

**REPORT OF CONSTRUCTION STORMWATER
COMPLIANCE EVALUATION INSPECTION**

At

Heather Ridge South 4th & 5th Plats

169th Street and S. Warwick Street (4th Plat) &
169th Terrace and S. Warwick Street (5th Plat)
Olathe, KS 66062

**NPDES Permit Numbers: KSR116437 (4th Plat) &
KSR122360 (5th Plat)**

On

November 19-27, 2024

By

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

Region 7: Enforcement And Compliance Assurance Division - Water Branch

INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division (ECAD), Water Branch (WB), I performed a construction stormwater Compliance Evaluation Inspection (CEI) at Heather Ridge South 4th & 5th Plats on November 19-27, 2024. The inspection was conducted under the authority of Section 308(a) of the Federal Water Pollution Control Act, as amended. This narrative report presents the findings of the inspection.

PARTICIPANTS

Heather Ridge South

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INSPECTION PROCEDURES

I arrived at Heather Ridge South (the “site” or “facility”) located at the intersections of W. 169th Street & S. Warwick Street (4th plat) and W. 169th Terrace & S. Warwick Street (5th plat) at about 9:30 A.M. on November 19, 2024, for an unannounced inspection. I was accompanied by Suzanne Ward, another EPA inspector. Prior to entering the site, I conducted a visual reconnaissance of the 4th and 5th plats from the surrounding public roadways to identify areas of concern, discharges, drainage patterns, and permitted site features.

Following reconnaissance, I contacted Mr. Philip Martens, president of the Heather Ridge South development company, at approximately 10:00 A.M. to facilitate the inspection. I received a phone call back from Mr. Philip Martens at approximately 10:45 A.M. During the phone call I held an opening conference to introduce myself and explain the purpose and procedures of the construction stormwater compliance evaluation inspection. These included providing the U.S. EPA Confidentiality Notice, a review of National Pollutant Discharge Elimination System (NPDES) permit records maintained by the facility, evaluating stormwater management practices, and conducting a facility walkthrough with photographs (Attachment 1). I explained that the purpose of the inspection was to evaluate the facility’s compliance status with the Clean Water Act and Kansas Water Pollution Control General Permit requirements under the authority of Section 308(a) of the Federal Water Pollution Control Act. The facility did not submit a claim to confidential business information.

Mr. Philip Martens was not available during the on-site inspection on November 19, 2024. He gave permission to walk the area under construction including the permitted 4th & 5th plats. I requested NPDES records required to be maintained by the permit. He provided the contact information for the project engineer, Mr. Mark Huggins, to request NPDES permit and Stormwater Pollution Prevention Plan (SWPPP) records. Mr. Philip Martens explained that he represents Martens Family Enterprises, Inc. that is developing the Heather Ridge South 4th & 5th Plats into single-family residences. He said that Mr. Huggins with Payne and Brockway, P.A. maintains the permit, SWPPP, and site inspection records. The requested NPDES permit records were not available at the time of the on-site inspection.

During the opening conference, Mr. Philip Martens also provided the contact information for Mr. Kyle Martens, the site manager. He said that Mr. Kyle Martens would be at the site later that morning to conduct the routine and post-rainfall site inspection at the 4th plat and could provide additional information.

I met with Mr. Kyle Martens on the site at approximately 11:00 A.M. after he arrived at the 4th plat property. I introduced myself, presented my credentials, and explained the purpose and procedures of the CEI. Mr. Kyle Martens said that he inspects homes and lots under construction on the 4th plat including the silt fencing and various Best Management Practices (BMPs). He stated that Mr. Huggins facilitates inspections and maintenance on the 5th plat and other individual lots in the development area through a third-party contractor Gordon Energy & Drainage that is authorized in the SWPPP. Mr.

Kyle Martens said that the streets are cleaned on a weekly basis and that stormwater sewer street inlets are cleaned on a monthly basis or as needed. He also stated that the sediment/retention ponds were reworked in April, and that stabilization measures were in the process of being added to the east and south sides of the northeast retention pond.

I proceeded to inspect the site, including the full perimeter of the 4th and 5th plats, with Ms. Suzanne Ward. I captured 114 photographs and 4 videos; 9 photographs were off-site and of the receiving stream. All photograph images are in the Attachment 1 image log with descriptions, including descriptions for videos. We finished inspecting the site at approximately 12:45 P.M.

