



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region08](http://www.epa.gov/region08)

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mike Maddy  
312 Ridgewater Drive Construction Site  
50230 HWY 93 Suite 4  
Polson, Montana, 59860

RE: Inspection report for Ridgewater Development construction site (previous permit MTR10I010)

Dear Mr. Maddy,

Representative inspectors of the Confederated Salish & Kootenai Tribe (CSKT) and the Environmental Protection Agency (EPA) completed an unannounced inspection of your construction site at 312 Ridgewater Dr. on June 15, 2022. The purpose of the EPA inspection was to evaluate the compliance of the construction site with the Clean Water Act.

Inspection findings are listed in the enclosed table entitled "Summary of Findings." Within thirty (30) days of receipt of this report, please provide CSKT and EPA with a summary of corrective actions taken to address each of the findings identified in the report and any information that may change the findings. This summary should be sent to:

|                                                              |                                                                        |
|--------------------------------------------------------------|------------------------------------------------------------------------|
| Evan Smith                                                   | Lisa-kay Prideaux                                                      |
| The Confederated Salish and Kootenai                         | U.S. EPA Region 8, Montana Office                                      |
| Tribes of the Flathead Indian Reservation                    | <a href="mailto:Prideaux.lisakay@epa.gov">Prideaux.lisakay@epa.gov</a> |
| <a href="mailto:Evan.smith@cskt.org">Evan.smith@cskt.org</a> |                                                                        |

Please contact Evan Smith at 406- 883-2888 Ext. 7203 or by email at [evan.smith@cskt.org](mailto:evan.smith@cskt.org) if you have any questions regarding this letter or the enclosed report.

Sincerely,  
**Prideaux,**  
**LisaKay**

Lisa-kay Prideaux  
NPDES and Wetlands Enforcement Section  
Enforcement and Compliance Assurance Division

Digitally signed by  
Prideaux, LisaKay  
Date: 2022.08.11 15:42:25  
-06'00'

Enclosures:

- 1) NPDES Inspection Report
- 2) Photo Log

cc:

The Honorable Tom McDonald, Chairman, CSKT (email)

Wilhelmina Keenan, Environmental Director, CSKT (email)

Evan Smith, Water Quality Regulatory Specialist, CSKT (email)

## NPDES Stormwater Inspection Report - Construction

| National Database Information                                                                                         |                                                |
|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Inspection Date: June 15, 2022                                                                                        | Inspection Type: NPDES-Stormwater Construction |
| Entry/Exit Time: 7:50 – 8:45 (on site)                                                                                | NPDES ID Number: MTR10I010 (previous)          |
| NAICS Code:                                                                                                           | Inspection ID: 202206 MTR10I010                |
| Lead inspector and affiliation: Evan Smith / The Confederated Salish and Kootenai Tribes of the Flathead Reservation. |                                                |
| Inspector and affiliation: Lisa-kay Prideaux / U.S. EPA Montana Operations Office                                     |                                                |
| Inspector and affiliation:                                                                                            |                                                |

| Facility Location Information (Name/Location/ Mailing Address)                                            |                                                                                                             |
|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Site/Facility Name & Location:<br><b>312 Ridgewater Dr. Construction Site</b><br><b>Polson, MT. 59860</b> | Mail Report to:<br><b>Michael Maddy</b><br><b>50230 HWY 93 STE 4,</b><br><b>Polson, MT.</b><br><b>59860</b> |

| Contact Information                             |                                                                                                           |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
|                                                 | Name(s)/Title                                                                                             |
| Facility Contacts:                              | <b>Michael Maddy, Primary Contractor, Dreamfields Construction (not present)</b>                          |
| Person/Company meeting definition of “Operator” | <b>Michael Maddy, Primary Contractor, Dreamfields Construction (not present)</b>                          |
| Authorized Official(s)<br>(Per NOI or SWPPP?)   |                                                                                                           |
| Tribe Representative(s)                         | <b>Evan Smith, Water Quality Regulatory Specialist, Confederated Salish and Kootenai Tribes (present)</b> |

| Permit Information                                         |                                                 |                            |                        |
|------------------------------------------------------------|-------------------------------------------------|----------------------------|------------------------|
| Is the permit on site and available? No                    |                                                 | Date NOI Submitted: N/A    |                        |
| Effective Date:                                            |                                                 | Expiration Date:           |                        |
| Construction Start Date:                                   | Percent complete:                               | Estimated Completion Date: |                        |
| Disturbed Area: ¾ acre                                     | Total Project Area:<br>5 city lots and the road | Latitude: 47.683706        | Longitude: -114.127549 |
| Receiving Water(s):                                        |                                                 |                            |                        |
| If applicable, is waiver certification & approval on file? |                                                 |                            |                        |

