EPA United States Environmental Protection Agency

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

# INSPECTION REPORT

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| **Inspection Date:** | 02/23/2021 | |
| **Time:** | **Entry:** 8:30 a.m. | **Exit:** 10:20 a.m. |
| **Media:** | Water | |
| **Regulatory Program:** | CWA NPDES/Construction Stormwater | |
| | | |
| **Operator Name(s):** | M3 ID Rising Sun, LLC – (Notice of Intent IDR1002CM) | |
| **Operator Addresses:** | 4087 West River Street, Suite 310 | |
| **Operator City, State, Zip Code:** | Boise, Idaho 83702 | |
| **Site Name:** | Rising Sun Subdivision | |
| **Site Physical Location:** | 2067 East Kuna Road, Kuna, Idaho | |
| | Latitude/Longitude | 43.4864°N, 116.3877°W |
| **City, State, Zip Code:** | Kuna, Idaho 83634 | |
| **Site Contact(s):** | Mark Tate, Project Manager<br>Phone: (208) 631-2025<br>Email:<br>MTate@M3CompaniesLLC.com | Conger Management Group/M3 Companies, LLC |
| **County:** | Ada County, Idaho | |
| | | |
| **Site Identifier:** | Rising Sun Subdivision | |
| **Estimated Site Area to be Disturbed:** | 45.5 acres | |
| **Site Receiving Water(s)** | Indian Creek, New York Canal, Unnamed Waterway | |
| **Site Receiving Water(s) Description:** | Creek, canal | |
| **NPDES Permit:** | 2017 EPA Construction General Permit (CGP) | |
| **EPA Site Tracking Numbers:** | IDR1002CM | |
| **Notice of Intent (NOI) Site Timeline(s):** | **Start Date:** 03/15/2020 | **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 | (703) 633-1600 |
| Charissa Bujak – EPA | U.S. EPA Inspector | (208) 378-5754 |

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|---|---|
| **EPA Region 10 Recipient:** Brian Levo | |
| **Signature:** BRIAN LEVO Digitally signed by BRIAN LEVO Date: 2021.04.27 10:17:24 -07'00' | **Date:** |

# Table of Contents

# 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, Inc. staff inspector Kelly Davis, and U.S. EPA Region 10 Inspector Charissa Bujak, (hereafter, we or Inspection Team) conducted a construction stormwater inspection of the Rising Sun Subdivision construction project (hereafter, Site) operated by Conger Management Group/M3 Companies, LLC (hereafter, 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 onsite 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 their erosion and sediment control subcontractor, Syman LLC, and Mr. Steve Sears of Conger Management Group/M3 Companies, LLC. Upon arriving at the Site at 8:30 a.m., we observed active construction activities occurring and located Mr. Sears. At that point, we proceeded to conduct an opening conference with Mr. Sears at the northwestern Site entrance prior to conducting the 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. The Syman, LLC staff had elected to conduct inspections every seven days 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 East Kuna Road in the City of Kuna 13 miles southwest of Boise, ID. The Site includes construction activities for a planned single-family home residential community. The Site's southern perimeter extends along North Indian Creek. The Site's northern perimeter extends along East Kuna Road. The Site's eastern perimeter extends along Stroebel Road. The Site is bordered by private residential land to the west. For an aerial image of the Site, refer to Attachment B, Exhibit 1. The Site includes one construction entrance located at the northwestern perimeter of the Site. The Site's total planned area of disturbance is 45.5 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, rough grading had been completed and installation of storm sewer piping had begun, but fine grading, pavement/sidewalk construction, installation of storm drain inlets and catch basins, and vertical construction had not begun. The official receiving waters for stormwater discharges from the Site include Indian Creek, New York Canal, and an unnamed waterway as described in the Site SWPPP and NOI.

### 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 of the project for March 16, 2020 through February 18, 2021. The Inspection Team only reviewed the three most recent months in detail. 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.
- The three most recent months of 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 8:50 a.m. At the time of the inspection, the weather was mostly sunny, with temperatures in the mid-30s and a steady, moderate wind.

We proceeded from our opening conference location at the Site construction entrance to the south-central portion of the Site to begin the Site walk-through. We observed one of the receiving waters, North Indian Creek, located along the southern perimeter of the Site. We then progressed along the southern perimeter of the property towards the western perimeter, continued along the western perimeter, then reversed course and followed the southern perimeter to the eastern perimeter, and eventually returned to the northwestern entrance.

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

As we progressed south from the northwestern entrance location, we observed seven unstabilized soil, gravel, and rock stockpiles (refer to Area of Concern 4). We observed North Indian Creek at the southern perimeter of the Site.