The weather was about 65°F at the start of the on-site inspection and the skies were clear. The nearest weather station to the facility, Olathe, Johnson County Executive Airport, reported a total rainfall amount of 1.09 inches on November 18, 2024, the day before the on-site inspection. Graded areas were muddy from recent rainfall and the central and northeast retention ponds were discharging during the inspection.

Following the on-site inspection, I called Mr. Mark Huggins at approximately 3:25 P.M. on November 19, 2024, to hold a closing conference. I informed Mr. Huggins of the construction stormwater CEI, NPDES permit documents needed for review, and of preliminary findings at the site. I sent an email detailing the document request to Mr. Huggins and Mr. Philip Martens after the phone call. I requested 3 years of inspection records, the Notice of Intent and SWPPPs for the 4th & 5th plats, construction and engineering surveys, Individual Lot Certification (ILC) forms for sold 4th plat lots, and a clearance letter or permit from the City or U.S. Army Corps of Engineers (USACE) for the wetland filling and sedimentation basin construction on the 4th plat. I stated that I would issue a Notice of Preliminary Findings (NOPF) to close out the inspection following a review of requested records.

All requested permit documents were received on November 21 and 22, 2024. Following review of records, I submitted the NOPF to the facility on November 27, 2024. The NOPF was signed by Mr. Philip Martens in acknowledgement of receipt and returned with a response to findings (Attachment 11).

FACILITY DESCRIPTION AND REGULATORY HISTORY

The Heather Ridge South 4th & 5th plats are located at the intersections of W. 169th Street & S. Warwick Street (4th plat) and W. 169th Terrace & S. Warwick Street (5th plat) in Olathe, Kansas. Both plats are covered under the Kansas Water Pollution Control General Permit with authorization to discharge stormwater runoff from construction activities. Single-family residences on lots of less than 1 acre in size are being constructed on the 4th plat and are planned for the 5th plat. A facility site map and 4th plat lot sales map are included in Attachment 2.

The 4th plat is approximately 16.8 acres in size and is covered under the Kansas general permit number KSR116437 issued May 18, 2021, with an expiration date of July 31, 2027. The 4th plat Notice of Intent (NOI) and general permit are included in Attachment 3. Grading and construction operations on the 4th plat began in approximately May 2021. There are 26 single-family lots and two retention ponds on the 4th plat. At the time of the on-site inspection, 18 lots were under construction or graded pending construction. There is a storm sewer system with area inlets and street inlets along the roadways in the 4th plat. Stormwater is conveyed to the central and northeast retention ponds through the storm sewer system. The 4th plat SWPPP and engineering drawings showing sewer system features are included in Attachment 4.

The 5th plat is approximately 14.8 acres in size and is covered under the Kansas general permit number KSR122360 issued on June 10, 2024, with an expiration date of July 31, 2027. The 5th plat NOI and general permit are included in Attachment 7. Grading operations on the 5th plat began in approximately August 2024. The 5th plat is being graded, and future roadways are compacted for paving. Storm sewer piping and street inlet catch basins are installed along the compacted roadways. The 5th plat storm sewer system connects to existing storm sewer piping at the boundary of the 4th plat. There are 42 single-family lots and two cul-de-sacs on the 5th plat. The 5th plat SWPPP and engineering drawings showing sewer system features are included in Attachment 8.

The greater Heather Ridge South development area was previously covered under an individual CWA Section 404 Permit (NWK-2018-00398) issued by the U.S. Army Corps of Engineers on December 3, 2018, with an expiration date of December 31, 2021. (Attachment 10). The permit authorized the general grading and fill of 2.10 acres of five adjacent wetland tributaries to Coffee Creek. The majority of the wetland area was located within the 4th and 5th plats, including the locations of the current central and northeast retention ponds. There was a former pond previously located in the footprint of the current central retention pond. Coffee Creek previously extended from this former pond through the northeast corner of the 4th plat where the northeast retention pond and rock channel are currently located. The current stormwater conveyance drainage channel from the central retention pond to the northeast retention pond was previously a small segment of Coffee Creek. Correspondence letters attached to the 404 permit state that grading operations began in the Spring of 2018 prior to permit application, including 1.17 acres of the former pond that was replaced with the current central retention pond. The permit included an agreement to develop a wetland preservation area, a 0.70-acre avoidance wetland, which is the location of the current northeast retention pond.

