



Region 10 Enforcement and Compliance Assurance Division
1200 6th Avenue
Seattle, WA 98101
INSPECTION REPORT

Inspection Date:	02/23/2021	
Time:	Entry: 10:30 a.m.	Exit: 12:00 p.m.
Media:	Water	
Regulatory Program:	CWA NPDES/Construction Stormwater	
Operator Name(s):	M3 ID Falcon Crest, LLC– (Notice of Intent IDR1002CN)	
Operator Addresses:	1087 W. River St., Ste. 310	
Operator City, State, Zip Code:	Boise, Idaho 83702	
Site Name:	Falcon Crest Subdivision	
Site Physical Location:	Approximately 10 miles southwest of Boise, Idaho, Kuna Road & South Cloverdale Road, City of Kuna, Idaho	
	Latitude/Longitude	43.4932°N, 116.3306°W
City, State, Zip Code:	Kuna, Idaho, 83634	
Site Contact(s):	Mark Tate, Project Manager Phone: (208) 631-2025 Email: MTate@M3Companies.com	M3 ID Falcon Crest, LLC
County:	Ada County, Idaho	
Site Identifier:	Falcon Crest Subdivision	
Estimated Site Area to be Disturbed:	128.25 acres	
Site Receiving Water(s)	Unnamed Intermittent Stream, New York Canal	
Site Receiving Water(s) Description:	Irrigation canal and canal	
NPDES Permit:	2017 EPA Construction General Permit (CGP)	
EPA Site Tracking Numbers:	IDR1002CN	
Notice of Intent (NOI) Site Timeline(s):	Start Date: 02/03/2020	End Date: 10/31/2024
Inspector(s):		
Steven Chase – PG Environmental	U.S. EPA Contract Inspector (Lead Inspector)	(720) 789-8048
Signature: 		Date: 04/26/2021
Kelly Davis – ERG, Inc.	ERG Inc., staff	-
Charissa Bujak – EPA Region 10	U.S. EPA Inspector	(208) 378-5754
EPA Region 10 Recipient: Brian Levo		

Signature:	Date:
-------------------	--------------

Table of Contents

Section I – Inspection Information	4
Purpose and Scope of the Inspection	4
Opening Conference	4
Site Description	4
Documents Requested During Inspection	5
Section II – Observations	5
Section III – Areas of Concern	6
Records Review Areas of Concern	6
Field Observation Areas of Concern	8
Section IV – Closing Conference.....	9
Attachment A – Photograph Log and Photos	11
Attachment B – Exhibit Log	14
Attachment C – Inspection Report.....	16

Section I – Inspection Information

Purpose and Scope of the Inspection

On February 23, 2021, Steven Chase, U.S. Environmental Protection Agency (EPA) Contract Inspector, Eastern Research Group (ERG), Inc. staff inspector Kelly Davis, and EPA Inspector Charissa Bujak, (hereafter, we or Inspection Team) conducted a construction stormwater inspection of Falcon Crest Subdivision construction project (hereafter, Site or Permittee), operated by M3 ID Falcon Crest, LLC (the Permittee). The purpose of the inspection was to determine compliance with the requirements of EPA's National Pollutant Discharge Elimination System (NPDES) 2017 General Permit for Discharges of Stormwater Associated with Construction Activities (the Permit). The inspection consisted of two parts, a preliminary records review and a Site walk-through. Inspection photographs from the Site walk-through are included in Attachment A and photographs from the on site records review are included in Attachment B. The Inspection Team requested a digital copy of the files reviewed during the inspection and performed a more thorough review after the onsite inspection. Inspection reports provided by the Permittee are included as Attachment C and the Site's Stormwater Pollution Prevention Plan (SWPPP) is included as Attachment D.

Opening Conference

A notice of inspection was given via phone call to the Site Contact, Mr. Mark Tate, at approximately 5:30 p.m. on the evening prior to the inspection. Mr. Tate informed the Inspection Team that we would be joined by representatives from the erosion and sediment control contractor, Syman LLC, and Mr. Steve Sears of Conger Management Group/M3 Companies, LLC. Upon arriving at the Site at 10:30 a.m., we observed active construction activities occurring and located Mr. Sears. We conducted an opening conference with Steve Sears near the construction Site entrance along the west-central perimeter of the Site prior to conducting the initial records review and Site walk-through. We were also joined by Mr. Colter Hodge and Mr. Dan Strauss, both representing Syman, LLC, who also served as the Site Stormwater Pollution Prevention Plan (SWPPP) developers and Best Management Practice (BMP) inspectors. Syman, LLC staff had elected to conduct biweekly inspections plus inspections after qualifying rain events (i.e., greater than 0.25" in 24 hours). Syman, LLC staff use storm data from the NOAA weather station at the Boise airport, Boise Air Terminal (KBOI). During the opening conference, Charissa Bujak and I, Steven Chase presented our EPA inspector credentials to Mr. Sears, Mr. Hodge, and Mr. Strauss (the Site Representatives), exchanged business cards, and informed Site Representatives of the purpose of the Site inspection.