We continued along the southern perimeter of the Site. At the southwestern perimeter of the site, we observed an unstabilized stockpile of soil and gravel adjacent to North Indian Creek. The location downgradient of the stockpile lacked perimeter controls (refer to Areas of Concern 4 and 5). We also observed a lack of perimeter control along the western perimeter of the Site (refer to Area of Concern 5).

As we progressed eastbound along the southern perimeter of the Site, we observed sediment that had accumulated adjacent to a silt fence to roughly half of the above-ground height of the silt fence (refer to Area of Concern 5). We also observed two locations along the silt fence that required maintenance and/or replacement (refer to Area of Concern 6). We observed one location along the silt fence at the south-central location of the Site's perimeter that had collapsed with visible signs of erosion and evidence of discharge downgradient to North Indian Creek (refer to Areas of Concern 6 and 7).

We made our way back to the northwestern Site perimeter by following the eastern and then northern perimeters of the Site. We observed a lack of perimeter control along the eastern and northern perimeters of the Site (refer to Area of Concern 5).

We concluded the Site walk-through near the Site entrance at the northwestern perimeter of the Site.

# 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.*

And

**Permit Part 7.1 (General Requirements)**

*All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI. The SWPPP must be kept up-to-date throughout coverage under this permit. If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.*

**(Area of Concern 1)**

During the onsite records review, we observed that the SWPPP map presented onsite did not include locations where sediment and soil would be stockpiled as required by part 7.2.4.b.iii of the Permit. The Site had eight locations where soil, gravel, and rock were stockpiled – two locations at the north-central area of the Site, four locations at the center of the Site, one location at the south-central area of the Site, and one location at the southwestern perimeter of the Site (refer to Attachment A, Photographs 1 through 5 and Attachment B, Exhibit 2).

We also observed that the SWPPP map presented onsite did not identify all stormwater controls used as Site perimeter controls as required by part 7.2.4.i of the Permit. The SWPPP map labeled all southern perimeter controls as silt fences. We observed both silt fences as well as fiber rolls as the Site's southern perimeter controls (refer to Attachment A, Photographs 6 and 7 and Attachment B, Exhibit 2). Additionally, we did not observe silt fences on the western, eastern, and northern perimeters of the Site as labeled on the SWPPP map.

**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 March 3, 2020 (refer to Attachment D).

**3. Permit Part 5.2 (Corrective Action Deadlines)**

*For any corrective action triggering conditions in Part 5.1, you must:*

*5.2.1 Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events;*
*5.2.2 When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day;*
*5.2.3 When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.*

**(Area of Concern 3)**

We observed three conditions in the inspection reports that were in need of corrective actions as observed by Syman, LLC staff. The following corrective actions were observed to not have been completed by the close of the next business day following their observation as required by part 5.2.2 of the Permit or installed within seven calendar days as required by part 5.2.3 of the Permit (refer to Attachment C):

- On March 19, 2020, the need for a stabilized construction entrance was noted and track-out was observed in East Kuna Road. The corrective action was not performed for 12 days, as stated on the inspection on March 31, 2020. The entrance was stated to be stabilized on the inspection report on April 2, 2020.

- On November 25, 2020, the need for a stabilized construction entrance was noted and track-out was observed in East Kuna Road. The corrective action was not performed for 8 days, as stated in the inspection on December 3, 2020. The problem was not mentioned in the following report on December 10, 2020, and a construction

entrance was stated to be installed on the inspection report on December 17, 2020.

- On December 29, 2020, track-out was observed onto East Kuna Road. The corrective action was not performed for 9 days, as stated in the inspection on January 7, 2021. On the inspection on January 14, 2021, East Kuna Road was stated to undergo offsite utility work by an outside company, causing sediment in the roadway.

## Field Observation Areas of Concern

**4. 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.*

And

**SWPPP Part 4.4 (Erosion and sediment controls #8- Stockpile Management)**

"During the rainy season, the stockpiles should be covered with a heavy poly sheeting or protected with a temporary sediment perimeter barrier such as silt fence or fiber wattle to prevent sediment erosion. As an alternative to surrounding stockpiles with perimeter controls, place stockpiles in areas that are graded to prevent any stormwater discharge. During the non-rainy season, the stockpiles should be covered or protected with a temporary perimeter barrier prior to the onset of precipitation… To prevent stormwater pollution from stockpiles, the following guidelines will be followed:

- Whenever possible, only stockpile materials that can be used within a few days.
- Never stockpile materials near or in a stormwater conveyance.
- Stockpile excavated materials up-slope of the excavation whenever possible.
- For utility lines, only excavate areas that can be backfilled in one day.
- Monitor weather to anticipate possible storm events.
- Keep extra materials such as sandbags, sheeting, and perimeter controls onsite for use when precipitation is eminent.