Regulatory Inspector's source of information:

Upon request, Polson city hall gave inspectors building permits for five buildings with the permit numbers 22007-22011. An ICIS search found that the owner name is Cougar Ridge Development LLC.

Michael Maddy's address was located from Open Corporates Database of the Corporate World. Evan Smith obtained Mr. Maddy's phone number from the site manager after concluding the site inspection. Evan was able to talk with Mr. Maddy about more site details and status of the construction project.

#### Site Information

|                                                                               |                          |                                     |                       |                               |                             |                            |              |
|-------------------------------------------------------------------------------|--------------------------|-------------------------------------|-----------------------|-------------------------------|-----------------------------|----------------------------|--------------|
| Nature of Project                                                             | <i>Residential</i>       | <b><u>Commercial/Industrial</u></b> | <i>Roadway</i>        | <i>Private</i>                | <i>Federal</i>              | <i>State/Municipal</i>     | <i>Other</i> |
| Construction Stage                                                            | <i>Clearing/Grubbing</i> | <i>Rough Grading</i>                | <i>Infrastructure</i> | <b><u>Building Const.</u></b> | <b><u>Final Grading</u></b> | <i>Final Stabilization</i> |              |
| Weather conditions during inspection (e.g., temperature, sky, precipitation): |                          |                                     |                       |                               |                             |                            |              |

#### Areas Evaluated During Inspection

|                                    |                                       |                             |
|------------------------------------|---------------------------------------|-----------------------------|
| <b><u>Permit</u></b>               | <i>Effluent/Receiving Waters</i>      | <i>Compliance Schedule</i>  |
| <b><u>Records/Reports</u></b>      | <i>Flow Measurement</i>               | <i>Pollution Prevention</i> |
| <b><u>Facility Site Review</u></b> | <b><u>Self-Monitoring Program</u></b> | <i>Laboratory</i>           |
| <b><u>Other(s):</u></b>            |                                       |                             |

#### Report Review and Signature

|                                                                                                                      |                                                                                                                                                                    |                   |
|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Drafter Signature/Name                                                                                               | Address/Phone Number                                                                                                                                               | Date              |
| Evan R. Smith                                                                                                        | <b>Water Quality Regulatory Specialist<br/>The confederated Salish and Kootenai Tribes of the Flathead Reservation<br/>301 Main St.<br/>Polson, Montana. 59860</b> | <b>08/01/2022</b> |
| <i>Evan R. Smith</i>                                                                                                 |                                                                                                                                                                    |                   |
| Reviewer Name                                                                                                        | Address/Phone Number                                                                                                                                               | Date              |
| Lisa-kay Prideaux                                                                                                    | <b>U.S. EPA Region 8, Montana Operations Office<br/>10 West 15<sup>th</sup> Street, Suite 3200<br/>Helena, Montana 59626</b>                                       | <b>08.03.2022</b> |
| <i>Lisa-kay Prideaux</i>                                                                                             | <b>406-457-5022</b>                                                                                                                                                |                   |
| Management Signature/Name                                                                                            | Address/Phone Number                                                                                                                                               | Date              |
| <b>Boeglin, Michael</b><br><small>Digitally signed by Boeglin, Michael<br/>Date: 2022.08.11 15:36:20 -06'00'</small> | <b>U.S. EPA Region 8<br/>1595 Wynkoop Street<br/>8ENF-W-NP<br/>Denver, Colorado 80202</b>                                                                          | <b>08.11.2022</b> |
| <i>Michael Boeglin</i>                                                                                               | <b>303-312-6250</b>                                                                                                                                                |                   |

