



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

Inspection Date:	02/23/2021	
Time:	Entry: 1:45 p.m.	Exit: 4:30 p.m.
Media:	Water	
Regulatory Program:	CWA NPDES/Construction Stormwater	
Operator Name(s):	Toll Brothers, Inc. – (Notice of Intent IDR100113)	
Operator Addresses:	3103 W. Sheryl Drive Suite 100	
Operator City, State, Zip Code:	Meridian, Idaho 83642	
Site Name:	The Oaks North	
Site Physical Location:	5380 W. McMillian Road	
	Latitude/Longitude	43.6505°N, 116.4684°W
City, State, Zip Code:	Meridian, Idaho 83646	
Site Contact(s):	Brett Calhoun, Stormwater Compliance Inspector Phone: (408) 603-4889 Email: jcalhoun@tollbrothers.com	Toll Brothers, Inc.
County:	Ada County, Idaho	
Site Identifier:	The Oaks North	
Estimated Site Area to be Disturbed:	228.25 acres	
Site Receiving Water(s)	South Slough Canal and West Tap Sublateral	
Site Receiving Water(s) Description:	Irrigation canals	
NPDES Permit:	2017 EPA Construction General Permit (CGP)	
EPA Site Tracking Numbers:	IDR1000113	
Notice of Intent (NOI) Site Timeline(s):	Start Date: 12/01/2018	End Date: 12/31/2025
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 – U.S. Environmental Protection Agency	U.S. EPA Inspector	(208) 378-5754

EPA Region 10 Recipient: Brian Levo		
Signature:	BRIAN LEVO Digitally signed by BRIAN LEVO Date: 2021.04.27 10:10:53 -07'00'	Date:

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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 U.S. EPA Region 10 Inspector Charissa Bujak, (hereafter, we or Inspection Team) conducted a construction stormwater inspection of The Oaks North construction project (hereafter, Site) operated by Toll Brothers, Inc (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 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 attempted via phone call to the Site Contact, Mr. Don Reynolds at approximately 11:45 a.m. on the day of the inspection without success. The Inspection Team was subsequently contacted by another Toll Brothers representative, Mr. Kris Monach. Mr. Monach informed the Inspection Team that Mr. Brett Calhoun of Toll Brothers, Inc. was responsible for all Permit-related inspections and BMP maintenance. The Inspection Team contacted Mr. Calhoun at approximately 12:00 p.m. and scheduled to meet on Site at 1:30 p.m. Upon arriving at the Site at the scheduled time, we observed active construction activities occurring and located Mr. Calhoun. At that point, we proceeded to conduct an opening conference with Mr. Calhoun at the northeast area of Phase 4 on North Christian Road. Toll Brothers, Inc. staff had elected to conduct weekly inspections plus inspections after qualifying rain events (i.e. greater than 0.25" in 24 hours). Toll Brothers, Inc. staff used 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. Calhoun, exchanged business cards, and informed him of the purpose of the Site inspection.

Site Description

The Site is located off West McMillian Road in the City of Meridian, approximately 13 miles northwest of downtown Boise, ID. The Site is comprised of construction activities for a planned single-family home residential community. The Site's southern perimeter extends along West McMillian Road. The Site's eastern perimeter extends along North Black Cat Road and private residential land. Private residential land is also located to the west of the site. A combination of private agriculture land and South Slough Canal serve as the Site's northern perimeter. For an aerial image of the Site, refer to [Attachment B, Exhibit 1](#). The Site's total planned disturbance area is 228.25 acres as described in the Site's Notice of Intent (NOI), which was certified by Mr. Thomas Coleman on November 12, 2018. At the time of the inspection, the phases covered under the Permit (Phases 4-7) were in various stages of development.

Phases 4, 5, and 7 had completed rough grading and were in the process of installing underground utilities, roadways, and sidewalks. Phase 6 was undergoing rough grading and preparation for utilities installation. Storm drains had been installed around the perimeters of Phases 4, 5, and 7 and connected to the City of Meridian's municipal separate storm sewer system (MS4). Phase 6 was awaiting storm drain installation. The official receiving waters for stormwater discharges from the Site include the South Slough Canal and West Tap Sublateral (an irrigation canal) as described in the Site NOI. Mr. Calhoun explained to the Inspection Team that upon completion, the Site would drain to an internal storm sewer system and connect to the Meridian MS4.

Documents Requested During Inspection

Due to the ongoing COVID-19 pandemic, the Inspection Team requested Site documentation to be available at the time of the inspection but did not review documentation in detail onsite. Electronic documents were requested by email on February 25, 2021. The below documents were provided on March 19, 2021. The site provided inspection reports for the previous three months of inspection December 7, 2020 through February 22, 2021. 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 stormwater pollution prevention plan (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 Mr. Calhoun, began the Site walk-through at approximately 2:15 p.m. At the time of the inspection, the weather was mostly sunny with temperatures in the lower-40s and a steady, moderate wind.

We began the Site walk-through on North Christian Road in Phase 4. We began by observing Site conditions in Phases 4, 5, and 7 as they were all adjacent to each other. We then proceeded to Phase 6 of the Site and observed the South Slough Canal.

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

In Phases 4, 5 and 7, we observed initial construction activities that consisted of rough grading and sewer infrastructure installation. In Phase 6, we observed initial construction activities of rough grading. Overall, we observed a lack of perimeter and erosion and sediment control best management practices (BMPs) implemented throughout all phases. Additionally, Site access was not restricted to a single entry or exit point, and Site access points had not been stabilized to prevent sediment track-out (refer to Section III, Areas of Concern below for more details).

Starting in Phase 4, we progressed along the Site's northern perimeter and observed three locations on West Avilla Drive that construction vehicle access had not been restricted to properly designated exit points (refer to Area of Concern 3). We observed an uncovered 500-gallon fuel tank adjacent to an access point on the eastern end of West Avilla Drive that lacked secondary containment and had

petroleum residue on the outside of the tank (refer to Area of Concern 4). We continued to the southern area of Phase 4 and observed an unstabilized soil stockpile on North Sunfield Road adjacent to a Site access point on West Millano Drive (refer to Area of Concern 5). We also observed a non-designated and unstabilized access point on North Sunfield Road adjacent to the soil stockpile (refer to Area of Concern 3).

We then proceeded to the west along the southern perimeter of Phase 4 and south into Phases 5 and 7. We progressed along the southern perimeter of Phases 5 and 7 adjacent to West McMillian Road and observed a lack of perimeter controls (refer to Area of Concern 6). In addition, along the Site's southern perimeter we observed a berm that had been compacted and tracked parallel to the slope instead of perpendicular (refer to Area of Concern 6). Along the southwestern perimeter of Phase 5 we observed a dirt swale that led to an unprotected MS4 inlet that received runoff from the Site (refer to Area of Concern 7).