Apply dust control water regularly to stockpiles of materials susceptible to wind erosion."

**(Area of Concern 4)**

We observed eight locations of unstabilized stockpiles of soil, gravel, and rock– two locations at the north-central area of the Site, four locations at the center of the Site, one location at the south-central area of the Site, and one location at the southwestern perimeter of the Site (refer to Attachment A, Photographs 1 through 5). Downgradient of the stockpiles, sediment barriers of silt fences and fiber rolls were observed along the southern perimeter of the Site, except at the stockpile located at the southwestern perimeter of the Site that lacked sediment controls on the downgradient area (see Area of Concern 5 for further details) (refer to Attachment A, Photograph 5).

The Inspection Team was unable to determine when stockpile materials would be used, or if perimeter controls were used during precipitation due to a lack of precipitation. However, the unstabilized soil and gravel stockpile located at the southwestern perimeter of the Site was observed next to a stormwater conveyance.

**5. Permit Part 2.2.3 (Install sediment controls along any perimeter areas of the site that will receive pollutant discharges.)**

*a. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control.*
*b. Exception. For areas at "linear construction sites" (as defined in Appendix A) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.*

And

**SWPPP Part 4.2 (Perimeter Controls)**

"Sediment controls will be installed along perimeter areas of the site that will receive stormwater from areas disturbed by construction related activities. Maintenance requirements include removing sediment before it has accumulated to one-half of the above-ground height of any perimeter control."

**(Area of Concern 5)**

We observed a location that lacked perimeter control downgradient of an unstabilized stockpile of soil and gravel on the southwestern perimeter of the Site that was adjacent to North Indian Creek (refer to Attachment A, Photograph 5). No signs of discharge were observed downgradient of the perimeter gap in North Indian Creek.

We also observed a location on the silt fence along the southern perimeter

where sediment had accumulated to approximately one-half of the above-ground height of the silt fence (refer to Attachment A, Photograph 7).

Additionally, we observed a lack of perimeter controls on the western, eastern, and northern perimeters of the Site.

6. **Permit Part 2.1.4 (Ensure that all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.)**

   a. *Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.*
   b. *If at any time you find that a stormwater control needs routine maintenance, you must immediately initiate the needed maintenance work, and complete such work by the close of the next business day.*
   c. *If at any time you find that a stormwater control needs repair or replacement, you must comply with the corrective action requirements in Part 5.*

   And

   **SWPPP Part 4.2 (Perimeter Controls, Erosion and Sediment Control #3- Silt Fence)**
   "Repair or replace split, torn, unraveled, or slumping silt fence when damage will reduce effectiveness. Sediment accumulations should be removed once one-third the height of the silt fence is reached."

   **(Area of Concern 6)**

   We observed three locations on the silt fence along the Site's southern perimeter that required maintenance and/or replacement due to deterioration and collapse (refer to Attachment A, Photographs 8 through 12).

7. **Permit Part 9.7.1.d (Turbidity Monitoring.)**

   *The permittee must conduct turbidity monitoring during construction activities and thereafter on days where there is a direct discharge of pollutants from an unstabilized portion of the site which is causing a visible plume to a water of the U.S.*

   *A properly and regularly calibrated turbidimeter is required for measurements analyzed in the field (preferred method), but grab samples may be collected and taken to a laboratory for analysis. If the permittee can demonstrate that there will be no direct discharge from the construction site, then turbidity monitoring is not required. When monitoring is required, a sample must be taken at an undisturbed area immediately upstream of the project area to establish background turbidity levels for the monitoring event. Background turbidity, location, date and time must be recorded prior to monitoring downstream of the project area. A sample must also be taken immediately downstream from any point of discharge and within any visible plume. The turbidity, location, date and time must be recorded. The downstream sample must be taken*

*immediately following the upstream sample in order to obtain meaningful and representative results.*

*Results from the compliance point sampling or observation must be compared to the background levels to determine whether project activities are causing an exceedance of state WQS. If the downstream turbidity is 50 NTUs or more than the upstream turbidity, then the project is causing an exceedance of WQS. Any exceedance of the turbidity standard must be reporting to the appropriate DEQ regional office within 24 hours. The following six (6) steps should be followed to ensure compliance with the turbidity standard:*

