

Region 6 - Enforcement & Compliance Assurance Division

INSPECTION REPORT

Inspection Date(s):	08/12/2024	
Media Program:	Water	
Regulatory Program(s)	NPDES Stormwater/CWA 402	
Company Name:	CB Jeni Homes DFW LLC	
Facility Name:	Painted Tree Village District (Townhomes Phase 1)	
Facility Physical Location:	Taylor Burk Dr. and Bastrop St.	
(city, state, zip code)	McKinney, TX, 75071	
Mailing address:	5501 Headquarters Dr., Ste. 300W	
(city, state, zip code)	Plano, TX 75024	
County/Parish:	Collin	
Facility Phone Number	(469) 422-1914	
Facility Contact:	Mr. Steve Murphy	Community Construction Manager
	smurphy@cbjenihomes.com	
FRS Number:	N/A	
Identification/Permit Number:	TXR1514MD	
Media Identifier Number:	N/A	
NAICS:	236117	
SIC:	1521	
Personnel participating in inspection:		
Sharron A. Crayton	6EN-WS	Inspector/Enforcement Officer
EPA Lead Inspector Signature/Date	<i>Sharron A. Crayton</i>	10/03/2024
	Sharron A. Crayton	Date
Supervisor Signature/Date		
	Ruben Alayon-Gonzalez	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

The U.S. EPA Region 6 inspector Sharron Crayton arrived at the Painted Tree Village District facility on August 12, 2024, at approximately 11:11AM for an unannounced Compliance Evaluation Inspection (CEI). The inspector initially met with Community Construction Manager for CB Jeni Homes DFW LLC (CB Jeni Homes), Mr. Steve Murphy. The inspector presented her credentials and informed Mr. Murphy that a random stormwater inspection was being performed to determine compliance with the Texas Pollutant Discharge Elimination System (TPDES) program and the Construction General Permit (CGP), in accordance with the Clean Water Act (CWA).

This inspection included a review of CB Jeni's stormwater pollution prevention plan (SWPPP) and associated paperwork, as well as an on-site inspection of the construction site. Prior to conducting the on-site inspection, Mr. Murphy advised the inspector that Mr. Marcus Rodriguez, Client Manager with Merit Professional Services would also be accompanying him during the on-site inspection. In addition, the inspector was also advised to contact Mr. Rodriguez to request and secure additional site documents and reports. The inspector conducted a closing conference with Mr. Murphy and Mr. Rodriguez (in the construction trailer) to discuss the documents reviewed on-site, anticipated additional requests for information, and pending and subsequent efforts of the on-site inspection. Mr. Rodriguez was contacted via email on August 20, 2024, regarding the request for additional documents (as detailed in Section III of this report).

The generation of this report is based on information supplied by CB Jeni Homes (the permittee), observations made by the inspectors, and records and reports maintained by the permittee and/or provided by the permittee's environmental consultant (Merit Professional Services), the state of Texas, and the U.S. EPA.

FACILITY DESCRIPTION

CB Jeni Homes is a residential builder located in a large common Plan of Development within the Painted Tree subdivision, which consists of three separate districts (the Lakeside District, Village District, and Woodland District) with multiple operators developing and building within the community, simultaneously (shown in **Site Map #1** below). This inspection report focuses only on the construction activities of operator CB Jeni Homes DFW LLC in the Village District (Townhomes Phase 1), comprised of approximately 105 residential (townhome) lots. CB Jeni Homes was issued CGP TXR1514MD, by the Texas Commission on Environmental Quality (TCEQ), on March 15, 2023.



Site Map #1: The overall site map of the Painted Tree Community. The inspection area is in the Village District by CB Jeni Homes located southeast of Taylor Burk Dr., located on Jacaranda Dr., Maidenhair Ln., and Chisos Red Rd., boarded between Bastrop St. and Blackjack Rd. (depicted by dark rusted-colored lots). The site map was obtained from the Painted Tree Digital Map Guide on the community [website](#).

Per the Notice of Intent (NOI) submitted for authorization under the CGP, the permittee provided the following site coordinates located in McKinney, Collin County, TX: Latitude 33.224641 (North), Longitude -96.654799 (West) (denoted in **Aerial Image #1** below). The site totals approximately 32 acres of land to be disturbed for construction activities. The site discharges to Wilson Creek, in the City of McKinney's Municipal Separate Storm Sewer System (MS4).



Aerial Image #1: Overall view of the CB Jeni Homes DFW LLC – Painted Tree Village District. **Note:** Aerial from Google Maps Imagery, 2024. The latitude and longitude (33.224641 and -96.654799) provided on the Notice of Intent (NOI) (white arrow), submitted differs from the actual project/construction site area (green arrow and green boarded area).



