

**REPORT OF CONSTRUCTION STORMWATER
COMPLIANCE EVALUATION INSPECTION (CEI)**

**AT
Canyon Lakes 1st – 3rd Plats
55th Street and Clare Road
Shawnee, KS 66226**

NPDES NO: KSR113070(1st Plat), KSR114424(2nd Plat), and KSR116092(3rd Plat)

January 28-February 1, 2021

**BY
U. S. ENVIRONMENTAL PROTECTION AGENCY
Region 7
Enforcement and Compliance Assurance Division (ECAD)**

INTRODUCTION

I performed a Compliance Evaluation Inspection (CEI) at the Canyon Lakes residential development in Shawnee, Kansas, on January 28, 2021. The inspection was authorized by Section 308(a) of the Federal Water Pollution Control Act, as amended. This narrative report presents the findings of the inspection.

PARTICIPANTS

Canyon Lakes

Gregory Prieb, III, owner, Prieb Homes, (913) 780-3399 (office)

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INSPECTION PROCEDURES

I contacted Mr. Prieb on Wednesday, January 27, 2021, and stated that I needed to conduct an inspection at the Canyon Lakes development on Thursday, January 28, 2021. I arrived at the Canyon Lakes development at approximately 9:45 a.m. and met with Mr. Prieb and Mr. Tucker.

Prior to entering the facility, I conducted a visual reconnaissance of the facility, searching for areas of concern observable from the public roads such as discharges, drainage patterns, flow directions, distance and direction of nearest perennial waters, visual condition of perennial waters, facility location, and layout. Canyon Lakes is located south of 55th Street and Clare Road

in Shawnee, Kansas. Clear Creek Parkway passes east to west through a small section of the development to the south. Belmont Drive bisects the development.

Upon arrival, I presented my identification and explained the scope and purpose of the inspection. I also informed Mr. Prieb that I would be performing a complete Construction Stormwater inspection, which would consist of a visual inspection of the facility and review of records being maintained at the facility. During that time, Mr. Tucker provided hard copies of the Stormwater Pollution Prevention Plan (SWPPP) for each plat.

Mr. Prieb stated that he owns and operates Prieb Homes which is developing the property into single family residences. He also stated that a few other home builders were building within Canyon Lakes. Mr. Tucker stated that his employer was hired by Prieb Homes to develop the SWPPPs for the development. Mr. Prieb and Mr. Tucker provided information pertaining to the facility operation and accompanied me during the entire inspection.

I explained to Mr. Prieb that I would be conducting the construction stormwater inspection under the authority of Section 308(a) of the Federal Water Pollution Control Act to evaluate the facility's compliance status with the requirements of the Clean Water Act and with the National Pollution Discharge Elimination System (NPDES) permit, which was issued by the Kansas Department of Health and Environment (KDHE) on August 1, 2017 (attachment 6). I explained that the inspection would consist of a review of required records, each SWPPP, and a visual inspection of the facility. I stated that I would document my findings and observations by making photocopies, taking photographs and/or videos, and obtaining statements from facility staff.

I conducted this inspection in accordance with the procedures described herein and followed all applicable EPA Region 7 Standard Operating Procedures (SOPs).

I completed the visual inspection on January 28, 2021, and then completed the review of the SWPPPs on February 1, 2021. I summarized the findings and recommendations of the visual inspection with Mr. Prieb during the exit briefing. A Notice of Potential Violation (NOPV) was emailed to Mr. Prieb on January 29, 2021 (attachment 4). Eight photographs were taken during the inspection. See attachment 2 for the digital photographs and photo log. See attachment 3 for the facility layout and photo location maps.

FACILITY DESCRIPTION

Facility Operations

Canyon Lakes is located south of the intersection of 55th Street and Clare Road in Shawnee, Kansas. Clear Creek Parkway passes east to west through a small section of the development to the south. Belmont Drive bisects the development. Storm water runoff enters Clear Creek which flows east to meet Mill Creek. The development consists of three different plats. Below is a description of each plat:

The 1st Plat consists of approximately 32.9 acres to be disturbed with approximately 55 home lots. The legal description of the 1st Plat is the West 1/2, of Section 9, Township 12 South, Range 23 East. Storm water runoff flows in three different directions as depicted on the SWPPP map (attachment 10). The area in the southwest corner flows to an existing pond (photo 5) which

discharges to a storm sewer under Clear Creek Parkway. A small area on the southern border flows south to Clear Creek through storm sewers. A majority of the site's storm water runoff flows to the sedimentation basin along Belmont Drive before entering Clear Creek. At the time of inspection, construction and stabilization had been completed on nearly half of the home lots.

The 2nd Plat consists of approximately 13.6 acres to be disturbed with approximately 32 home lots. The legal description of the 2nd Plat is the NW ¼, Section 9, Township 12 South, Range 23 East. Streets, storm sewers, drinking water and wastewater lines had been installed, but electric utilities were not complete. A large portion of the site had vegetation from previous seeding efforts for stabilization until individual lots begin to be developed. Storm water flow was directed to various storm water sewer structures and a swale in the southwest corner of the plat.

The 3rd Plat consists of approximately 20.1 acres to be disturbed and approximately 40 home lots. The legal description of the 3rd Plat is the W 1/2, Section 9, Township 12 South, Range 23 East. Clearing and grubbing had begun the week prior to my inspection. Sedimentation and erosion controls had been installed according to the SWPPP. Storm water runoff from this plat flows west to the sedimentation basin previously built during the development of the 1st Plat.