We then proceeded to Phase 6 in the northern area of the Site. As we approached the Site access point for Phase 6, we observed that the Site access point had an improperly installed aggregate rock track-out control at the construction access point (refer to Area of Concern 3). As we progressed along the western perimeter of Phase 6, we observed uncontained construction debris and waste (refer to Area of Concern 8). As we approached the northern perimeter of the Site, we encountered a drainage/dewatering ditch. We followed the drainage ditch to the northern perimeter of the Site where it connected with South Slough Canal. We observed that the drainage ditch was causing erosion and sediment build up in the South Slough Canal at the confluence of the ditch and the canal (refer to Area of Concern 9).

We concluded the Site walk-through portion of the inspection back on North Christian Road in Phase 4 at approximately 4:15 p.m.

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 7.3 (On-Site Availability of Your SWPPP)

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a state, tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).

EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.

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

(Area of Concern 1)

During the initial onsite records review, we observed that the SWPPP Site map and additional Site maps were not included in the SWPPP did not include all minimum information as required by Part 7.2.4 of the Permit. Specifically, the Site map did not identify the elements required by Part 7.2.4.b through 7.2.4.j of the Permit. Mr. Calhoun stated that additional Site maps existed that depicted the required elements, but at the time of the inspection, they could not be located (refer to Attachment B, Exhibits 2 and 3).

During the post-inspection records review, we observed additional SWPPP Site maps that Mr. Calhoun provided (refer to Attachment D). We observed the following information not included in the SWPPP Site maps:

- Approximate slopes before and after major grading activities (Permit Part 7.2.4.b.ii)
- Locations where sediment, soil, or other construction materials will be stockpiled (Permit Part 7.2.4.b.ii) - We observed one soil stockpile on North Sunfield Road adjacent to a Site access point on West Millano Drive in Phase 4 (refer to Attachment A, Photograph 1).

2. Permit Part 4.6.6 (Requirements for Inspections)

If a discharge is occurring during your inspection:

- Identify all discharge points at the site; and;*
- Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants.*

AND

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 2)

During the post-inspection records review, it was unclear if discharges were being identified or the visual quality of the discharges were observed during inspections. Wet Weather inspection reports conducted by the permittee were provided for qualifying rain events on December 16, 2020, January 4, 2021, February 1, 2021, and February 12, 2021. In all cases there was no evidence that the Site was inspected for the presence of discharges (refer to Attachment C).

Additionally, we observed eight conditions stated in the inspection reports that were in need of corrective actions as observed by Toll Brothers, Inc. staff and additional 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 (refer to Attachment C):

1. On December 7, 2020, track-out had been observed on Christian Ave. The action had stated to be corrected on the future date of December 11, 2020. On December 14, 2020, the action was stated to be unaddressed. It was unclear to the Inspection team the status of the corrective action from the reports.
2. On December 4, 2020, significant amounts of sediment were observed in the street gutters. The action had stated to be corrected on the future date of December 10, 2020. On December 11, 2020, the action was stated to be unaddressed. It was unclear to the Inspection team the status of the corrective action from the reports.
3. On December 11, 2020, concrete washout was reported to be in need of service. The action had stated to be corrected on the future date of December 14, 2020. On December 16, 2020, the action was stated to be unaddressed. It was unclear to the Inspection team the status of the corrective action from the reports.
4. On December 28, 2020, significant amounts of sediment were observed in the street gutters. The action had stated to be corrected on the future date of January 5, 2021. On January 4, 2021, and January 11, 2021, the action was stated to be unaddressed. It was unclear to the Inspection team the status of the corrective action from the reports.
5. On January 4, 2021, concrete washout was noted to be full. The action had stated to be corrected the next day; therefore, within the Permit deadline. However, on January 11, 2021, the action was stated to be unaddressed.

6. On January 11, 2021, track-out had been observed within Phase 4 roadways and near the south entrance of Phase 6. The action had stated to be corrected on January 15, 2021. On January 18, 2021, the action was stated to be unaddressed. It was unclear to the Inspection team the status of the corrective action from the reports.
7. On January 21, 2021, the stockpile storage area needed entrance stabilization and significant track-out throughout the home building area was observed. The actions had stated to be corrected on January 29 and 27th, 2021, respectively. On January 28, 2021, the actions had been stated to be unaddressed. On February 1, 2021, entrance stabilization was still stated to be unaddressed. It was unclear to the Inspection team the status of the corrective action from the reports.
8. On January 25, 2021, track-out had been observed on N. Rustic Oak Way outside Phases 4, 5, and 6. The action had stated to be corrected on January 29, 2021. On February 1, 2021, the action was stated to be unaddressed. It was unclear to the Inspection team the status of the corrective action from the reports.

Field Observation Areas of Concern

3. 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.*

AND

SWPPP Part 4.3 (Sediment track out)

"The contractor will eliminate or control tracking of sediment from the site through implementation of the following:

- Establish stabilized entrances (See Stabilized Construction Entrance BMP below).
- Establish stabilized staging areas (See Staging Area BMP below).
- Control construction traffic through the use of project signs and coordination with project leaders.
- Keep construction traffic on established roadways as much as possible.
- If tires become excessively dirty, manually clean mud or dirt from tires with brooms and shovels prior to the equipment exiting the site.

Only allow equipment and trucks on bare soil when absolutely necessary.”

And

SWPPP Part 4.3 (Eliminate tracking, stabilized construction entrances)

“A temporary sediment removal device—normally a pad of crushed rock or stone — can be installed at the approach from a construction site to a public roadway to stabilize the road. This BMP is used to limit sediment tracking from vehicles and equipment leaving the construction site onto public right-of-way. A stabilized construction entrance is appropriate in the following locations:

- Wherever vehicles are entering or leaving a construction site to or from a public right-of-way, road, street, alley, sidewalk, or parking area.

At any unpaved entrance/exit location where there is a risk of transporting mud or sediment onto paved roads.”

(Area of Concern 3)

We observed that construction vehicle access had not been restricted to properly designated exit points in Phase 4. We observed three locations along the northern perimeter of Phase 4 on West Avilla Drive and one area on North Sunfield Road where the Site had been accessed by vehicles or construction equipment at non-designated exits. In all instances, stabilization techniques had not been installed at points where vehicle traffic entered on to paved roadways (refer to Attachment A, Photographs 1 through 6).