1. *If a visible plume is observed, quantify the plume by collecting turbidity measurements from within the plume and compare the results to Idaho's instantaneous numeric turbidity criterion (50 NTU over the background).*
2. *If turbidity is less than 50 NTU instantaneously over the background turbidity; continue monitoring as long as the plume is visible. If turbidity exceeds background turbidity by more than 50 NTU instantaneously then stop all earth disturbing construction activities and proceed to step 3.*
3. *Take immediate action to address the cause of the exceedance. That may include inspection the condition of project BMPs. If the BMPs are functioning to their fullest capability, then the permittee must modify project activities and/or BMPs to correct the exceedance.*
4. *Notify the appropriate DEQ regional office within 24 hours.*
5. *Possibly increase monitoring frequency until state water quality standards are met.*
6. *Continue earth disturbing construction activities once turbidity readings return to within 50 NTU instantaneously and 25 NTU for more than ten consecutive days over the background turbidity.*

*Copies of daily logs for turbidity monitoring must be available to DEQ upon request. The report must describe all exceedances and subsequent actions taken, including the effectiveness of the action.*

**(Area of Concern 7)**

We observed a location along the silt fence located at the south-central area of the Site that had collapsed with visible signs of erosion in the surrounding soil and evidence of discharge downgradient to North Indian Creek. At the time of the inspection, no flow was observed. Sediment had accumulated adjacent to the collapsed silt fence (refer to Attachment A, Photographs 10 through 12). Site Representatives stated that they had not conducted turbidity testing on discharge at this location or at any time in the history of the Site's operation. We observed turbidity both upstream and downstream of the potential discharge location in North Indian Creek; therefore, we were unable to determine if runoff had discharged at the location and if it had contributed to the creek's turbidity (refer to Attachment A, Photographs 13 through 16). It was, however, noted that North Indian Creek seemed to be receiving turbid runoff

from the adjacent agricultural fields to the south of the Site. North Indian Creek lacked turbidity further upstream of the potential discharge location, at the Site's southeastern perimeter, and increased in turbidity downstream where there were no visible discharge points along the Site (refer to Attachment A, Photograph 17).

# Section IV – Closing Conference

We held a closing conference at the conclusion of the inspection at approximately 10:10 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, Mr. Colter Hodge, and Mr. Dan Strauss of Syman, LLC.

- Area of Concern 1 – SWPPP Site map not reflective of locations of stockpiles and perimeter controls;
- Area of Concern 2 – The SWPPP Subcontractor Certification/Agreement Form not signed by all parties;
- Area of Concern 3 – Delay in implementation of corrective actions prompted by Site inspections;
- Area of Concern 4 – Unstabilized soil, gravel, and rock stockpiles, and one that lacked downgradient sediment barriers;
- Area of Concern 5 – Sediment accumulation at silt fence, a location on the southwestern perimeter that lacked perimeter control, and a lack of perimeter controls on the western, eastern, and northern perimeters of the Site;
- Area of Concern 6 – Deteriorated and collapsed locations along the silt fence;
- Area of Concern 7 – Signs of erosion and evidence of discharge downgradient to North Indian Creek from a collapsed silt fence and no turbidity testing performed.

The closing conference concluded at approximately 10:20 a.m.

# Attachment A – Photograph Log and Photos

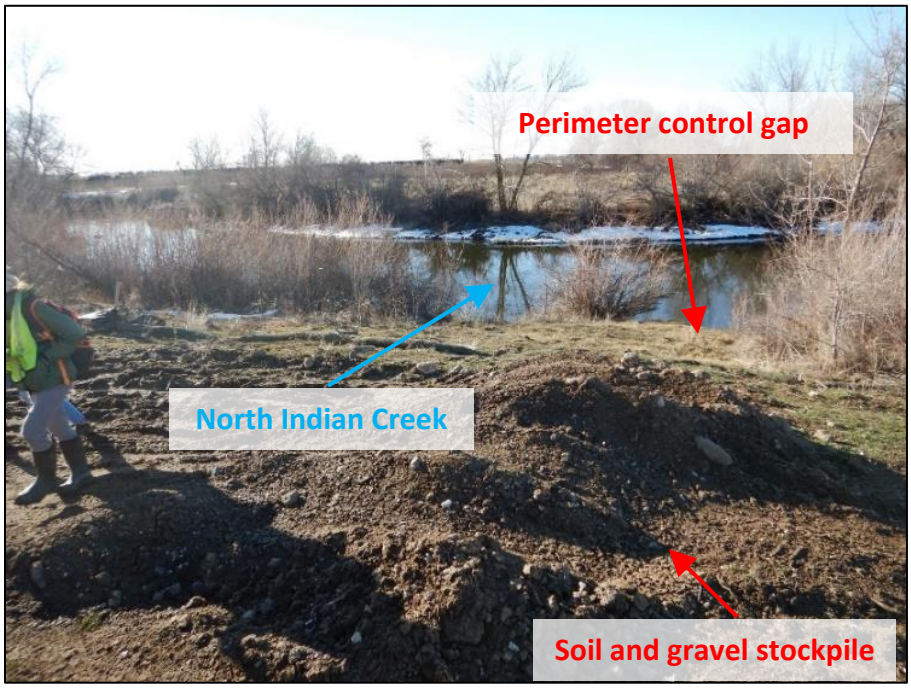
## Photograph Log

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.