Regulatory History

Prieb Homes applied for coverage under the KDHE Stormwater Runoff from Construction Activities Permit by submitting a Notice of Intent (NOI) for each plat. KDHE approved the NOI for the 1st Plat on August 28, 2017 (attachment 7), February 1, 2019 (attachment 8) for the 2nd Plat, and December 11, 2020 (attachment 9) for the 3rd Plat.

FINDINGS AND OBSERVATIONS

The following findings were noted during the visual and record review. A summary is provided in the NPDES Storm Water Worksheet (Construction) (attachment 1). The visual inspection findings were discussed with Mr. Prieb during the exit meeting. The weather conditions at the time of the inspection were partly cloudy and windy (27°F). The area received approximately 0.34 inches of precipitation on January 26, 2021.

Storm Water Pollution Prevention Plan (SWPPP)

The NPDES permit does require that the facility develop and implement a SWPPP. A copy of the SWPPP is to be on the site and available upon request. As stated above, Mr. Tucker provided hard copies of the SWPPP for each plat during the inspection (attachments 10-12). Electronic copies of the SWPPPs were emailed to me by Mr. Prieb and Mr. Tucker.

I reviewed each SWPPP for completeness after the inspection and noted that the SWPPPs were complete and provided all details required by the NPDES permit. However, they were not being fully implemented.

Section 7.2.10 of the NPDES permit requires that site inspections of all areas will be completed on a regular schedule beginning at the initiation of construction activities. The frequency of inspections must not exceed 14 days between inspections. The permit also requires that inspections be conducted within 24-hours after every 0.5-inch rain event unless it occurs on a

weekend or holiday. If a rain event occurs on the weekend or holiday, an inspection is required on the next business day. According to Mr. Tucker, sanitary sewer construction activities for the 1st Plat began March 22, 2018. No site inspection reports were provided by Mr. Prieb. During the inspection, Mr. Prieb stated that he visits the site regularly and tends to the site, as needed, but does not conduct site inspections according to the permit requirements.

Other Visual Observations

During the inspection, I observed individual lots with completed homes and vegetation established. Individual lots with construction activity had silt fencing installed according to the 1st Plat SWPPP map. The sedimentation basin (photo 8) appeared well maintained and operating according to its design. Although the southwest pond (photo 5) was not discharging during the inspection, no sediment was noted in the discharge structure (photo 6). Portable toilets were present and secured with stakes. Some sediment controls needed maintenance. Curb inlet protections on the 1st Plat were deteriorated and needed replacement (photo 4). Trash containers for solid and hazardous waste management were not provided on site according to the permit or the SWPPP requirements. Scrap building materials and construction activity waste were being stored in a pile on the ground of each lot (photo 5). Mr. Prieb stated that he has someone who picks up loss debris regularly to prevent it from leaving the site. Mr. Prieb also stated that he does not have trash containers on site because he has had issues in the past with people outside the construction site using the containers which becomes costly.

The 2nd Plat had streets and most of the utilities completed, but the building of homes had not begun. Grass was established, although lightly covered with snow, and silt fence was installed. Area inlet protection, similar to photo 1, were in place and operating according to design. A single concrete washout (photo 3) on the 2nd Plat was utilized for all three plats. At the time of the inspection, the washout had reached maximum capacity. Mr. Prieb stated the washout was located on a home lot that was scheduled to begin construction soon, thus; the washout would be cleaned out and moved to a new location. He stated the concrete would be removed and disposed of appropriately.

The 3rd Plat was at the clearing and grubbing phase of development (photos 7 and 8). Sediment and erosion controls were in place according to the SWPPP (photo 8). No off-site tracking was noted.

SUMMARY

Canyon Lakes 1st – 3rd Plats were in various stages of development. SWPPPs have been developed, but not fully implemented. The following potential violation was noted on the NOPV emailed to Mr. Prieb on January 29, 2021.

- 1) Site inspections were not conducted according to the SWPPPs or the permit requirements.

Other potential violations that were not noted on the NOPV or were identified after the inspection:

- 1) Containment for solid and hazardous waste was not provided on site according to the SWPPPs or the permit requirements.
- 2) Some sediment controls were not maintained. Storm water inlet filters on the 1st Plat were deteriorated.

Mr. Prieb submitted a response to the NOPV on February 8, 2021 (attachment 5), which included a site inspection report completed on February 1, 2021. The response also included expectations to continue conducting and recording site inspections.

Hannah Lewis
Life Scientist

Nicole Moran
Section Chief

ATTACHMENTS:

1. NPDES Storm Water Worksheet (Construction) (6 pages)
2. Digital Photograph Map, Photo Log and Photos #1-8 (6 pages)
3. Facility Satellite Photo with Drawings and Topographic Map (2 pages)
4. Notice of Potential Violation (1 page)
5. Response to NOPV (5 pages)
6. KDHE Stormwater Construction Permit (59 pages)
7. Notice of Intent – Canyon Lakes 1st Plat (5 pages)
8. Notice of Intent – Canyon Lakes 2nd Plat (5 pages)
9. Notice of Intent – Canyon Lakes 3rd Plat (3 pages)
10. Canyon Lakes 1st Plat SWPPP (38 pages)
11. Canyon Lakes 2nd Plat SWPPP (34 pages)
12. Canyon Lakes 3rd Plat SWPPP (33 pages)