Mr. Huggins provided email correspondence with the USACE dated October 21, 2020, regarding the permit and 0.70-acre avoidance wetland (Attachment 10). In his email to the USACE, Mr. Huggins inquired to confirm that the USACE no longer has jurisdiction over the use of the wetland preservation area outlined in the permit, and that the conditions of the permit are no longer enforceable based on a 2020 change in regulations regarding the extent of waters regulated under the CWA. A representative

with the USACE replied on October 21, 2020, stating that they do not believe the 0.70-acre wetland remains a jurisdictional water and that no additional permit under Section 404 would be required to work within this area of the site.

DRAINAGE PATTERNS

The facility storm sewer system includes street and area inlets that convey stormwater to a central retention pond and a northeast retention pond in the 4th plat. The finished storm sewer system at the 4th plat is considered part of the Olathe Municipal Separate Storm Sewer System (MS4), and the 5th plat will be incorporated once completed.

The site generally slopes to the north and east with side streets sloping toward South Warwick Street on the 4th plat. West 169th Terrace slopes east toward street inlets. The east side of the 4th plat contains 5 street inlets and 2 area inlets that convey stormwater to the northeast retention pond. The west side of the 4th plat contains about 9 street inlets and 2 area inlets that convey stormwater to the central retention pond. The 5th plat compacted roadways slope north and east where street inlets are located and toward the 4th plat.

The central retention pond drains to the northeast retention pond through a stormwater conveyance channel connecting the ponds. The northeast retention pond discharges to Coffee Creek, the permitted receiving water in the Big Blue River Basin. Coffee Creek flows from a few feet within the northeast corner of the 4th plat through a private single-family property. Coffee Creek continues for approximately 8.6 stream miles to the east-northeast before transitioning into the Blue River. Coffee Creek is a 303(d)-listed stream with a Total Maximum Daily Load (TMDL) for impairments from Biochemical Oxygen Demand (BOD), Nitrogen, Total Phosphorus, and Total Suspended Solids (TSS).

FINDINGS AND OBSERVATIONS

The following findings were noted during the visual inspection and a review of facility records. I reviewed documents for the 4th and 5th plats that were provided by Mr. Huggins to evaluate compliance. I was provided with NOIs (Attachments 3, 7), SWPPPs with engineering drawings (Attachments 4, 8), routine and post-rainfall inspection reports (Attachments 5, 9), Individual Lot Certification (ILC) forms for the 4th plat (Attachment 6), and a former 404 permit and correspondence for the project area (Attachment 10).

There is a lack of BMP maintenance at stormwater sewer curb inlets on the 4th plat.

The general permit requires the SWPPP to include BMPs for storm drain protection at inlets downgradient of disturbed project areas (Part 7.2.(15)). Accumulated sediment and trash were observed at storm sewer street inlets in the paved 4th plat roadways. The SWPPP Section 2.6 requires that storm inlet protection devices be inspected weekly and after storm events, and that they are cleaned when accumulated sediment reaches

1/3 of the height. Storm inlet protection barriers topping with sediment appeared to exceed the 1/3 height threshold requiring maintenance. I observed storm inlets with protection barriers (mulch-filled wattles) in South Warwick Street that were topping with and surrounded by fine sediment (Photos #8, 11, 12). Where accessible, I also observed the interior of the sewer system through the street inlets. Accumulated sediment and gravel is visible inside the South Warwick Street sewer line that drains to the central retention pond (Photo #13). Water is also resting inside the storm sewer at this location and looks murky brown similar to the retention pond water.

Lots 135-138 were under construction at the time of the inspection and are located south of West 169th Terrace on the partially paved Mahaffie Street. Two curb inlets are present in the street. The street inlet at lot 138 is topping with sediment and gravel, and vegetation is sprouting from fine sediment accumulated at the inlet protection barrier (Photos #31, 32). I looked inside storm sewer through the inlet and observed trash and a significant amount of gravel and sediment in the sewer (Photos #33-36). On the opposite side of the street at lot 135, the street inlet is topping with sediment; it should also be noted that a portable toilet is stationed on top of the street inlet platform with no drip pan or other containment (Photo #39). I looked inside the storm inlet and observed trash and fine sediment deposits in the catch basin (Photo #41). These inlets drain to the central retention pond.