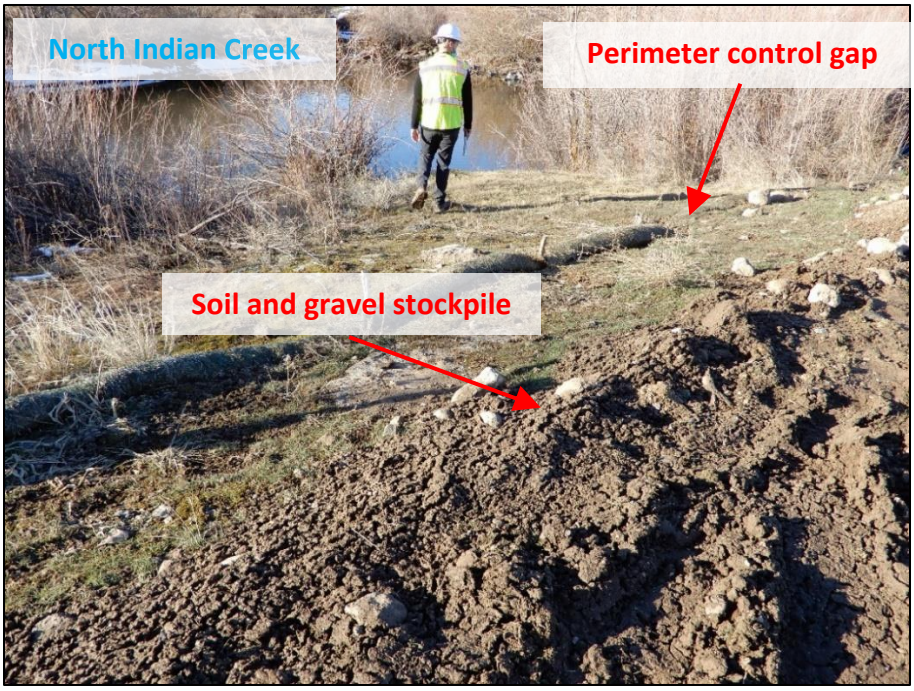

**Photograph 1.** View, facing west, of two unstabilized soil, gravel, and rock stockpiles located at the north-central location of the Site. Downgradient perimeter controls were observed.


**Photograph 2.** View, facing west, of four locations of unstabilized soil, gravel, and rock stockpiles located at the center of the Site. Downgradient perimeter controls were observed at the Site's southern perimeter.

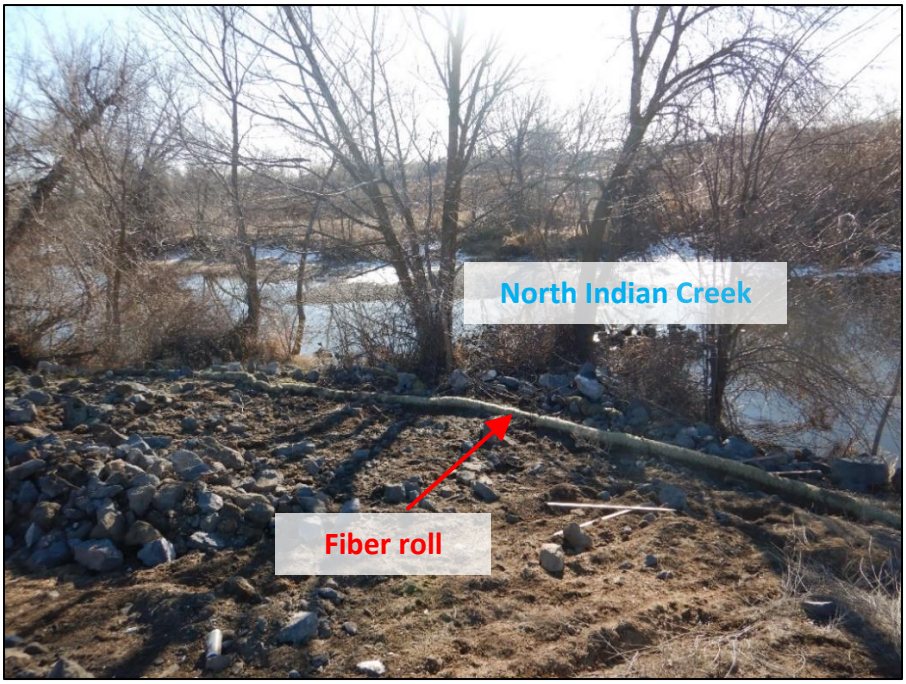

**Photograph 3.** View, facing north, of unstabilized soil stockpile located at the south-central area of the Site. Downgradient perimeter controls were observed.




