



Ref: 8 Montana

BEL Investments Poplar, MT, LLC  
2862 Dauphin Street  
Mobile, Alabama 36606

Realty Income Properties 20, LLC  
C/O Realty Income Corporation  
11995 El Camino Real  
San Diego, California 92130

Re: Inspection Report for Poplar Family Dollar, Unpermitted

Dear BEL Investments and Realty Income:

On July 23, 2024, representatives of the U.S. Environmental Protection Agency inspected the Family Dollar construction site in Poplar, Montana, to evaluate compliance with the site's National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) for Stormwater Discharges from Construction Activities. The inspection was conducted under the authority of Section 308 of the Clean Water Act (Act). Enclosed is a report of the inspection.

Based on the information reviewed and obtained during the inspection, I did not document any findings and am not requesting additional information at this time. Recommendations are provided in a table titled "Recommendations" at the end of the report.

Please note, in the spirit of government transparency, EPA Region 8 has implemented an initiative to make inspection reports publicly available on the EPA's ECHO website (<https://echo.epa.gov/>). If you become aware of inaccuracies or have concerns about confidential business information or personal identifiable information contained in the report, please contact me as soon as practicable. This report will likely become publicly available within 10 days.

Please contact me at 406-457-5022 or [Prideaux.Lisakay@epa.gov](mailto:Prideaux.Lisakay@epa.gov) if you have any questions regarding this letter or the enclosed report.

Sincerely,

**Prideaux,  
LisaKay**

Digitally signed by  
Prideaux, LisaKay  
Date: 2024.09.20 08:10:25  
-06'00'

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

Enclosures:

- 1) NPDES Stormwater Construction Inspection Report
- 2) Photo Log

cc (electronic):

David Ajnassian, Esq, Realty Income Corporation  
Robin Brockett, Legal assistant, Realty Income Corporation  
Andrew L. Smith, Counsel, Elcan & Associates  
David Collins, Project Engineer, WWC Engineering  
Gary Melby, SWPPP Administrator, Corland Construction, LLC

## NPDES Stormwater Inspection Report

| National Database Information                                        |                                          |
|----------------------------------------------------------------------|------------------------------------------|
| Inspection Date: 07/23/2024                                          | Inspection Type: Stormwater Construction |
| Entry/Exit Time: 11:10 / 11:30                                       | NPDES ID Number: Unpermitted             |
| NAICS Code:                                                          | Inspection ID: 202407_PoplarFamilyDollar |
| Lead inspector and affiliation: Lisa-kay Prideaux – US EPA Inspector |                                          |
| Inspector and affiliation:                                           |                                          |
| Inspector and affiliation:                                           |                                          |

| Facility Location Information (Name/Location/ Mailing Address)                                                       |                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Site/Facility Name & Location:<br><b>Poplar Family Dollar</b><br><b>6090 BIA Route 75</b><br><b>Poplar, MT 59255</b> | Mail Report to:<br>BEL Investments Poplar, MT, LLC<br>2862 Dauphin Street<br>Mobile, Alabama 36606<br><br>Realty Income Properties 20, LLC<br>C/O Realty Income Corporation<br>11995 El Camino Real<br>San Diego, California 92130 |

| Contact Information                             |                                                                                 |
|-------------------------------------------------|---------------------------------------------------------------------------------|
|                                                 | Name(s)/Title                                                                   |
| Facility Contacts:                              | <b>David Collins, Project Engineer, WWC Engineering (not present)</b>           |
|                                                 | <b>Gary Melby, SWPPP Administrator, Corland Construction, LLC (not present)</b> |
|                                                 | <b>Lereisa Hagadon, Manager on duty, Poplar Family Dollar</b>                   |
| Person/Company meeting definition of "Operator" | <b>Poplar Family Dollar</b>                                                     |
| Authorized Official(s)                          | <b>David Collins, Project Engineer, WWC Engineering (Not present)</b>           |

| Permit Information                                             |                                              |                                                      |                                  |
|----------------------------------------------------------------|----------------------------------------------|------------------------------------------------------|----------------------------------|
| Is the permit on site and available? unpermitted               |                                              | Date NOI Submitted: unpermitted                      |                                  |
| Effective Date: unpermitted                                    |                                              | Expiration Date: unpermitted                         |                                  |
| Construction Start Date:<br><b>May 15, 2023</b>                | Percent complete:<br><b>Project complete</b> | Estimated Completion Date:<br><b>October 2, 2023</b> |                                  |
| Disturbed Area:<br><b>1.75-acres</b>                           | Total Project Area:<br><b>2.08-acres</b>     | Latitude:<br><b>48.115651</b>                        | Longitude:<br><b>-105.151760</b> |
| Receiving Water(s): Missouri River                             |                                              |                                                      |                                  |
| If applicable, is waiver certification & approval on file? N/A |                                              |                                                      |                                  |

Regulatory Inspector's source of information: Montana Cadastral, facility representative phone conversations and emails, and field observations.