Additionally, we observed an improperly installed aggregate rock track-out control at the Phase 6 construction access point. The aggregate rock installed for the tracking control did not extend all the way to the pavement. As a result, an area of exposed soil was left between the pavement and the rock tracking pad (refer to Attachment A, Photograph 7).

4. Permit Part 2.3.1 (For equipment and vehicle fueling and maintenance:)

“Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities.

Examples of effective means include:

- *Locating activities away from waters of the U.S. and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the U.S.;*
- *Providing secondary containment (e.g., spill berms, decks, spill containment pallets) and cover where appropriate; and*
- *Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.”*

And

SWPPP Part 5.5.3 (Diesel, oil, hydraulic fluids, and other chemicals)

“Paving material will be the largest source of petroleum and chemical products used on site. See also Pollution Prevent Practice #1 – Vehicle Fueling & Maintenance BMP above. No other petroleum products or chemicals are expected to be stored/used on site.”

(Area of Concern 4)

We observed a 500-gallon fuel tank adjacent to the access point on the eastern end of West Avilla Drive in Phase 4 that was not under a cover and did not have secondary containment. No spill kit was observed in the area to respond to any spills or leaks that occurred. Additionally, the fuel tank was observed to have petroleum residue on the outside of the tank (refer to Attachment A, Photograph 8).

5. Permit Part 2.2.5 (Erosion and Sediment Controls)

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 (Stockpiled soil and sediment)

“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 back filled in one day.
- Monitor weather to anticipate possible storm events.
- Keep extra materials such as sand bags, sheeting, and perimeter controls on site for use when precipitation is eminent.
- Apply dust control water regularly to stockpiles of materials susceptible to wind erosion.”

(Area of Concern 5)

The Inspection Team could not determine when the stockpile materials would be used, or if perimeter controls were used during precipitation, since no precipitation was observed.

We observed an unstabilized soil stockpile on North Sunfield Road adjacent to the Site access point on West Millano Drive in Phase 4. The stockpile was positioned adjacent to an unstabilized Site entrance in Phase 4 and appeared to be contributing to sediment track-out occurring in the area. We observed that the stockpile did not have any sediment barriers along the downgradient perimeter area on the roadway (refer to [Attachment A, Photograph 1](#)).

6. Permit Part 2.2.3 (Erosion and Sediment Control Requirements)

Install sediment controls along any perimeter areas of the site that will receive pollutant discharges.

And

SWPPP Part 4.2 (Perimeter control)

“Sediment controls will be installed along perimeter areas of the site that will receive stormwater from areas disturbed by construction related activities.”

(Area of Concern 6)

We observed a lack of effective sediment controls along the southern perimeter of the Site adjacent to West McMillian Road. We observed that the disturbed area along Phases 5 and 7 were adjacent to West McMillian Road and received runoff from the Site. No perimeter controls had been installed to prevent sediment from leaving the Site (refer to Attachment A, Photograph 9).

Additionally, along the Site’s southern perimeter, an earthen berm had been constructed as a part of the permanent landscaping plan. We observed that the berm had been compacted and tracked. However, the tracking was parallel to the slope instead of perpendicular, creating the potential for increased erosion (refer to Attachment A, Photograph 10).

7. Permit Part 2.2.10 (Protect storm drain inlets.)

- a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from your site to a water of the U.S., provided you have authority to access the storm drain inlet; and*
- b. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.*

And

SWPPP Part 4.9 (Storm drain inlets)

“Storm drain inlets installed as part of the project will be protected as soon as practicable. Existing storm drains that have the potential to receive silt laden run off from earth disturbing activities will be protected before the start of construction.”

(Area of Concern 7)

In the southwestern corner of Phase 5 we observed an unstabilized earthen swale that led to an unprotected MS4 inlet (refer to Attachment A, Photographs 11 and 12). During the post-inspection document review it was noted that the unprotected inlet was not identified as a discharge point on the Site’s SWPPP map (refer to Attachment D).

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

e. 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.*

And

SWPPP Part 5.5.5 (Construction and domestic Waste)

“Prevent or reduce the discharge of pollutants from the site by properly handling construction site wastes. Construction rubbish and debris will be placed in trucks or an on-site dumpster daily and disposed of properly. Soil will be disposed of at the county landfill or existing permitted gravel pit. Trash will be taken to the county landfill and re-usable items will be taken to the contractor’s storage facility. A dumpster will be kept on the site when needed. All waste containers will have a lid, cover, or similarly effective means to minimize discharge of pollutants. Waste container lids must be closed when not in use and at the end of the business day...”

(Area of Concern 8)

We observed uncontained construction waste and debris along the western perimeter of Phase 6. Mr. Calhoun stated that it had been windy in the previous week and that the waste had likely been blown into Phase 6 from other areas of the Site (refer to Attachment A, Photograph 13).

9. Permit Part 3.1 (General Effluent Limitation to Meet Applicable Water Quality Standards)

Discharges must be controlled as necessary to meet applicable water quality standards. Discharges must also comply with any additional state or tribal requirements that are in Part 9.

In the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that discharges are not being controlled as necessary to meet applicable

water quality standards, you must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4.

And

Permit Part 2.4 (Construction Dewatering Requirements)

Comply with the following requirements to minimize the discharge of pollutants in ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, in accordance with Part 1.2.2.42

2.4.1 *Treat dewatering discharges with controls to minimize discharges of pollutants.*

(Area of Concern 9)

We observed a drainage/dewatering ditch along the western perimeter of Phase 6 that had been installed within the Site. At the time of the inspection, the ditch did not have flow in it. We observed that rock check dams had been installed along the length of the ditch. Mr. Calhoun stated that these had been installed to help reduce erosion and sediment discharges. The ditch met with the South Slough Canal at the northern perimeter of Phase 6. At the confluence of the drainage ditch and South Slough Canal, we observed an erosional cut and sediment deposited within South Slough Canal. At the time of the inspection, there was no water flowing in South Slough Canal (refer to Attachment A, Photographs 14 through 16).

Section IV – Closing Conference

We held a closing conference at the conclusion of the inspection at approximately 4:15 p.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 Mr. Brett Calhoun.

- Area of Concern 1 – Site map and SWPPP maps did not depict all the Permit required elements;
- Area of Concern 2 – A lack of checking for the presence of stormwater discharges, and a delay of implementing corrective actions;
- Area of Concern 3 – Site access was not restricted to designated stabilized exits, and an improperly installed aggregate rock track-out control was observed;
- Area of Concern 4 – A 500-gallon fuel tank stored without cover or secondary containment;
- Area of Concern 5 – An unstabilized soil stockpile without sediment barriers along the downgradient perimeter area;
- Area of Concern 6 – A lack of effective perimeter controls, an earthen berm with potential for increased erosion;
- Area of Concern 7 – An unprotected storm drain inlet along the Site’s southern perimeter;
- Area of Concern 8 – Uncontained construction waste and debris;

- Area of Concern 9 – Erosion and sedimentation caused by the drainage/dewatering ditch in Phase 6.