Site Description

The Site is located off South Cloverdale Road in the City of Meridian, approximately 10 miles southwest of Boise, ID. The Site includes construction activities for a planned single-family residential community. The Site's western perimeter extends along South Cloverdale Road. The Site's southern perimeter extends along Kuna Road, and the Site is bordered on the east and north by the Falcon Crest Golf Course. For an aerial image of the Site, refer to Attachment B, Exhibit 1. The Site's total planned disturbance area is 128.25 acres as described in the Site's Notice of Intent (NOI), which was certified by Mr. Mark Tate on March 6, 2020. At the time of the inspection, the Site had two Phases, (Phases 1 and

2) in the rough grading phase, which encompassed approximately 30% of the Site. The remaining 70% of the Site (an additional four phases) had not begun construction; therefore, only Phases 1 and 2 were inspected. Site Representatives stated that stormwater from the east side of the Site is directed to the sod farms located onsite along the eastern perimeter of the Site, and stormwater from the west side of the Site is directed to the wet pond located on the southwest perimeter of the Site. Site Representatives stated that the wet pond had been constructed for irrigation purposes and had been maintained for this project. Site Representatives stated that the pond was designed for a large enough design storm that, if the pond had overflowed, the rest of the Site would similarly be flooded. The official receiving waters for stormwater discharges from the project include an unnamed intermittent stream and New York Canal as described in the Site SWPPP and NOIs. New York Canal is located upgradient of the Site. The Site Representatives stated that the unnamed intermittent stream will be filled to be even with the surrounding ground level. At the time of the inspection, the Inspection Team did not observe flow in the unnamed intermittent stream.

Documents Requested During Inspection

Due to the ongoing COVID-19 pandemic, the Inspection Team confirmed Site documentation to be available at the time of the inspection but did not review the documentation in detail onsite. The site provided inspection reports from the beginning of the project on November 5, 2019 through February 15, 2021. The Inspection Team requested the following documents electronically for review following the onsite inspection. Inspection reports provided by the Permittee are included as Attachment C and the Site's Stormwater Pollution Prevention Plan (SWPPP) is included as Attachment D.

- Current copy of Site SWPPP and map;
- Site inspection records and corrective action reports.

Section II – Observations

Following the opening conference and records review, the Inspection Team, accompanied by the Site Representatives, began the Site walk-through at approximately 10:50 a.m. At the time of the inspection, the weather was mostly sunny with temperatures in the upper-30s and a steady, moderate wind.

We proceeded from our opening conference location at the construction entrance in Phase 1 to the wet pond located south of Phase 1 on the southwest perimeter of the Site. We then drove to Phase 2 in the northeastern area of the Site and then progressed towards the center of the Site and back into Phase 1.

For a list of areas of concern regarding the review of permit required documents performed post-inspection, refer to Section III, Areas of Concern. The Inspection Team made the following observations during the Site walk-through portion of the inspection:

We observed initial construction activities that consisted of the rough grading. We observed a lack of stabilization BMPs at the Site's western perimeter in Phase 1, and a lack of stabilization measures at the center of the Site in Phase 1.

We then observed the wet pond located on the southwestern perimeter of the Site. The wet pond collects runoff from the western portion of the Site (refer to Attachment A, Photograph 1).

We continued northbound along the Site's western perimeter. We observed sediment track-out onto South Cloverdale Road from the unstabilized construction entrance along the western perimeter of the Site in Phase 1 (refer to Area of Concern 3).

We drove to the northeastern perimeter of the Site in Phase 2.

We then progressed to the center of the Site, in Phase 1. We observed an uncontained pile of construction debris (refer to Area of Concern 4). In the same location, we also observed an unstabilized soil stockpile (refer to Area of Concern 5).

We concluded the Site walk-through near the northeastern perimeter of the Site in Phase 2.

Section III – Areas of Concern

The presentation of areas of concern does not constitute a formal compliance determination or violation. An area of concern is an observation that the Inspection Team made that may be inconsistent with the requirements of the Permit. The Inspection Team noted areas of concern in both the records review performed post-inspection and the onsite field inspection.