## Inspection Narrative and Site Description

On Wednesday, June 15, 2022, U.S. Environmental Protection Agency (EPA) inspector Lisa-kay Prideaux and Evan Smith representing the Confederated Salish and Kootenai tribes Division of Environmental Protection conducted an inspection of the 312 Ridgewater Dr. construction site, located within Flathead Reservation and operated by Cougar Ridge Development, LLC to evaluate the compliance with the building permit, National Pollution Elimination Discharge System (NPDES) General Permit for Discharges from Construction Activities (General Permit), and Stormwater Pollution Prevention Plan (SWPPP). The only person present in the onsite inspection was a worker from Lindberg Excavating.

The inspection commenced at approximately 7:50 am, when the inspectors reached the construction site. The inspection was not announced prior to the inspection. During the end of the inspection is when a member of the Lindberg Excavating showed up. The inspectors asked if the site manager would be at the site today but was not scheduled to be so. The workers on site did not have any building permits or SWPPP on site. Construction of the new site started approximately in April 2022 but no official start date is known. During the inspection walk-through, photos were taken of the entrance and exit to the construction site and the storm drainages that were near the entrance and exit (photos 1, 2). Photos were recorded to show the lack of stabilization such as track pads or tracking grates (photo 1, 2). As the inspection continued throughout the site, photos of the material stockpiles show no sedimentation control or erosion stabilization (photo 7). Water was on site after a previous rain showing the movement of water going from south to north on the construction site (photo 9). No inlet protection along the Ridgewater Drive near west entrance to the project (photos 12, 13, 14).

After a walk-through of the construction site, the inspectors drove to the Polson City Hall where the inspectors obtained 5 building permits for the location with no start or end date. Lisa-kay queried the federal database and found that the owner's name is Cougar Ridge Development LLC, the site is called Ridgewater, and Treasure State Concrete, Inc. was the permittee. The permit number found was MTR10I010 that was effective on September 22, 2017 and expired on February 15, 2022. The construction site has over an acre of disturbed area based on walking the site; therefore, a Stormwater Construction permit and SWPPP are required.

Evan Smith was able to locate Mr. Maddy's phone number and was able to get some more information required for the inspection of the site. The construction of the site is approximately 75% done with a disturbance area of about  $\frac{3}{4}$  an acre. According to Mr. Maddy, a construction permit and a SWWWP were on site, and the company doing the work is called Treasure State.

## Findings, Corrective Actions and Recommendations

### **Finding #1: No Construction site entrance stabilization such as track pads or tracking grates**

Construction site was not maintaining best management practices. Specifically, it was noted by the inspectors that both entrance/exit points of the construction site were lacking sediment control for sediment leaving construction site; see photos 1 and 2.

### **2022 permit requirement:**

Part 2.2.4 of the 2022 General Permit, under Erosion and Sediment Control Requirements, states that sediment track-out must be minimized with appropriate stabilization techniques and track-out controls. Part 7.2.6.b.iii of the 2022 General Permit under SWPPP requirements, states stabilization techniques and/or controls to be implemented to remove sediment prior to vehicle exit must be described in the SWPPP.

### **Corrective Action:**

Install appropriate sediment control measures to minimize vehicle tracking from entrances to the construction site. Provide a description of these BMPs in the SWPPP and photo documentation showing adequate Best Management Practices (BMP) installation for sediment and/or erosion controls.

### **Finding #2: Inspectors were unable to find a SWPPP at the construction site.**

Inspectors did not find a SWPPP at the construction site; however, in a discussion after the site visit, Mr. Maddy stated that the construction site did have a SWPPP.

### **2022 permit requirements:**

Part 7 of the 2022 construction general permit describes the requirements for developing and maintaining a SWPPP.

Part 7.3 of the general permit describes specific requirements for making your SWPPP available onsite:

#### **ON-SITE AVAILABILITY OF YOUR SWPPP.**

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a State, Tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).<sup>92 92</sup> The SWPPP may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of the SWPPP, refer to the Fact Sheet discussion related to Part 4.7.3.

EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.<sup>93 93</sup> Information covered by a claim of confidentiality will be disclosed by EPA only to the extent of, and by means of, the procedures set forth in 40 CFR part 2, Subpart B. In general, submitted information protected by a business confidentiality

claim may be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

**Corrective Action:**

Submit to the EPA and CSKT a copy of the SWPPP created for the site. Ensure the SWPPP is maintained at an easily accessible location onsite or that the SWPPP's location is posted near the main entrance of your construction site.

**Finding #3: No storm drain inlet protection**

Specifically, the inspectors noted there were no inlet protection BMPs installed along Ridgewater Drive; see photo 12.

**2022 permit requirement:**

Part 2.2.10 of the 2022 General Permit, under Erosion and Sediment Control Requirements, requires storm drain inlets to be protected.

**Corrective Action:**

Install appropriate BMPs at all storm drain inlets where potential sediment leaving the site would be impacted. Provide a description of these BMPs in the SWPPP and photo documentation showing adequate BMP installation for sediment and/or erosion controls.

**Finding #4: No perimeter structural controls**

Specifically, the inspectors noted there was a lack of perimeter controls on the down-gradient portion of the project site; see photos 2 and 3.

**2022 permit requirement:**

Part 2.2.3 of the 2022 General Permit, under Erosion and Sediment Control Requirements, requires the installation of sediment controls along any perimeter area of the site that will receive pollutant discharges.

**Corrective Action:**

Install appropriate BMPs along the down-gradient perimeter to prevent sediment from leaving the site. Provide a description of these BMPs in the SWPPP and photo documentation showing adequate BMP installation for sediment and/or erosion controls.

**Finding #5: No erosion and sedimentation control on material stockpiles**

Specifically, the inspectors noted there were several material stockpiles on site with no structural or erosion controls installed/implemented; see photos 5, 7 and 8.

**2022 permit requirement:**

Part 2.2.5 of the 2022 General Permit, under Erosion and Sediment Control Requirements, requires stockpiles or land clearing debris piles composed of sediment and/or soil to be managed using natural buffers, sediment barriers and appropriate stabilization.

**Corrective Action:**

Install appropriate BMPs to protect the downgradient perimeter and stabilize stockpile surfaces. Provide a SWPPP with these BMP descriptions and photo documentation showing adequate BMP installation for sediment and/or erosion controls.

**Finding #6: No effective stormwater construction permit for the construction site**

Specifically, the inspectors' investigations at the Polson City Hall and within the EPA database, revealed there is no current permit for the construction site. The site had permit coverage under the NPDES General Permit for Discharges from Construction Activities (MTR101I010); however, permit coverage expired on February 16, 2022. There is no evidence of a renewal Notice of Intent application for continued coverage under the 2022 General Permit.

**2022 permit requirement:**

Part 1.1.2 of the 2022 General Permit, under Eligibility Conditions, states if the construction activity will disturb one or more acres of land or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land, a permit is required. Part 1.4.3 of the 2022 General Permit, under Submitting your Notice of Intent (NOI), states if the site had previous coverage under the 2017 General Permit and still meets the eligibility conditions, a NOI must be submitted no later than May 18, 2022 to continue permit coverage. As of the date of this report, an NOI has not been submitted for this construction site.

**Corrective Action:**

The Owner or Operator of the construction site must submit a NOI and all required associated documents to obtain permit coverage for this construction site. Application information can be found on EPA's website: <https://www.epa.gov/npdes/2022-construction-general-permit-cgp>. Submit a copy of the NOI submittal confirmation.



## Photographs for Ridgewater Development

Inspection Type: NPDES-Stormwater Construction

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Photo number 1 taken by Evan Smith on 06/15/2022.

The direction of the photo is South.

Description:

East entrance to construction site. Note no vehicle tracking BMP, no BMP for material stockpile.



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Photo number 2 taken by Evan Smith on 06/15/2022.

The direction of the photo is Southwest.

Description:

Western entrance to construction site. Note no vehicle tracking BMP and sediment on the pavement. Also no perimeter BMP between construction site and adjacent property.