The closing conference concluded at approximately 4:30 p.m.

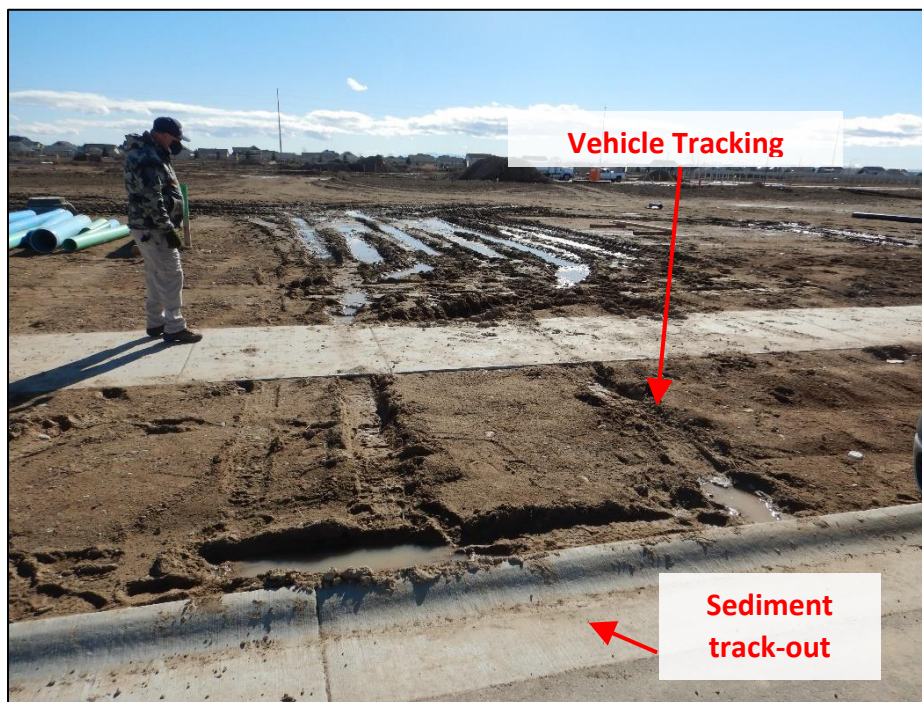
Attachment A – Photograph Log and Photos

Photograph Log

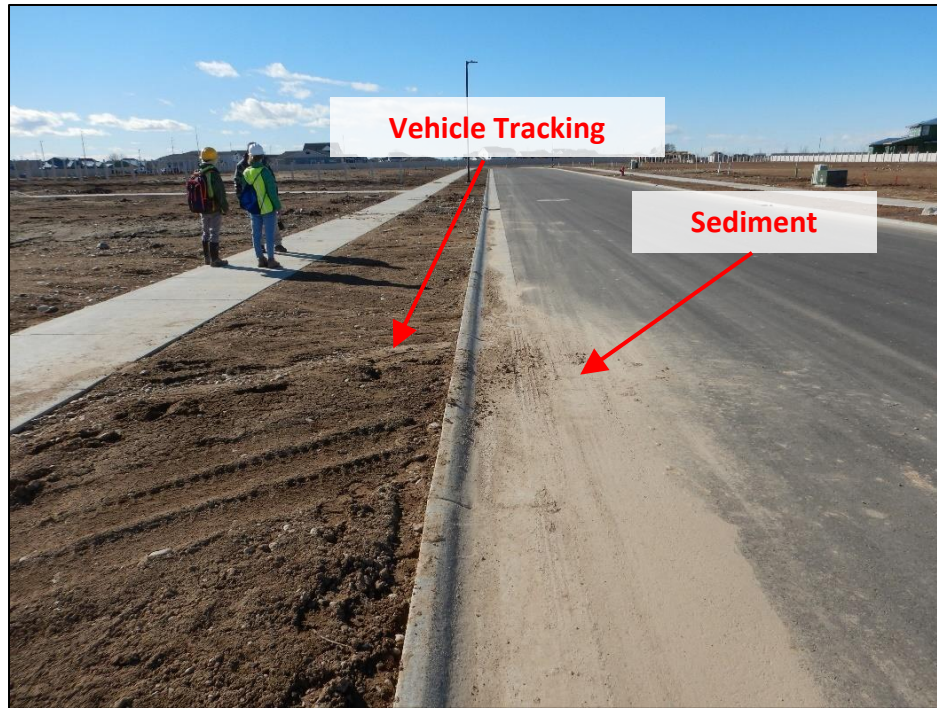
The photographs were taken during the inspection by Mr. Steven Chase, PG Environmental, a U.S. EPA Contractor, using a Nikon Coolpix W300 digital camera. Original copies of the photos are on file.



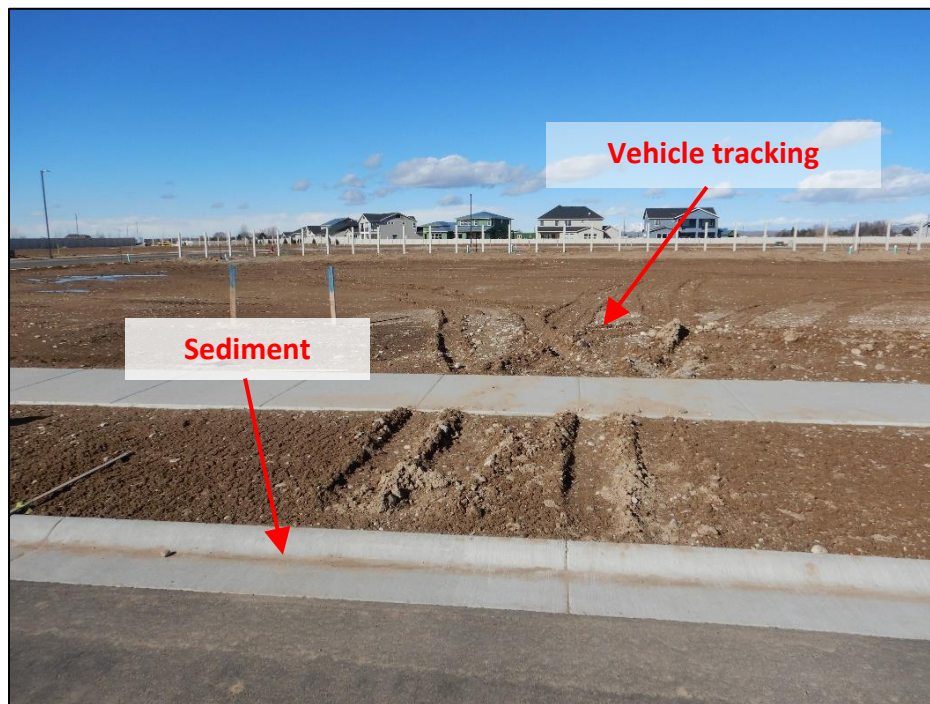
Photograph 1. View, facing south, of an unprotected stockpile on North Sunfield Road. Note the vehicle track-out in the foreground.