**Photograph 4.** View, facing south, of an unstabilized stockpile of soil and gravel located on the southwestern perimeter of the Site. Downgradient of the stockpile is the North Indian Creek. Note that directly downgradient the stockpile did not have sediment barriers installed and a gap in the fiber roll used for perimeter control.




**Photograph 5.** Another view, facing southwest, of the unstabilized stockpile of soil and gravel shown in Photograph 4. Note that the stockpile did not have sediment barriers installed on the downgradient perimeter area and the gap in perimeter control. No signs of discharge were observed downgradient in North Indian Creek.



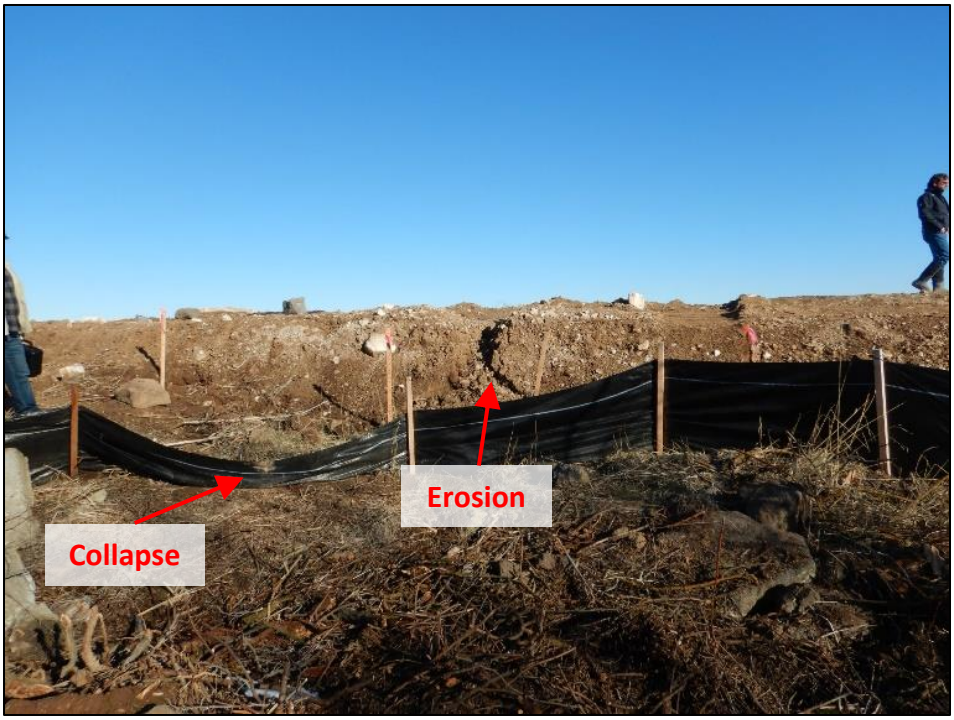

**Photograph 6.** View, facing south, of a fiber roll installed across the Site's southern perimeter that had not been labeled on the Site's SWPPP map. The fiber roll is located east of Photograph 5.


**Photograph 7.** View, facing southeast, of sediment that had accumulated to approximately one-half of the above-ground height of the silt fence. The sediment is located east of Photograph 5.