## Photographs for Ridgewater Development

Inspection Type: NPDES-Stormwater Construction

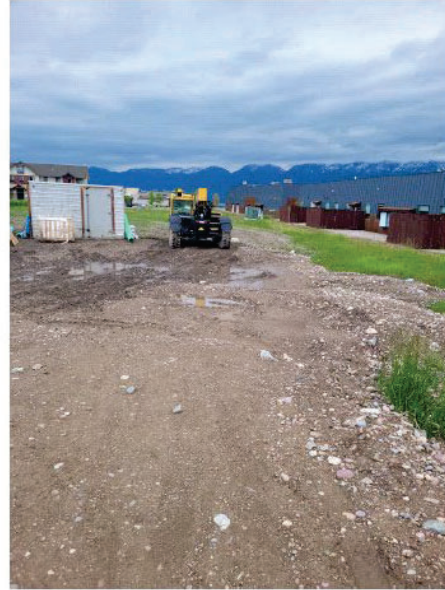
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Photo number 3 taken by Evan Smith on 06/15/2022.

The direction of the photo is Southwest.

Description:

Construction site along eastern edge. No perimeter BMP between site and adjacent property.



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Photo number 4 taken by Evan Smith on 06/15/2022.

The direction of the photo is Northwest.

Description:

Equipment staging area on project site.





## Photographs for Ridgewater Development

Inspection Type: NPDES-Stormwater Construction

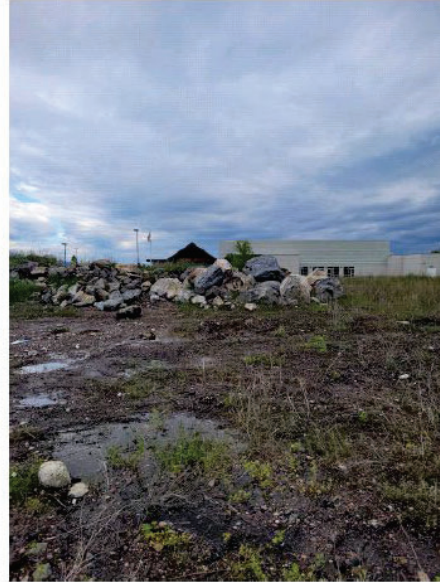
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Photo number 5 taken by Evan Smith on 06/15/2022.

The direction of the photo is Northwest.

Description:

Stockpile of rocks along north edge near project boundary.



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Photo number 6 taken by Evan Smith on 06/15/2022.

The direction of the photo is North.

Description:

Vehicle staging area on the north center of the project site.





## Photographs for Ridgewater Development

Inspection Type: NPDES-Stormwater Construction

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Photo number 7 taken by Evan Smith on 06/15/2022.

The direction of the photo is South.

Description:

Material stockpiles on-site. New construction of buildings in the background.



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Photo number 8 taken by Evan Smith on 06/15/2022.

The direction of the photo is South.

Description:

Material stockpiles on site.





## Photographs for Ridgewater Development

Inspection Type: NPDES-Stormwater Construction

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Photo number 9 taken by Evan Smith on 06/15/2022.

Description:

Puddle on-site from rain within past 24-hours, showing petroleum sheen.



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Photo number 10 taken by Evan Smith on 06/15/2022.

The direction of the photo is East.

Description:

Rocks and other materials piled as 'berm' along the northern boundary of project site.





## Photographs for Ridgewater Development

Inspection Type: NPDES-Stormwater Construction

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Photo number 11 taken by Evan Smith on 06/15/2022.

The direction of the photo is East.

Description:

Project site along Ridgewater Drive and property boundary. Vegetated stockpile/rock 'berm' to the right of the photo.



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Photo number 12 taken by Evan Smith on 06/15/2022.

The direction of the photo is South.

Description:

Inlet along Ridgewater Drive near west entrance to project site. Note no inlet protection, and sediment entering the drain.





## Photographs for Ridgewater Development

Inspection Type: NPDES-Stormwater Construction

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Photo number 13 taken by Evan Smith on 06/15/2022.

The direction of the photo is East.

Description:

Interface between concrete curb lip on Ridgewater Drive and the northern boundary of the project site. Note sediment in the road drainage.



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Photo number 14 taken by Evan Smith on 06/15/2022.

The direction of the photo is East.

Description:

Concrete curb lip on Ridgewater Drive and the northern boundary of the project site. Note sediment in the road drainage from project site tracking.