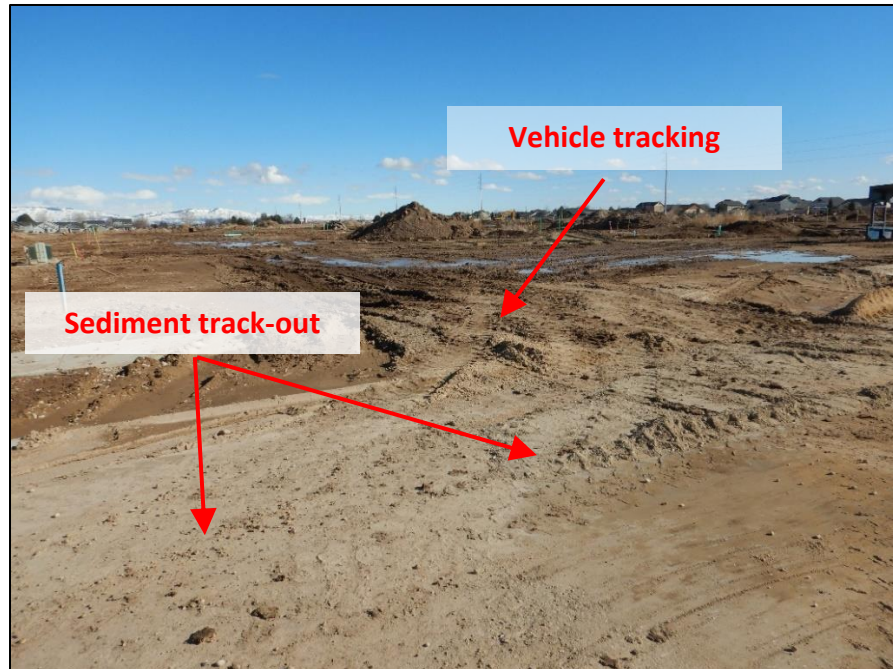
Photograph 2. View, facing south, of unrestricted vehicle access along the northern perimeter of Phase 4. Note no stabilization techniques had been implemented to prevent sediment track-out.



Photograph 3. View, facing west, of unrestricted vehicle access along the northern perimeter of Phase 4. Note no stabilization techniques had been implemented to prevent sediment track-out.



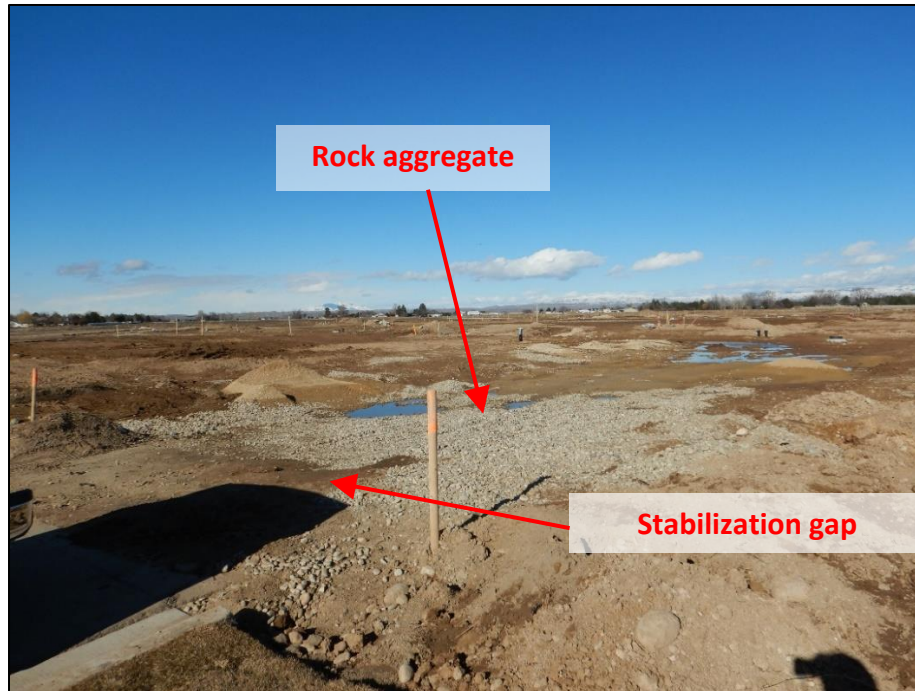
Photograph 4. View, facing north, of unrestricted vehicle access along the northern perimeter of Phase 4. Note no stabilization techniques had been implemented to prevent sediment track-out.



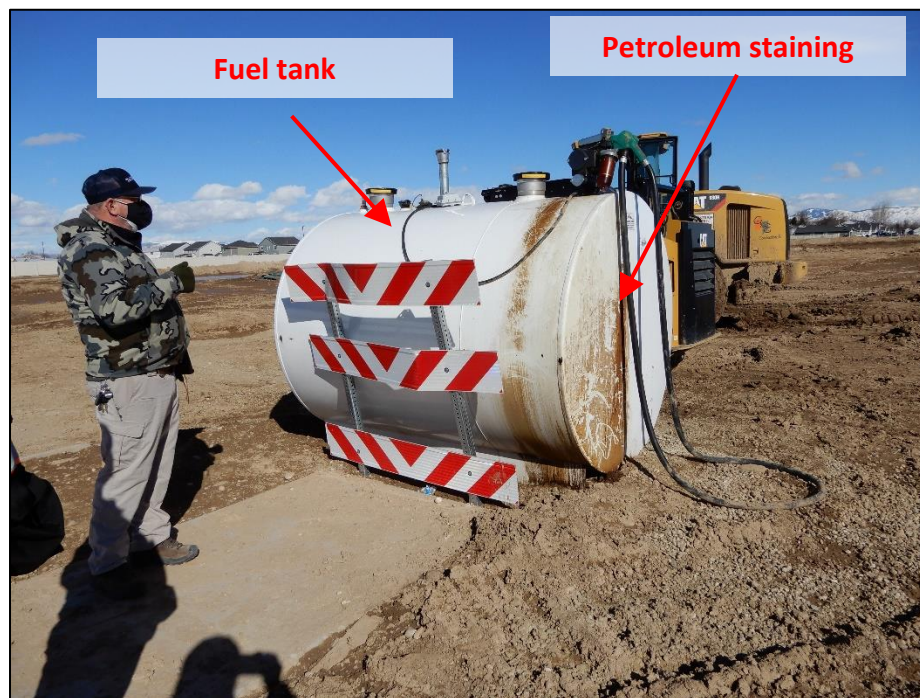
Photograph 5. View, facing east, of unrestricted vehicle access and construction vehicle track-out at North Sunfield Road in Phase 4. Note that no stabilization techniques had been implemented to prevent track-out.