Records Review Areas of Concern

1. Permit Part 7.2.4 (Site Map)

Include a legible map, or series of maps, showing the following features of the site:

- a. Boundaries of the property;*
- b. Locations where construction activities will occur, including:*
 - i. Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;*
 - ii. Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));*
 - iii. Locations where sediment, soil, or other construction materials will be stockpiled;*
 - iv. Any water of the U.S. crossings;*
 - v. Designated points where vehicles will exit onto paved roads;*
 - vi. Locations of structures and other impervious surfaces upon completion of construction; and*
 - vii. Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).*
- c. Locations of all waters of the U.S. within and one mile downstream of the site's discharge point. Also identify if any are listed as impaired, or are identified as a Tier 2, Tier 2.5, or Tier 3 water;*
- d. Areas of federally listed critical habitat within the site and/or at discharge locations;*
- e. Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);*
- f. Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;*

- g. *Stormwater and authorized non-stormwater discharge locations, including:*
 - i. *Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets; and*
 - ii. *Locations where stormwater or authorized non-stormwater will be discharged directly to waters of the U.S.*
- h. *Locations of all potential pollutant-generating activities identified in Part 7.2.3g;*
- i. *Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and*
- j. *Locations where polymers, flocculants, or other treatment chemicals will be used and stored.*

(Area of Concern 1)

We observed that the SWPPP map presented onsite did not identify a soil stockpile located at the center of the Site in Phase 1. The SWPPP map designated a stockpile area, however, the stockpile was not located in that area (refer to Attachment A, Photograph 2, and Attachment B, Exhibit 2).

We also observed that the SWPPP map did not contain drainage patterns of stormwater and authorized non-stormwater before and after major grading activities as required by part 7.2.4.f of the Permit.

Additionally, we observed a perimeter control of a vegetated buffer along the western perimeter of the Site that was not labeled on the SWPPP map as required by part 7.2.4.i of the Permit (refer to Attachment A, Photograph 3).

2. Permit Part 7.2.10 (SWPPP Certification)

You must sign and date your SWPPP in accordance with Appendix I, Part I.11.

(Area of Concern 2)

During the post-inspection records review, we observed that the Permittee did not sign the Subcontractor Certification/Agreement Form located in Appendix G of the SWPPP, although the form was signed by the Syman, LLC Project Manager, Mr. Adam Lyman, on January 13, 2020. We also observed that the Delegation of Authority Form located in Appendix J of the SWPPP was not signed. The form was completed, but not signed, under the name Sam Crouse of Syman, LLC.

3. Permit Part 4.2.2 (Frequency of Inspections)

Once every 14 calendar days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal

business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

(Area of Concern 4)

During the post-inspection records review, we observed a delay in an inspection after a storm event. An inspection was performed on 11/16/2020 that was triggered due to a rain event of approximately 0.25 inches that occurred on 11/13/2020. The inspection was conducted more than 24 hours after the occurrence of the storm event (refer to Attachment C).

Field Observation Areas of Concern

4. Permit Part 2.2.4 (Minimize sediment track-out)

- a. Restrict vehicle use to properly designated exit points;*
- b. Use appropriate stabilization techniques at all points that exit onto paved roads.
 - i. Exception: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls are implemented to minimize sediment track-out;**
- c. Implement additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit; and*
- d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the U.S.*

(Area of Concern 4)

We observed sediment track-out onto South Cloverdale Road from the unstabilized construction entrance along the western perimeter of the Site in Phase 1 (refer to Attachment A, Photograph 3). The construction vehicle track-out controls appeared to be inadequate at removing sediment from vehicles prior to vehicle exit.

5. Permit Part 2.3.3.e (For storage, handling, and disposal of building products, materials, and wastes)

For construction and domestic wastes:

- i. Provide waste containers (e.g., dumpster, trash receptacle) of sufficient size and number to contain construction and domestic wastes;*

- ii. *Keep waste container lids closed when not in use and close lids at the end of the business day for those containers that are actively used throughout the day. For waste containers that do not have lids, provide either (1) cover (e.g., a tarp, plastic sheeting, temporary roof) to minimize exposure of wastes to precipitation, or (2) a similarly effective means designed to minimize the discharge of pollutants (e.g., secondary containment);* iii. *On business days, clean up and dispose of waste in designated waste containers; and* iv. *Clean up immediately if containers overflow.*

(Area of Concern 5)

We observed a pile of uncontained construction waste and debris on the ground at the center of the Site in Phase 1 (refer to Attachment A, Photograph 4).