I observed storm sewer street inlets on West 169th Terrace next to lots 133 and 134 that are under construction and graded. The street inlet at lot 134 is topping with sediment and vegetation is sprouting from accumulated fine sediment (Photo #45). Looking inside the inlet, fine sediment deposits were visible in the catch basin (Photo #46). The street inlet at lot 133 is also overburdened with fine sediment and trash/construction debris (Photo #47). Trash, sediment, and gravel are visible inside the sewer from the inlet (Photo #48). The inlet protection wattle is split at the seam and the mulch interior is visible. These inlets drain to the central retention pond.

Construction at lots 128-131 is complete at the southeast corner of the 4th plat on the partially paved Durango Street. Two curb inlets are present in the street. The street inlet at lot 131 is completely full of sediment and vegetation with accumulated fine sediment surrounding the vegetation (Photo #53). I could not see the interior of the catch basin through the inlet. Sediment is also migrating from West 169h Terrace toward this inlet. Both of these inlets on Durango Street drain to the northeast retention pond.

There are two storm sewer street inlets at the east border of the 4th plat in West 169th Terrace. Both inlets were observed topping with sediment and gravel (Photos #65-66). These inlets drain to the northeast retention pond.

The 169th Street cul-de-sac at the northeast part of the 4th plat has one storm sewer curb inlet at the east end of the street next to the graded lot 116. The inlet protection barrier is topping with and surrounded by fine sediment (Photo #103). I observed sediment inside of the catch basin (Photos #104-105). The inlet drains directly to the

northeast retention pond behind lot 116. It should also be noted that a portable toilet is stationed on the street inlet platform with no drip pan or other containment. Street inlet catch basins and storm sewer piping are installed in the compacted roadways of the 5th plat. Silt fencing is present to protect the future street inlets (Photos #20-27). A minor amount of dirt from grading operations is present in some catch basins that are inspected and maintained weekly (Photos #25, 27). Mr. Kyle Martens stated that the streets on the 5th plat are close to being ready for paving.

Sediment discharge from the 4th plat is not properly minimized. Controls throughout the site are not adequate to limit discharge of sediment-polluted water from entering Coffee Creek through the rock channel at the northeast corner of the plat. The storm sewer systems on the 4th plat drain to the central and northeast retention ponds. The central retention pond discharges to the northeast retention pond, which discharges to the rock channel connected to Coffee Creek. I observed suspended sediment flowing in both retention ponds, the conveyance channel between the ponds, the discharge to the rock channel, and in the rock channel where it discharges into Coffee Creek. The general permit requires that the design, installation, and maintenance of erosion and sediment controls address factors that would result in sediment discharges from the site (Part 7.2.3.(5)).

There are two separate storm sewer systems that discharge to the central retention pond from the street and area inlets on the west side of the plat, and to the northeast retention pond from street and area inlets on the east side of the plat. Street inlets on South Warwick Street and the west side of West 169th Terrace near 4th plat lots 133, 134, 135, & 138 drain to the central retention pond. Street inlets on the West 169th Street cul-de-sac and the east side of West 169th Terrace near lots 131, 128, and the east border of the 4th plat drain to the northeast retention pond.

I observed two additional storm sewer inlet pipes immediately south of the southeast part of the 4th plat (Photos #55-57, 61). These sewer inlet pipes connect to the 4th plat sewer system that drains to the northeast retention pond. The inlet south of lot 130 has damaged silt fencing surrounding it and is downgradient from the graded future platting area of Heather Ridge South (Photo #54). Significant gully erosion and rills/erosion channels on the adjacent dirt slope are visible leading to the sewer pipe inlet (Photo #55). The second inlet south of lot 129 is surrounded by vegetation and is located in a natural depression in the future platting area (Photo #61).