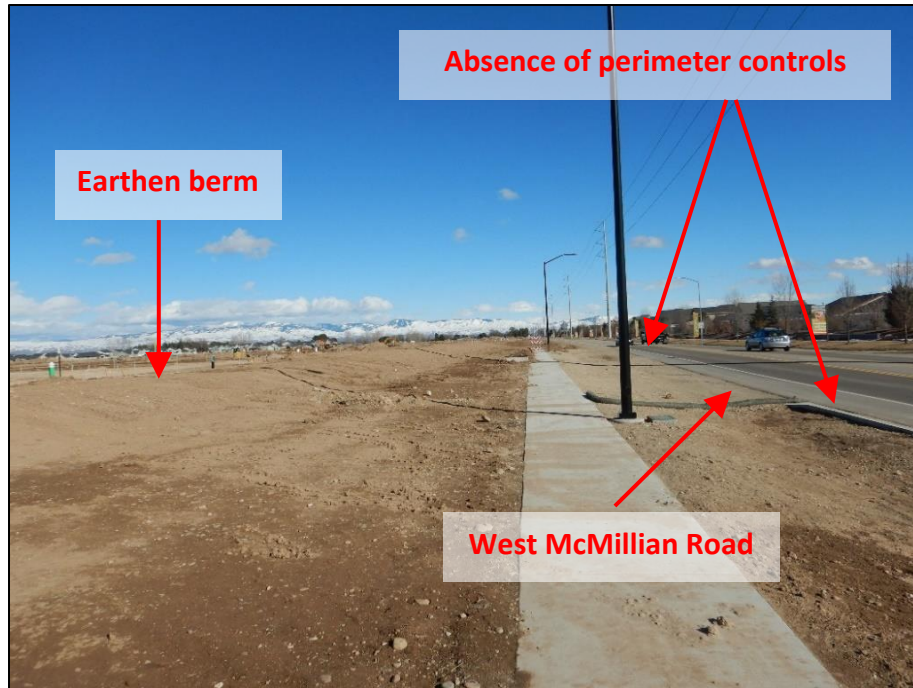
Photograph 6. Additional view, facing south, of unrestricted vehicle access and construction vehicle track-out on North Sunfield Road in Phase 4 as shown in [Photograph 5](#). Note no stabilization techniques had been implemented to prevent sediment track-out.



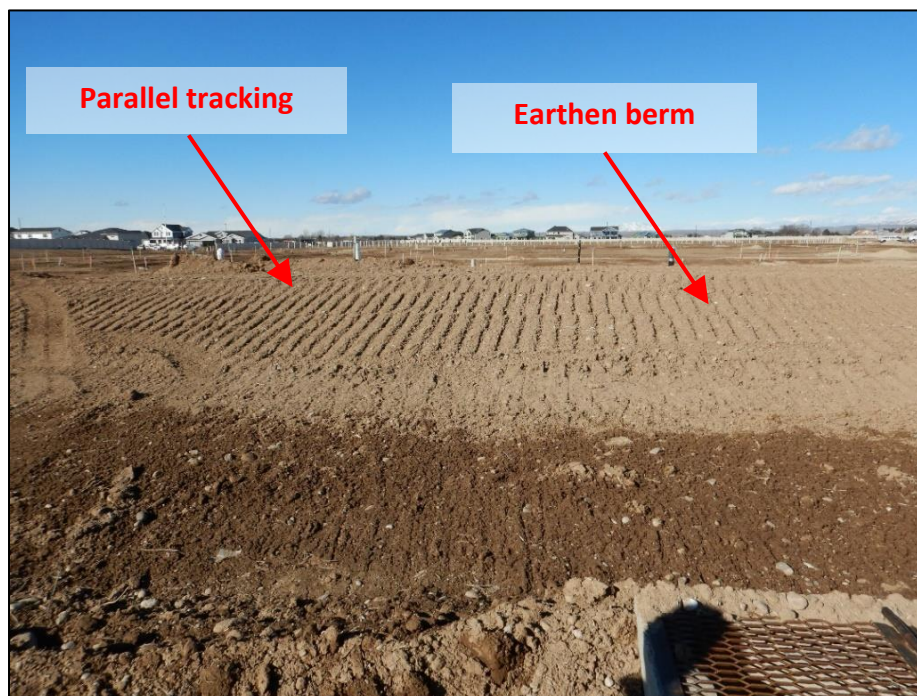
Photograph 7. View, facing northeast, of the vehicle access point for Phase 6. Note rock aggregate placed to prevent sediment track-out does not extend to the paved area.



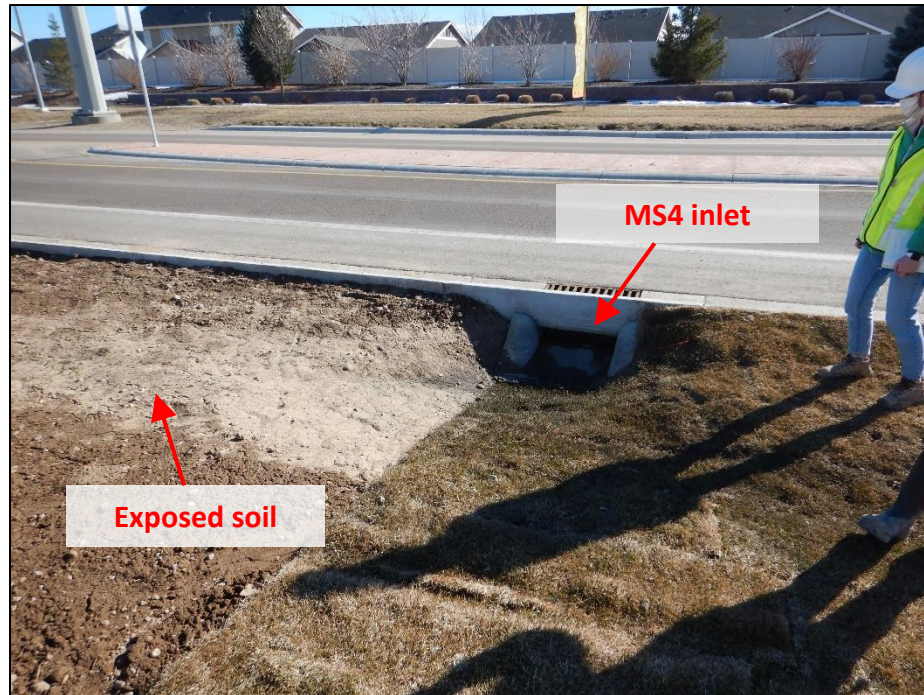
Photograph 8. View, facing east, of a 500-gallon fuel tank at the eastern end of West Avilla Drive that was not covered or in secondary containment. Petroleum staining was visible on the outside of the tank.