6. Permit Part 2.2.5 (Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil)

- a. *Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any stormwater conveyances, drain inlets, and areas where stormwater flow is concentrated;*
b. *Install a sediment barrier along all downgradient perimeter areas;*
c. *For piles that will be unused for 14 or more days, provide cover or appropriate temporary stabilization (consistent with Part 2.2.14);*
d. *You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or water of the U.S.*

(Area of Concern 6)

We observed one unstabilized soil stockpile at the center of the Site in Phase 1. Downgradient of the stockpile, we observed a vegetated buffer along the Site's western perimeter; however, no other source control BMPs had been implemented for the stockpile (refer to Attachment A, Photographs 2 and 3).

Section IV – Closing Conference

We held a closing conference at the conclusion of the inspection at approximately 11:50 a.m. During the closing conference, we clearly stated that this summary of observations (i.e., areas of concern) was “preliminary” and subject to addition, deletion, and/or modification. The summary of preliminary inspection observations and areas of concern were communicated with the Site Representatives, Mr. Steve Sears of Conger Management Group/M3 Companies, LLC and Mr. Colter Hodge and Mr. Dan Strauss, both of Syman, LLC.

- Area of Concern 1 – Delayed inspection after a storm event of 0.25”;
- Area of Concern 2 – Site SWPPP map not reflective of all soil stockpiles onsite, drainage patterns, and perimeter controls;
- Area of Concern 3 – The Delegation of Authority and the Subcontractor Certification/Agreement Form not signed by all parties;

- Area of Concern 4 – Construction vehicle track-out from construction entrance;
- Area of Concern 5 – Uncontained construction waste onsite;
- Area of Concern 6 – Unstabilized stockpile.

The closing conference concluded at approximately 12:00 p.m.

Attachment A – Photograph Log and Photos

Photograph Log

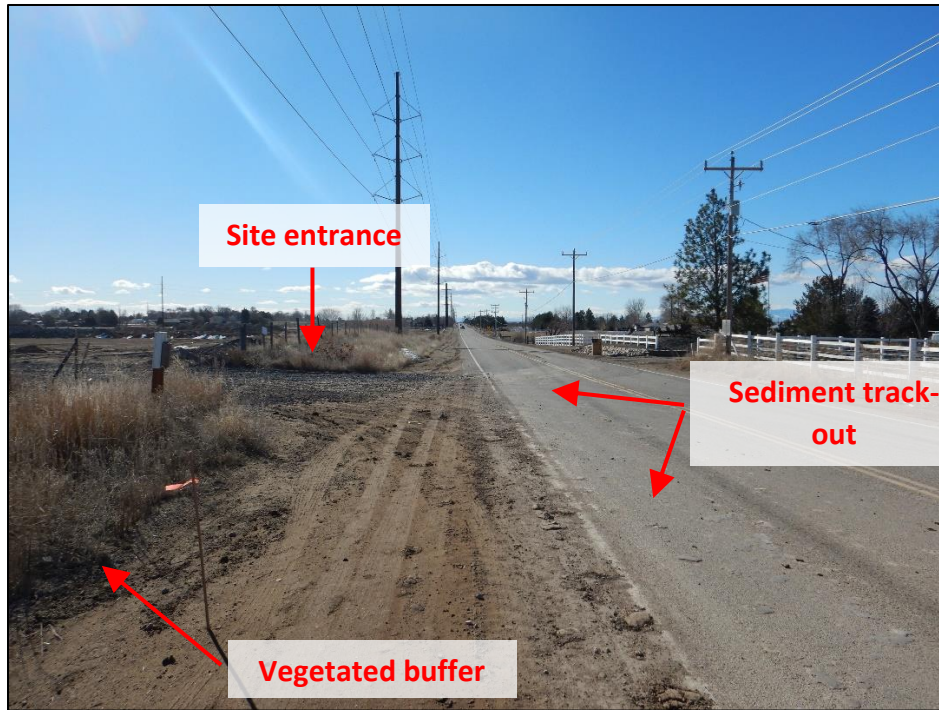
The photographs were taken during the inspection by Mr. Steven Chase, PG Environmental, and Kelly Davis, ERG Inc., U.S. EPA Contractors, Nikon Coolpix W300 digital camera and a Nikon Coolpix A900. Original copies of the photos are on file.



Photograph 1. View, facing southwest, of the wet pond on the southwestern perimeter of the Site.



Photograph 2. View, facing south, of an unstabilized stockpile of soil located at the center of the Site.



Photograph 3. View, facing south, of sediment track out onto South Cloverdale Road from the Site entrance located at the west-central perimeter of the Site. Note the vegetated buffer.



