot #52).



Photo #:10 (DSCN3189)
Description: Facing south, photo of western perimeter within Phase 1.



Photo #:11 (DSCN3190)
Description: Facing west, photo of unstabilized areas within Phase 2. According to Mr. Hamilton, the stockpile was removed within the area the week prior.



Photo #:12 (DSCN3191)
Description: Facing east, photo of the northeast corner of Phase 2. Silt fencing in need of repair.

Photograph Log- Highland Terrace



Photo #:13 (DSCN3192)
Description: Facing east, photo of disturbed areas within the northeast corner of Phase 2.



Photo #:14 (DSCN3193)
Description: Facing south, photo of the northwest corner of Phase 2. Silt fencing was observed to be not extended to the corner.



Photo #:15 (DSCN3194)
Description: Facing east, photo of the north end of Phase 2. Photo taken from the northwest corner.



Photo #:16 (DSCN3195)
Description: Facing north, photo of stockpile located in the northeast corner of Phase 2, near Bolen Street.

Photograph Log- Highland Terrace



Photo #:17 (DSCN3196)
Description: Facing northeast, photo from below lot #40 and lot #41. Exposed soil observed along the southern slope and without perimeter BMPs.



Photo #:18 (DSCN3197)
Description: Facing west, photo of channeled drainage entering a constructed trench drain along the southwest perimeter of Phase 1.



Photo #:19 (DSCN3198)
Description: Facing northeast, photo of the constructed outfall from the stormwater pond to a tributary of Jenny Creek.



Photo #:20 (DSCN3199)
Description: Facing north, photo of the constructed outfall from the stormwater pond to a tributary of Jenny Creek.

ATTACHMENT D

Post-Inspection Correspondence

From: [Klemesrud, Jon](#)
To: [Matt Hamilton](#)
Cc: dave@evergreenhomesnw.com; [Johnson, Brian \(ECY\)](#)
Subject: RE: EPA Inspection Follow-up (Highland Terrace)
Date: Wednesday, April 05, 2023 3:20:00 PM

Hi Matt,

Prior to finalizing my inspection report tomorrow, I wanted to check-in again one last time on the status of providing me with electronic copies of the site inspection reports for the Highland Terrace project. If not received, I will be including this item as a potential area of concern in my report (related to permit condition S4.B.4).

Much appreciated,

Jon Klemesrud
 Field, Data, & Drinking Water Enforcement Section
 Enforcement & Compliance Assurance Division (M/S 20-C04)
 U.S. Environmental Protection Agency, Region 10
 (206) 553-5068

From: Matt Hamilton <matt@hamiltonexc.com>
Sent: Monday, April 03, 2023 3:16 PM
To: Klemesrud, Jon <Klemesrud.Jon@epa.gov>
Cc: dave@evergreenhomesnw.com; Johnson, Brian (ECY) <BRJO461@ecy.wa.gov>
Subject: RE: EPA Inspection Follow-up (Highland Terrace)

I'll look into this Jon.

From: Klemesrud, Jon <Klemesrud.Jon@epa.gov>
Sent: Monday, April 3, 2023 8:08 AM
To: Matt Hamilton <matt@hamiltonexc.com>
Cc: dave@evergreenhomesnw.com; Johnson, Brian (ECY) <BRJO461@ecy.wa.gov>
Subject: RE: EPA Inspection Follow-up (Highland Terrace)

Hi Matt,

Hope you enjoyed your weekend. I was curious if you could provide an status update on the site inspection reports from Highland Terrace? Could I get them by COB tomorrow? I hope to finalize my inspection report before the end of this week.

Dave/Matt: On a similar note, is there a site map within the paper SWPPP? The original SWPPP sent by Dave only includes a general location map. The permit details the requirements of a site map (page 31 and 32 of the permit) which would include BMP locations, among other items.

Much appreciated,

Jon Klemesrud
Field, Data, & Drinking Water Enforcement Section
Enforcement & Compliance Assurance Division (M/S 20-C04)
U.S. Environmental Protection Agency, Region 10
(206) 553-5068

From: Matt Hamilton <matt@hamiltonexc.com>
Sent: Wednesday, March 29, 2023 10:41 AM
To: Klemesrud, Jon <Klemesrud.Jon@epa.gov>
Cc: dave@evergreenhomesnw.com; Johnson, Brian (ECY) <BRJO461@ecy.wa.gov>
Subject: RE: EPA Inspection Follow-up (Highland Terrace)

Hi John,

I believe Dave was going to handle the SWPPP, and I will check on the status of the reports. We have also taken care of all of the issues that we spoke of to include concrete wash out.

From: Klemesrud, Jon <Klemesrud.Jon@epa.gov>
Sent: Wednesday, March 29, 2023 9:49 AM
To: Matt Hamilton <matt@hamiltonexc.com>
Cc: dave@evergreenhomesnw.com; Johnson, Brian (ECY) <BRJO461@ecy.wa.gov>
Subject: EPA Inspection Follow-up (Highland Terrace)

Hi Matt,

Thanks again for your time and assistance last week during the site visit at the Highland Terrace project. As discussed while on-site, I wanted to follow-up to see about getting an electronic copy of the SWPPP and electronic copies of site inspection reports to review, preferably dating back to last fall (October 2022 -March 2023). If you have any questions feel free to reach out.

Much appreciated,

Jon Klemesrud
Enforcement & Compliance Assurance Division (M/S 20-C04)
U.S. Environmental Protection Agency, Region 10
(206) 553-5068