#### 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> | <i>Building Const.</i> | <i>Final Grading</i> | <b><u>Final Stabilization</u></b> |              |
| Weather conditions during inspection: <b>Clear sky, sunny, 86°F</b> |                          |                                     |                       |                        |                      |                                   |              |

#### Areas Evaluated During Inspection

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

#### Report Review and Signature

| Drafter                                                                                                                                                                                              | Address/Phone Number                                                                                                                     | Date              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|  <p><b>Prideaux, LisaKay</b><br/> Digitally signed by Prideaux, LisaKay<br/> Date: 2024.09.20 08:10:57 -06'00'</p> | <b>U.S. EPA Region 8, Montana Operations Office</b><br><b>10 West 15<sup>th</sup> Street, Suite 3200</b><br><b>Helena, Montana 59626</b> |                   |
|                                                                                                                                                                                                      | <b>406-457-5022</b>                                                                                                                      |                   |
| Management Signature/Name                                                                                                                                                                            | Address/Phone Number                                                                                                                     | Date              |
|  <p><b>EMILIO LLAMOZAS</b><br/> Digitally signed by EMILIO LLAMOZAS<br/> Date: 2024.09.19 15:43:11 -06'00'</p>    | <b>U.S. EPA Region 8</b><br><b>1595 Wynkoop Street</b><br><b>8ECA-W-NW</b><br><b>Denver, Colorado 80202</b>                              | <b>09/19/2024</b> |
|                                                                                                                                                                                                      | <b>303-312-6407</b>                                                                                                                      |                   |
| <b>Emilio Llamozas</b>                                                                                                                                                                               |                                                                                                                                          |                   |

## Inspection Narrative and Site Description

### **Entry/Introduction:**

On Tuesday, July 23, 2024, U.S. Environmental Protection Agency (EPA) inspector Lisa-kay Prideaux, conducted an announced inspection to evaluate compliance with the Clean Water Act and the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) for Stormwater Discharges from Construction Activities. The inspection commenced at approximately 11:10, when Lisa-kay arrived at the facility and presented credentials and identification to Leriesa Hagadon, Manager on duty at the Family Dollar store. The Manager on duty did not accompany the inspector during the site visit. Throughout the inspection, observations and photograph descriptions were documented. All photographs taken during the inspection are included in the attached photo log and are maintained by EPA in accordance with the Quality Assurance Field Activities Procedure and Standard Operating Procedure.

### **Background:**

On May 29, 2024, EPA personnel were contacted regarding a potential problem at the Family Dollar construction site located in Poplar, Montana. The potential problem arose when the contractor for the construction project tried to submit a Notice of Termination (NOT) for the construction project. When doing so, the contractor realized the Notice of Intent (NOI, application) to comply under the CGP was never authorized due to an electronic signature issue. The contractor moved forward with the construction project unaware, at the time, that coverage was not authorized. When the contractor identified that an NOT could not be issued, they contacted EPA to inform them of the noncompliance. Through several weeks of communication with the contractor, and Family Dollar's attorney, it was deemed a site visit to determine if the project site met the final stabilization conditions of a NOT, or if a NOI would be required to be completed and a permit issued until those conditions could be met.

### **Site visit:**

The site inspection included a self-guided walk around the Family Dollar store. The inspector started in the southeast corner of the lot where a constructed swale was located between Route 75 and the store parking lot. There was a riprap apron constructed (photo 60) for the purposes of stormwater entering the swale to not create erosion rills. The inspector walked along the inside of the swale heading west (photo 61) and noted the slope of the swale in the same direction. At the west end of the swale, there appeared to be a detention/infiltration area (photo 62) where the bottom of the swale was graveled. The inspector then walked around the building starting with the west side (photo 63), then the back of the store (photo 64), and finally the east side of the building and parking lot (photo 65). All areas of the previous construction site were heavily vegetated with no signs of an unstabilized area. The post-construction best management practice of the swale and detention/infiltration pond were also well vegetated, established and maintained. The site also had an outdoor dumpster located on the northeast corner of the building and parking lot (can be seen in photo 65), for good housekeeping practices. After notifying the Manager on duty, the inspector left the site at approximately 11:30.

## Recommendations

### **Recommendation #1:**

Ensure that a Notice of Intent (NOI) for coverage under the Construction General Permit (CGP) is obtained by the owner and operator of the site before construction begins.