Photograph 4. View, facing south, of a pile of uncontained construction waste located at the center of the Site.

Attachment B – Exhibit Log



Exhibit 1. Google Earth Pro (imagery date: 3/30/2021). Location of Falcon Crest Subdivision in Meridian, Idaho. Note the approximate Site boundary outlined with the dotted yellow line and approximate phase perimeters outlined with the dotted white line.

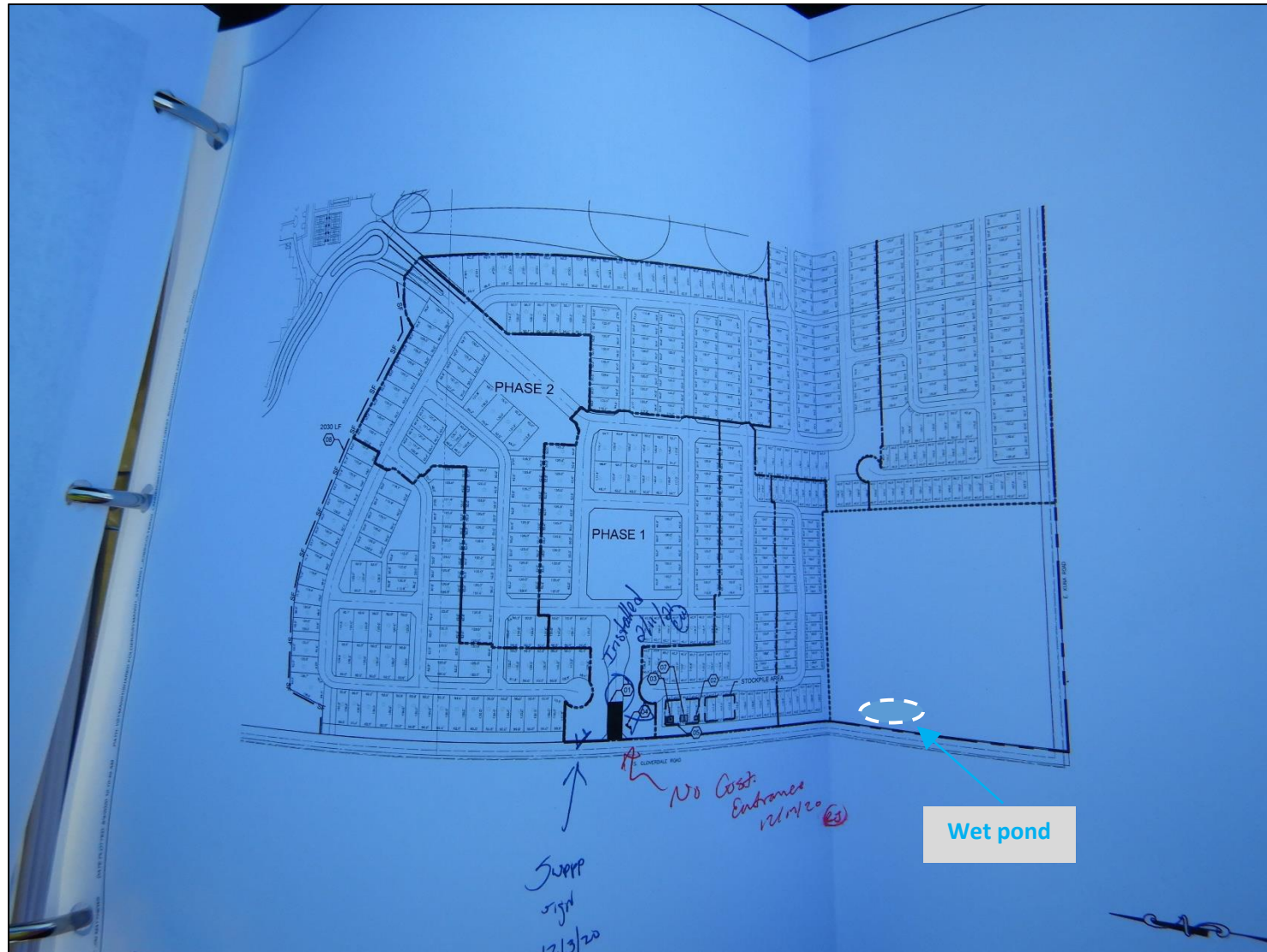


Exhibit 2. Image of the Site map provided on Site of the Falcon Crest Subdivision. It was noted the Site map does not include all the locations where stockpiles, drainage patterns, or perimeter controls were located. Note the wet pond.