There is a lack of BMP maintenance at stormwater sewer curb inlets on the 4th plat as discussed above, resulting in sediment, gravel, and/or trash entering the storm sewer system (Photos #13, 14, 33-36, 41, 46, 104-105). Water visible inside the storm sewer is murky brown near the southwest sewer pipe outlet to the central retention pond (Photos #13-14). I observed the central retention pond to be a discolored murky brown (Photos #29, 101). Suspended sediment is visible flowing in the pond water and in the discharge from the central pond to the stormwater conveyance channel that drains to the northeast retention pond (Photos #97-100; Video #118).

I also observed the northeast retention pond to be a discolored murky brown (Photos #79-80, 85, 94). There is a sewer outlet pipe at the southeast corner of the pond surrounded by vegetation with a riprap rock pile near the outlet (Photos #83-84). The stagnant water at the pipe outlet which is separated from the pond water by the riprap filter is visibly clear in contrast to the turbid brown flowing pond water. An opaque film with arching white bands is present on the pond water next to the riprap where water is more still. The origin of the film is not clear. There is also a sewer outlet pipe on the west side of the pond that discharges stormwater from the West 169th Street cul-de-sac street inlet (Photo #94-95). Sediment and gravel are visible inside the outlet pipe.

Suspended sediment is visible flowing in the northeast retention pond and in the discharge from the north side of the pond to the rock channel (Photos #85-88; Video #115). There is a significant amount of visible suspended sediment in the discharge from the northeast retention pond resulting in turbid grey water in the shallow rock channel (Photos #88, 91). The vegetation inside the rock channel appeared distressed and greyish in color similar to the turbid water; this is in contrast to healthy vegetation at the sewer pipe outlet on the opposite side of the pond and the stormwater conveyance channel connecting the 4th plat retention ponds (Photos #97, 98). There is also a sewer pipe outlet at the west side of the rock channel that is connected to Heather Ridge South 3rd Plat street inlets at West 168th Terrace to the north (Photos #89, 90). The water exiting the sewer pipe is visibly clear prior to mixing with the rock channel water (Videos #116, 117). The rock channel discharges stormwater from the site to Coffee Creek that is located on a private residence adjacent to the rock channel.

After the walkthrough of the project site, I drove to a point where the receiving water, Coffee Creek, flowed under an accessible street crossing at South Ridgeview Road and West 167th Street, approximately 1,500 feet northeast of the site (Photos #106-110). The water in Coffee Creek has the same murky, turbid characteristics as the water in the 4th plat retention ponds and rock channel. I also drove to near the private residence on West 168th Terrace adjacent to the northeast corner of the 4th plat to observe Coffee Creek at the other side of the discharging rock channel (Photo #111). The water in Coffee Creek maintained the turbid characteristics of the rock channel. I observed Coffee Creek on another private residence immediately north where it flows below West 168th Terrace (Photos #112-114). The landowner has expanded the creek bed, installed a plastic liner in the creek bed, and placed rock on the liner and banks of the creek.

Soil stabilization and erosion control measures are not properly implemented at all inactive graded lots and lots under construction on the 4th plat. The general permit requires that the SWPPP specify BMPs implemented at the site including silt fences (Part 7.2.6), and that BMPs are maintained. The SWPPP Erosion & Sediment Control narrative Paragraph #7 states that a silt fence shall be placed on a contour elevation along the downhill side and for the full extent of the disturbed area within the construction limits.

Silt fencing is damaged at the graded lots 120-122 (Photos #3, 102), lot 139 under construction (Photos #8, 9), lot 135 under construction (Photos #38, 42), graded lot 134 (Photo #44), the storm sewer inlet pipe south of lot 130 (Photo #54), and at graded lot 116 (Photo #92). There is no silt fencing present at graded lot 116 that slopes toward the northeast retention pond (Photo #93). There is also no slit fence present on the downgradient slope of graded lots 123-126. The most recent inspection report dated November 15, 2024, did not note areas of damaged silt fencing. Proposed locations of silt fence BMPs are included in the SWPPP maps.

The permit also requires that stabilization of disturbed areas must be initiated immediately whenever any clearing, grading, excavating, or other soil disturbing activities have temporarily ceased on the site for a period exceeding 14 calendar days (Part 7.2.5). There is no erosion control or soil stabilization present for the graded lots 123-126 that have been inactive for longer than 14 days (Photos #77, 78, 81). These lots without downgradient silt fencing slope toward the northeast retention pond and the stormwater conveyance channel between the 4th plat retention ponds. In addition, the east and southeast sides of the northeast retention pond, north of lots 125-127, are not stabilized (Photos #80, 81).