Photograph 9. View, facing east, of the southern perimeter in Phase 7. Note the absence of perimeter controls adjacent to West McMillian Road.



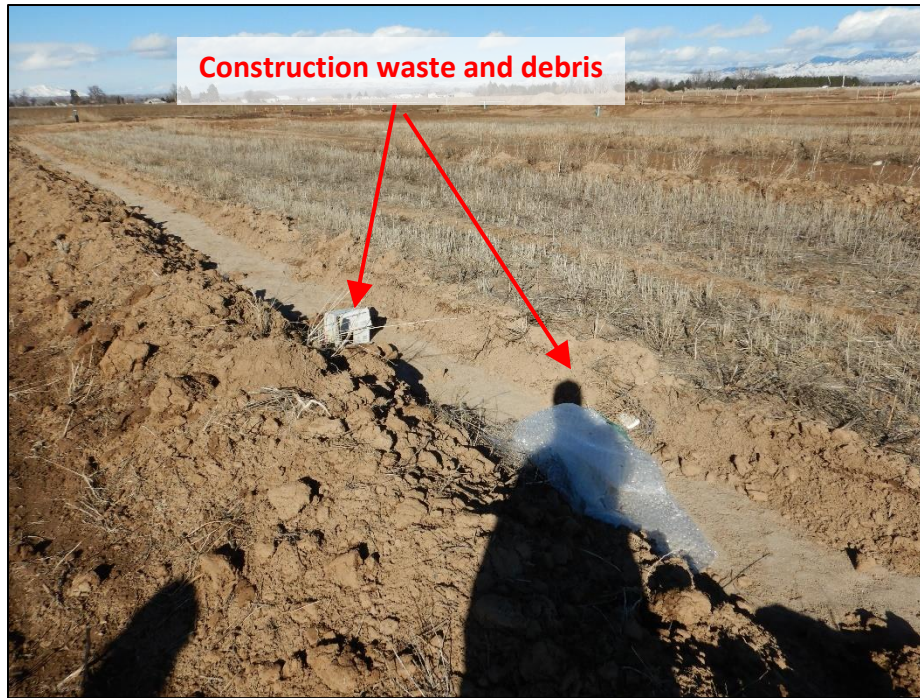
Photograph 10. View, facing north, of a permanent earthen berm awaiting final stabilization. The berm is installed along the southern perimeter of Phase 5. Note that the tracking used to stabilize the berm was conducted parallel to the slope instead of perpendicular, creating an increased potential for erosion.



Photograph 11. View, facing south, of the southern perimeter of the Oaks North Subdivision Phase 5. An inlet to the Meridian MS4 was observed to not have inlet protection and had the potential to receive runoff from exposed soil on the Site.



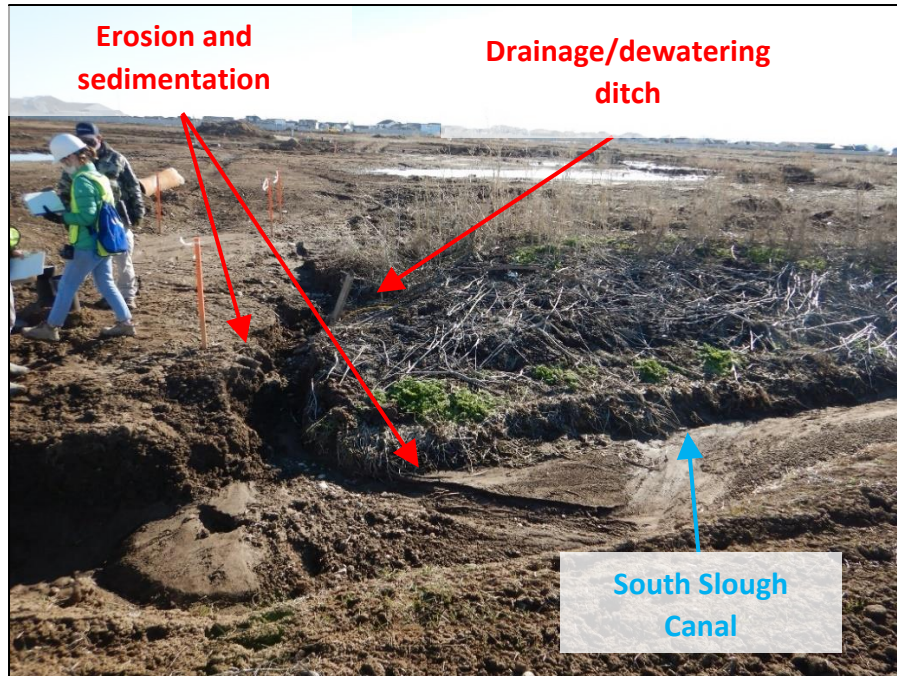
Photograph 12. View inside the inlet to the Meridian MS4 shown in [Photograph 11](#). Note the lack of inlet protection.