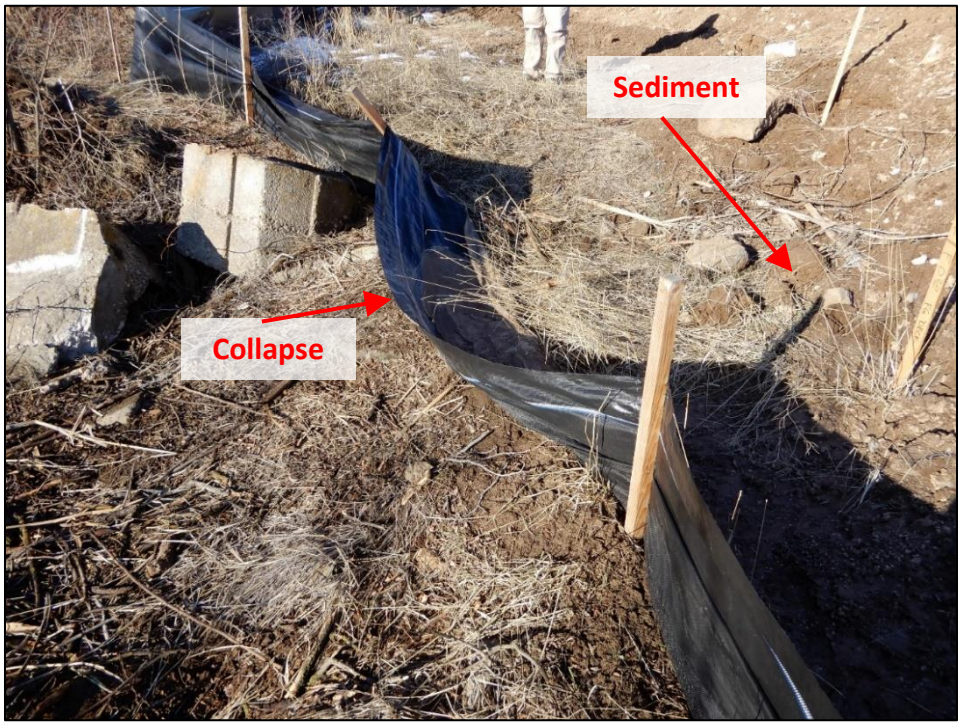

**Photograph 8.** View, facing south, of a collapsed silt fence along the Site's southern perimeter. The silt fence is located east of Photograph 7.


**Photograph 9.** View, facing south, of a section of the silt fence along the Site's southern perimeter. Note the deterioration. The silt fence is located east of Photograph 8.

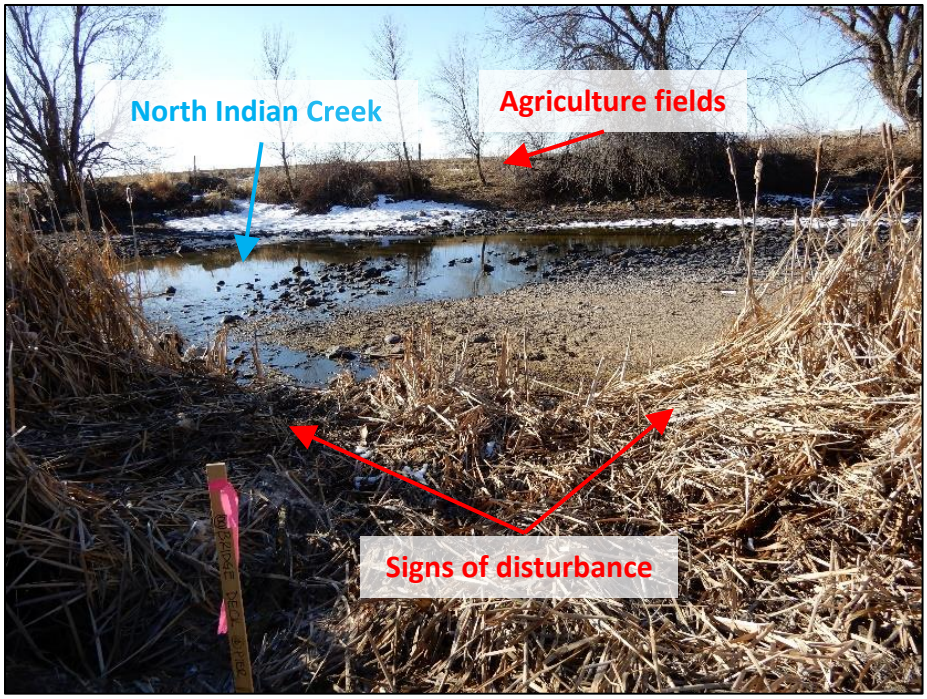

**Photograph 10.** View, facing east, of a collapsed silt fence along the Site's south-central perimeter. Note the erosion and sediment adjacent to the silt fence.




**Photograph 11.** Another view, facing north, of a collapsed silt fence along the Site's southern perimeter as shown in Photograph 10. Note the erosion to the north of the collapsed silt fence.




**Photograph 12.** Another view, facing southwest, of a collapsed silt along the Site's southern perimeter as shown in Photographs 10 and 11. Note the sediment adjacent to the silt fence.




**Photograph 13.** View, facing south, of the North Indian Creek directly downgradient of a collapsed silt fence along the Site's southern perimeter as shown in Photographs 10 through 12. Note the signs of disturbance of the vegetation.

**Photograph 14.** View, facing south, of North Indian Creek directly downstream of the location shown in Photographs 10 through 13. The turbidity appeared upstream as well as downstream of the location.


**Photograph 15.** View, facing southeast, immediately upstream of the potential discharge location in North Indian Creek shown in Photographs 13 and 14. Note the turbidity in the creek.


**Photograph 16.** View, facing southwest, immediately downstream of the potential discharge location shown in Photographs 13 and 14 in North Indian Creek. Location is west of the location in Photograph 15. Note the turbidity in the creek.