The concrete washout area is not located on the permitted 4th or 5th plat project site and the containment basin was releasing rinse water. I observed a designated concrete washout area east of the 4th plat in the unfinished West 169th Terrace roadway (Photos #69, 70). The general permit requires that the SWPPP provide procedures and practices to eliminate the potential to discharge wash and/or rinse waters from concrete mixing equipment (Part 7.2.9.(9)). The SWPPPs Section 3.3 require that a below-ground concrete washout area be constructed and equipped with plastic sheeting at least 10 millimeters thick. At the beginning of the inspection, I observed a concrete truck depositing rinse water into the washout basin (Photos #1-2). I saw washout water draining from the overfilled containment basin toward the unpaved West 169th Terrace roadway (Photo #71). The washout water is also present in a large puddle in the center of West 169th Terrace (Photo #69) and is accumulated at the waste concrete pile (Photos #73-75). I noted an opaque sheen on top of the washout water inside and outside of the basin. There is no liner visible in the containment basin that is required by the SWPPP.

Trash receptacles are not present on the 4th plat or at lots under construction. Trash and construction debris are not properly disposed of on the project site. The general permit requires that trash containers are provided and that regular cleanup of scrap building material, product/material shipping waste, food containers, and cups be performed (Part 7.2.9.(4)). Loose trash is present at the perimeter of the central retention pond (Photos #29, 101), at the perimeter of the northeast retention pond (Photos #79, 82-86, 94), at and inside storm sewer inlets (Photos #32, 36, 39, 41, 47, 48,,), and at lots under construction (Photos #37-38, 42-44).

The 4th plat SWPPP does not include a discussion on permanent post-construction stormwater controls with respect to the on-site retention ponds. The general permit requires a description of permanent measures installed during construction to control polluted runoff that will occur after construction activities have ended (Part 7.2.8). The SWPPP Section 4, “Selecting Post-construction BMPs”, is written as not applicable. In addition, the SWPPP Section 2.3, “Control Stormwater Flowing onto and through the project”, is also written as not applicable. Examples of permanent BMPs are given in Permit Part 7.2.6, such as drainage swales, subsurface drains, storm drain inlet and outlet protection, and permanent sediment basins that are present on the project site.

Deficiencies noted in inspection reports do not include follow-up actions taken to address them and are not corrected within the required time period. The permit requires that any deficiency noted in inspection reports be corrected within seven (7) calendar days and that corrective actions taken are included in inspection reports (Part 7.2.10). The 4th & 5th plat SWPPPs Section 5.1.2 requires that corrective action be initiated within 24 hours of the report and completed before the next storm event.

In 4th plat inspection reports prepared by Gordon Energy & Drainage on a weekly basis and dated between July 2021 to January 2023, there were 226 instances of deficiencies noted in reports as open work items. There were 3 instances out of the 226 noted deficiencies where items were addressed within the required 7 days. One deficiency on the need for “erosion control at inlet to pond” was noted as being open for 350 days between November 9, 2021, and October 25, 2022. Twelve (12) of these inspection reports included a summary of work items closed, and they did not include details related to corrective action taken. These inspection reports also do not list areas where construction has permanently or temporarily stopped as required by the permit.

The 4th plat inspection reports dated between January 2023 and November 2024 (present) are prepared by the site manager on a weekly basis, including post-rainfall events. These reports do not include all follow-up actions made in response to noted deficiencies, with the exception of noting when routine street and sewer inlet cleaning is performed. An additional exception is in reports dated June 27 & June 28, 2024, where the concrete washout basin was noted as being full and was described as being addressed in an inspection report on the following day. It is not clear that all necessary observations are made based on the absence of a checklist or narrative used for the reports drafted during these months. It is also not clear if corrections are made within the required 7-day time frame. The inspection reports are written on a 4th plat lot map which also shows areas that remain under construction.

The 5th plat inspection reports are prepared by Gordon Energy & Drainage and similarly do not include follow-up corrective action. There are 3 instances in 5th plat inspections where noted deficiencies were corrected within 14 calendar days, exceeding the 7-day requirement.