Site Map #2: CB Jeni Homes (Village District) Home Building Map dated March 13, 2023, denoting lot numbers. The site map was provided by Mr. Steve Murphy. **Note:** The street nomenclature reflected on the Site Map, Aerial Image, and the North Phase 1 Map differs. As such, photographs contained in this report will list the true-to-date street name and intersecting streets, where applicable.

Section II - OBSERVATIONS

The following points of discussion are derived from on-site closing conference and visual observations on August 12, 2024:

1. Mr. Murphy was able to provide a certified, signed, and dated physical copy of the Stormwater Pollution Prevention Plan (SWPPP), an updated site map, a Best Management Plan (BMP) map, and inspection reports for the CB Jeni Homes Painted Tree Village District construction site (TCEQ permit number: TXR1514MD) at the time of inspection.
2. The Stormwater Pollution Prevention (SWPPP) Large Construction Site Notice was posted at the end of Bluejack Rd (see Appendix 1, Photograph Log, Photo No. 1).
3. The inspector observed Best Management Practices (BMPs) present on-site. Multiple areas of concern (AOCs) were observed as described below in Section III of this report with photos included in Appendix 1.

Section III – AREAS OF CONCERN

Areas of concern (AOCs) are derived from on-site observations from the August 12, 2024 Compliance Evaluation Inspection (CEI) and from documents provided electronically by Mr. Marcos Rodriguez on August 21, 2024.

The following AOCs are derived from the August 12th CEI on-site observations:

1. The SWPPP reviewed on site did not include the following plan components:
 - a. The permittee was unable to provide the date the City of McKinney's MS4 was provided a copy of the applicable NOI. As such, the inspector was unable to confirm that the information was provided two (2) days prior to commencing construction activities. ***TPDES General Permit TXR150000, Part II, Section E.3.d***
2. The permittee had BMPs in place, but they were not effective. ***TPDES General Permit TXR150000, Part III, Section F.2***
 - a. The Inspector observed the following throughout the global construction site. Please refer to the Photograph Log, which is contained in Appendix 1 for specific locations of the noted areas of concern:
 - i. Absent or damaged silt fencing and/or erosion blanket(s), and/or accumulated sediment observed in multiple areas (see Appendix 1, Photograph Log, Photo Nos. 2, 5, 6, 9, 10, 13, 16, and 19);
 - ii. Sediment carry over into the access street from the construction area (see Appendix 1, Photograph Log, Photo Nos. 2, 3, 6, 14, 15, and 16);
 - iii. Inlet protection was not maintained in an effective operating condition in multiple areas. The inlet protection was full of sediment and/or trash with the presence of sediment leading to the inlet (see Appendix 1, Photograph Log, Photo Nos. 3, 7, 8, 14, 15, 16, and 17);
 - iv. Uncovered internal compartment of a City of McKinney Water Meter was full of sediment, gravel and/or trash. The water meter was not visible during the time of the inspection (see Appendix 1, Photograph Log, Photo No. 4); and

- v. Trash and/or construction debris observed throughout the construction site (see Appendix 1, Photograph Log, Photo Nos. 16, and 18).

The following AOC is derived from SWPPP documentation, which was provided via email by Mr. Marcos Rodriguez, Client Manager with Merit Professional Services on August 22, 2024.

- a. The permittee is required to submit a copy of the construction stormwater permit authorization to the City of McKinney's MS4, two (2) days prior to commencing construction activities. Via email communication dated July 23, 2024, from Ms. Brianna Nisi, Stormwater Administrator for the City of McKinney's Engineering Department, EPA was informed that the city had "identified a flaw in its system" and had not been tracking the submittal of NOIs and/or SWPPPs, as required by the City of McKinney's Residential Builders Packet. In addition, via email correspondence dated August 22, 2024, the permittee's environmental consultant was also unable to confirm that the information was submitted as required. ***TPDES General Permit TXR150000, Part II, Section E.3.d***

Section IV – FOLLOW UP

The following information was received by the EPA, on August 16th, August 21st, and August 23rd, after leaving the site on August 12, 2024:

- August 16th: Mr. Murphy provided an email communication containing pictures of corrective actions for the areas of concern identified during the on-site (field) observations.
- August 21st: Upon request, a digital copy of the SWPPP was provided by Marcos Rodriguez Client Manager with Merit Professional Services) which included: 1) a certified, signed, and dated copy of the SWPPP and applicable components of the plan (i.e., updated site map, Best Management Plan (BMP) map, inspection reports, etc.). In addition, an electronic copy of the October 19, 2023, Notice of Change (NOC) communicating the permittee's change in mailing address (to the TCEQ) was provided, via email by Ms. Amber Davis, Permit Manager with CB Jeni Homes.
- August 23rd: Mr. Rodriguez provided, via email responses to request for information associated with documents requested for submittal to the City of McKinney MS4 and information regarding street sweeping activities.