**Photograph 17.** View, facing southeast, of the southeastern perimeter of the Site. Note North Indian Creek in the background that lacks turbidity. No other discharge points were observed between this location and the location shown in Photograph 13.

# Attachment B – Exhibit Log


**Exhibit 1.** Google map (copyright date: 2021). Location of Rising Sun Subdivision in Kuna, Idaho. Note the approximate Site perimeter outlined with the dotted yellow line, the Site entrance, and the potential discharge point.

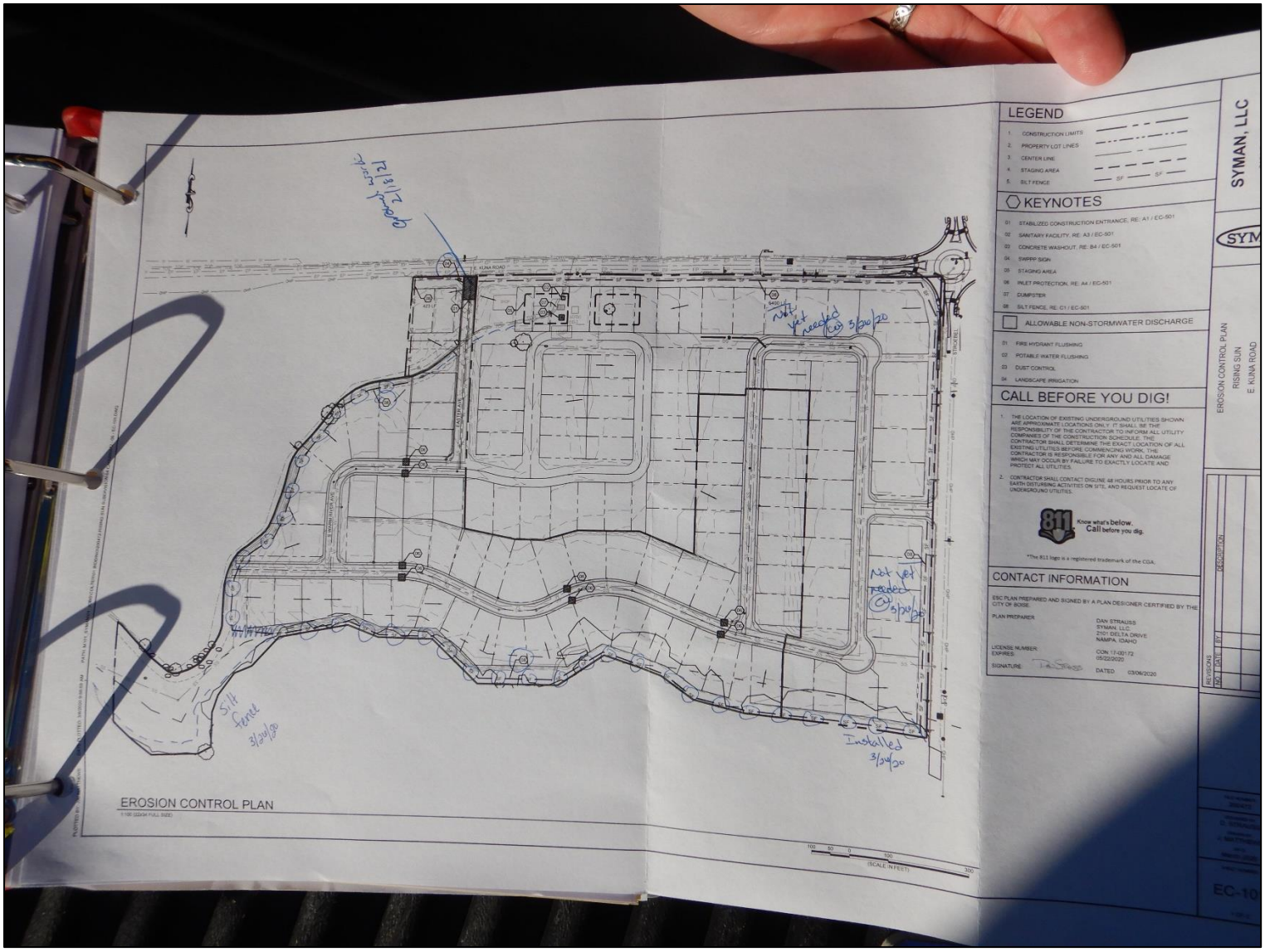



**Exhibit 2.** Image of the Site map provided on Site of Rising Sun Subdivision. It was noted that the Site map does not identify locations of stockpiles and that the labeled Site perimeter controls were not reflective of the Site conditions at the time of the inspection.