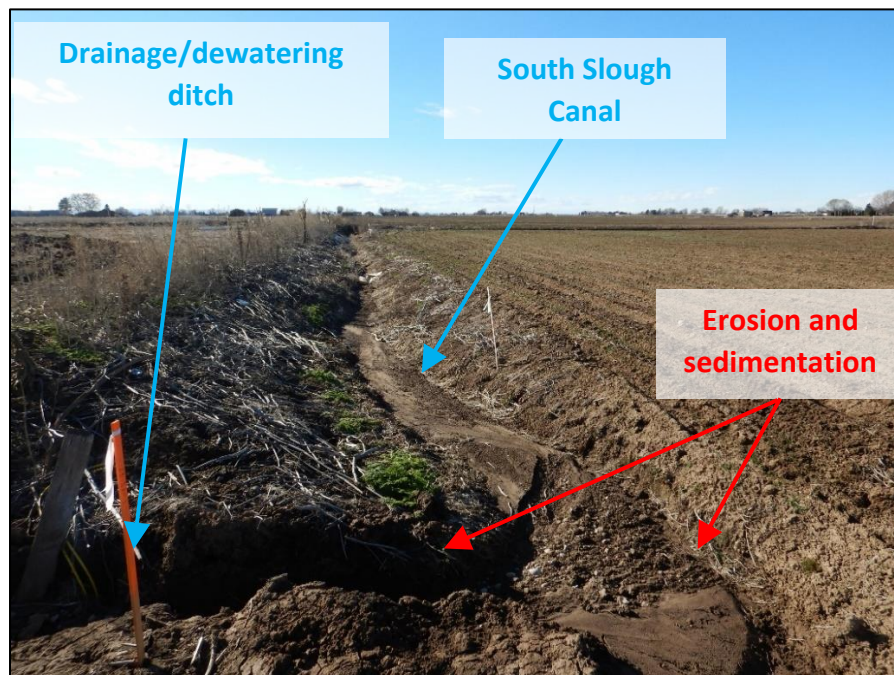
Photograph 13. View, facing northeast, of uncontained construction waste and debris observed along the western perimeter of Phase 6.



Photograph 14. View, facing northeast, of a drainage/dewatering ditch observed in Phase 6. Rock check dams had been installed along the length of the ditch.



Photograph 15. View, facing south, of the confluence of the drainage/dewatering ditch and the South Slough Canal at the northern Site perimeter in Phase 6. Erosion in the drainage ditch and sedimentation in South Slough Canal was observed.



Photograph 16. View, facing west, of the confluence of the drainage/dewatering ditch and the South Slough Canal at the Site's northern perimeter (in Phase 6). Note the erosion in the drainage ditch and the sedimentation in South Slough Canal.

Attachment B – Exhibit Log



Exhibit 1. Google Maps image (copyright date: 2021). Location of The Oaks North in Meridian, Idaho. Note the approximate Site perimeter outlined with the dotted yellow line, the approximate Phase perimeters outlined with the dotted white line, the discharge location, and the entrance.

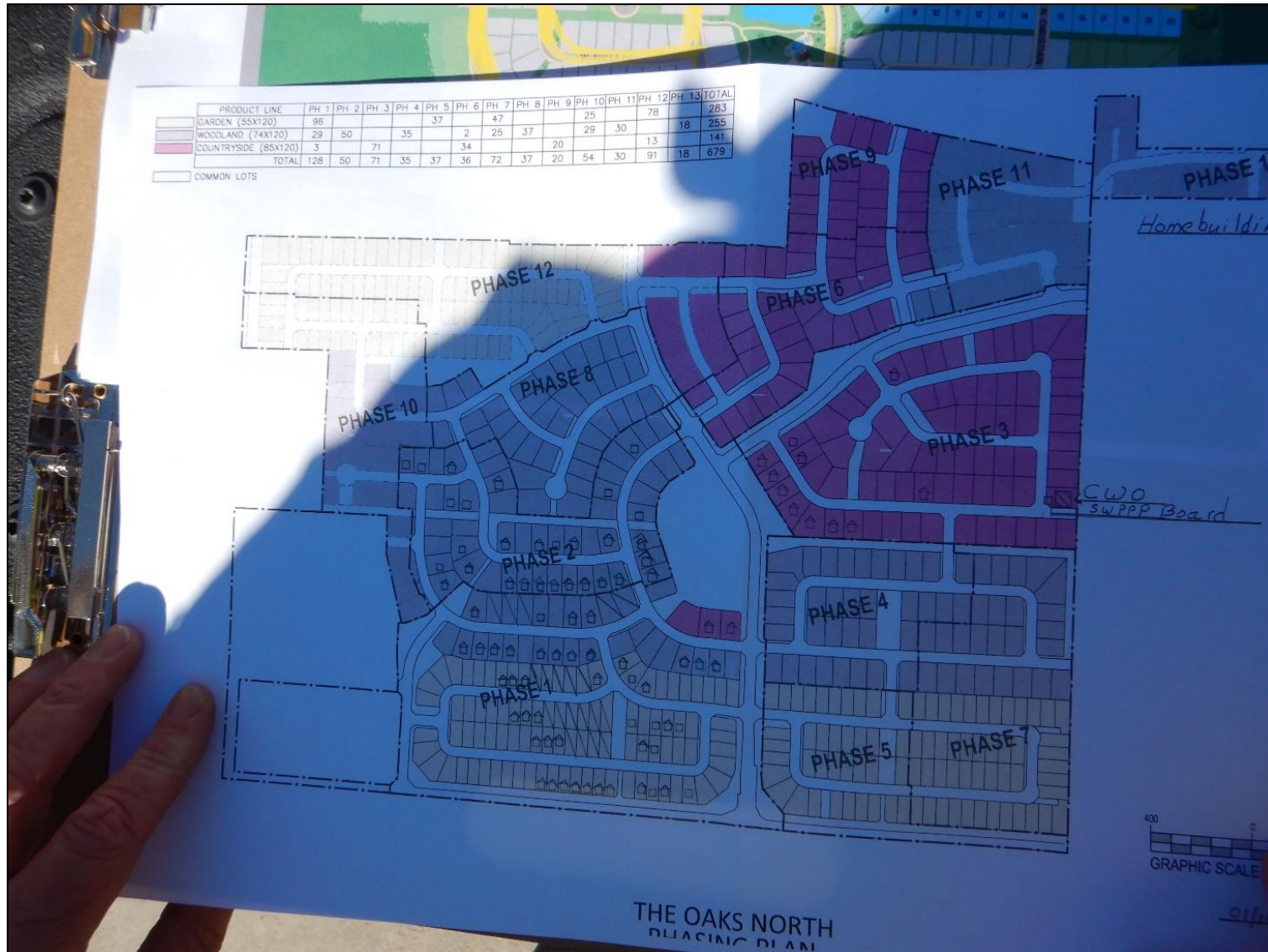


Exhibit 2. Image of the Site map provided on Site of the Oaks North. Note that the Site map does not identify the elements required by Part 7.2.4.b through 7.2.4.j of the Permit.



Exhibit 3. Image of another Site map provided on Site of the Oaks North that demonstrates street sweeping paths. Exhibit is not reproduced in the SWPPP.