Section V – LIST OF APPENDICES

Appendix 1: Photograph Log – 19 photos taken 08/12/2024

Appendix 2: CB Jeni Homes Correction Photos (provided via email on 08/16/2024)

Appendix 1

Photograph Log



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 1

Location: End of Bluejack Rd. (facing south)

City: McKinney

County: Collin

State: TX



Description: Picture/view, of Stormwater Pollution Prevention (SWPPP) Large Construction Site Notice posted at the end of Bluejack Rd. (facing south).

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 2

Location: Intersection of Bastrop St. and Chisos Rd.

City: McKinney

County: Collin

State: TX



Description: View, of intersection of Bastrop St. and Chisos Rd. with view of construction trailers boarded by silt and blue-netted fencing (black arrow) and construction area(s) on each side with damaged and/or no silt fencing (red arrows). Closer view of referenced construction area captured in Photo #5. Sediment carry over observed on the sidewalk and in the access street (blue arrows) from the area bordering the construction trailers.

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 3

Location: Chisos Rd.

City: McKinney

County: Collin

State: TX



Description: View, of inlet protection on Chisos Rd., not maintained in an effective operating condition (e.g., inlet protection was surrounded by sediment and there was additional sediment carry over observed in the in the access street.

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 4

Location: Chisos Rd.

City: McKinney

County: Collin

State: TX



Description: View, of the inside compartment of the City of McKinney Water Meter on Chisos Rd. Note: The meter cover was off to the side, and the inside compartment was full of sediment and gravel, and covering the water meter gauge.

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 5

Location: Construction area immediately in front of the construction trailer area, between Maidenhair Ln. and Chisos Rd.

City: McKinney

County: Collin

State: TX



Description: View, of construction area immediately in front of the construction trailer area, which is located between Maidenhair Ln. and Chisos Rd. with ineffective BMPs indicated by red arrows (i.e., damaged and/or no silt fencing). It was also noted that the area without silt fencing was sloped southwest (orange arrows) to a nearby alley/driveway (yellow arrow).

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 6

Location: Corner of Maindenhair Ln. and Bastrop St.

City: McKinney

County: Collin

State: TX



Description: View, of construction area at the corner of Maindenhair Ln. and Bastrop St., with an additional view of the construction trailer area in the rear. Ineffective BMPs indicated by red arrows (i.e., damaged and/or no silt fencing). A mound of loose gravel and silt located outside of the silt fencing was also observed on the sidewalk and light sediment carry over into the access street (blue arrow).