Inspection reports on the 4th plat dated between January 2023 to November 2024 do not include adequate observations of stormwater discharge locations. The general permit requires inspections to include observations of discharge with respect to the effectiveness of upgradient BMPs (Part 7.2.10). It is not clear that all necessary observations are made during these inspections based on the absence of a checklist or narrative used for the reports. The inspection reports are written on a 4th plat lot map which also indicates areas that remain under construction. An inspection report dated February 9, 2024, indicated that a Kansas state inspector met with the facility about riprap at the north end of the northeast retention pond; it was written into the report that it needs to be reworked to remove silt and new riprap is needed. In an inspection report dated June 7, 2024, it was written that sediment basin in ponds were dug out that week. Other observations made related to the retention ponds are of trash needing picked up or of weeds needing trimmed.

No observations of discharge were made in any inspection reports in the past 3 years. According to the National Weather Service (NWS) precipitation data collected from the Olathe, Johnson County Executive Airport, the nearest weather station to the facility, there have been about 73 qualifying rain events of 0.5 inches or greater since November 2021.

CONCLUSION

Heather Ridge South 4th & 5th Plats are in various stages of development. SWPPPs have been developed and are implemented at both plats, including routine inspections to comply with the Kansas Water Pollution Control general permit for construction activities. Structural and non-structural control BMPs did not appear adequate to prevent polluted stormwater discharging from the 4th plat. The 5th plat BMPs were overall adequate during the inspection.

Heather Ridge South should prepare inspection reports that detail corrective action taken to address previously noted deficiencies so that BMPs are properly maintained on a timely basis. The inspections should include observations of retention pond discharge with respect to the effectiveness of upgradient BMPs. The facility should further maintain its silt fences, storm sewer inlet protections, and non-stabilized areas to effectively control erosion and discharge of sediment-polluted stormwater from the site.

The following findings were included in the NOPF sent to the facility for the 4th plat. An NOPF was not issued for the 5th plat. The facility sent a response to the NOPF on December 2, 2024, to address the listed findings (Attachment 11).

1. Lack of BMP maintenance at curb inlets (SWPPP Section 2.6). Accumulated sediment and trash at inlets met cleanup requirements.
2. No on-site trash receptacles present (Permit Part 7.2.9.(4)). Trash and construction debris is improperly disposed of in piles and accumulating

throughout property.

3. Inspection reports do not include “observations of stormwater discharge locations with respect to effectiveness of upgradient BMPs (Permit Part 7.2.10). Deficient BMPs were observed at the northeast retention pond, resulting in visible suspended sediment discharging into Coffee Creek.
4. Incorrect SWPPP inspector listed in SWPPP Section 5.1. The SWPPP should be modified to state the current individual in charge.
5. Sediment discharge from site is not minimized (Permit Part 7.2.3.(5)). Sediment controls are not adequate to limit off-site discharge to Coffee Creek.
6. Inspection reports to not include actions taken to correct noted deficiencies (SWPPP Section 5.1.2). General deficiencies are noted in inspection reports but do not detail actions taken to address and correct them.
7. The SWPPP does not include a discussion on permanent stormwater controls (Permit Part 7.2.8). Permanent post-construction controls not mentioned with respect to the two on-site retention ponds receiving storm sewer discharge.
8. Soil stabilization (or other erosion control measures) was not present on lots 123-126 within 14 days (Permit Part 7.2.5). No stabilization or silt fence was present on the slope leading to the northeast retention pond and drainage channel area behind the lots.
9. Concrete washout area is included as a BMP maintenance area in the SWPPP Section 3.3 but is located off the permitted project site. The concrete washout area location is not described or shown in the SWPPP.
10. Concrete washout basin does not have underlying plastic sheeting or adequate controls (SWPPP Section 3.3). Water was observed spilling out of the concrete washout basin after it was seen being poured by a truck during inspection (Photos #1-2). No plastic sheeting was observed.

**CARSON
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Carson Colletier
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**MELISSA
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ATTACHMENTS

1. Image log (64 pages)
2. Site map & 4th plat lot map (2 pages)
3. 4th plat NOI and permit KSR116437 (24 pages)
4. 4th plat SWPPP with maps (103 pages)
5. 4th plat SWPPP inspections (378 pages)