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

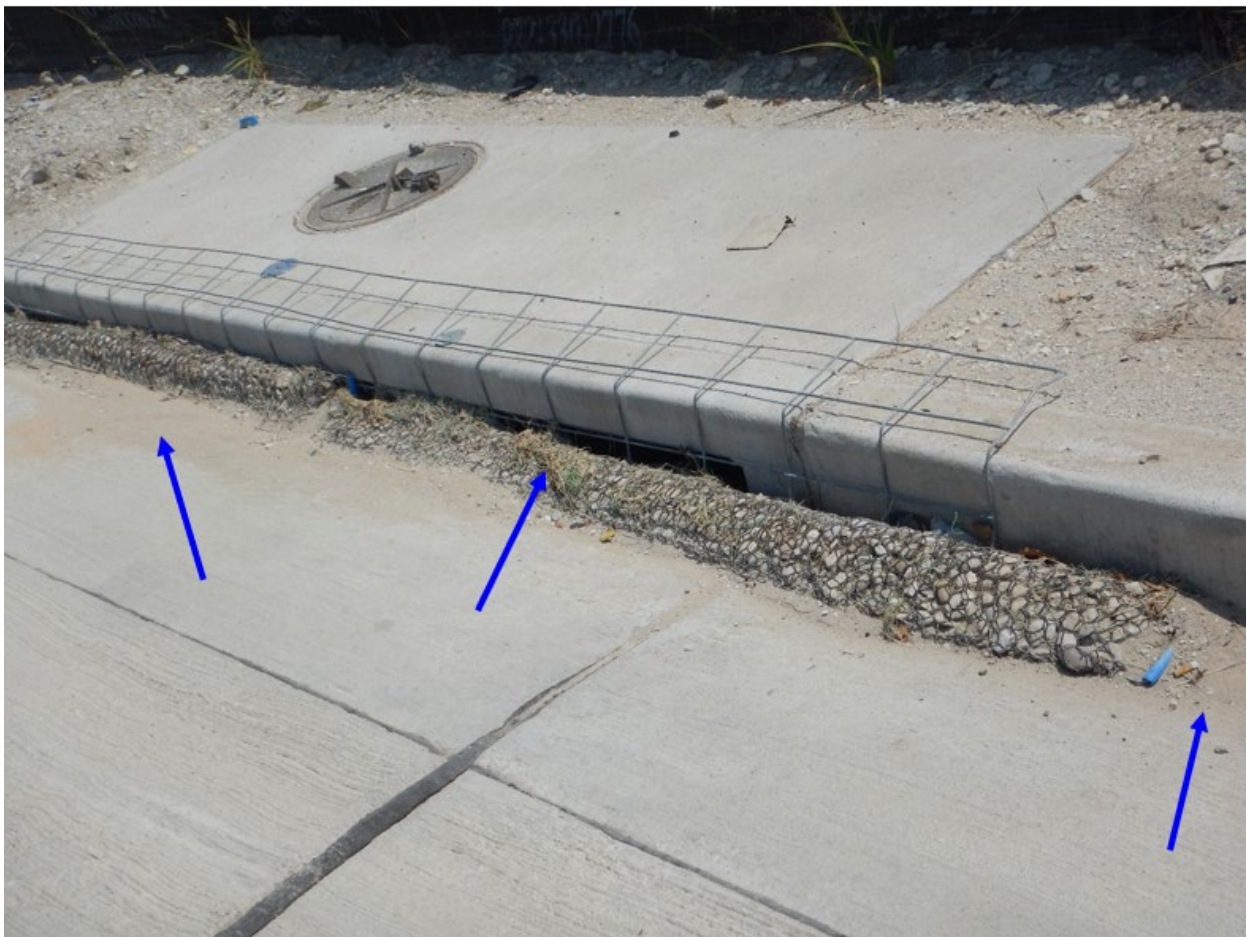
Photo No. 7

Location: Bluejack Rd. (near Chisos Rd.)

City: McKinney

County: Collin

State: TX



Description: View, of inlet protection on Bluejack Rd. (near Chisos Rd.), not maintained in an effective operating condition (e.g., inlet protection filled with sediment and vegetative growth, and there was additional sediment carry over observed in the in the access street. Closer view of inlet captured in Photo #8.

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 8

Location: Bluejack Rd. (near Chisos Rd.)

City: McKinney

County: Collin

State: TX



Description: Closer view, of inlet protection on Bluejack Rd. (near Chisos Rd.), not maintained in an effective operating condition (e.g., inlet protection filled with sediment and vegetative growth, and there was additional sediment carry over observed in the in the access street.

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 9

Location: Corner of Bluejack Rd. and Maidenhair Ln.

City: McKinney

County: Collin

State: TX



Description: View, of construction area at the corner of Bluejack Rd. and Maidenhair Ln., with an additional view of the construction trailer area in the rear. Ineffective BMPs indicated by red arrows (i.e., damaged and/or no silt fencing).

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 10

Location: Bluejack Rd. near Maidenhair Ln.

City: McKinney

County: Collin

State: TX



Description: View, of construction area on Bluejack Rd. (near Maidenhair Ln.), a view of ineffective BMPs indicated by red arrows (i.e., damaged erosion blankets and no silt fencing). Mounds of loose gravel and dirt were noted.

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 11

Location: Intersection of Bluejack Rd. and Jacaranda Dr.

City: McKinney

County: Collin

State: TX



Description: Intersection of Bluejack Rd. and Jacaranda Dr.

Date of Photo: 08/12/2024 **Photographer:** Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 12

Location: Facing north at the Intersection of Bluejack Rd. and Jacaranda Dr.

City: McKinney

County: Collin

State: TX



Description: View facing north at the intersection of Bluejack Rd and Jacaranda Dr. Note: Construction area in the background on the corner of Bluejack and an unnamed street (indicated by green arrow). Closer view of construction area captured in in Photo #13.

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 13

Location: Facing north on the Corner of Bluejack Rd. and an unnamed street

City: McKinney

County: Collin

State: TX



Description: Closer view of construction area, facing north on the corner of Bluejack Rd. and an unnamed street with ineffective BMPs indicated by red arrows (i.e., damaged and/or no silt fencing).

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 14

Location: Bastrop St.

City: McKinney

County: Collin

State: TX



Description: View, of inlet protection on Bastrop St., not maintained in an effective operating condition (e.g., inlet protection was completely covered by sediment and there was additional sediment carry over observed in the in the access street (blue arrows).

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 15

Location: Bastrop St.

City: McKinney

County: Collin

State: TX



Description: An additional view, of inlet protection on Bastrop St., not maintained in an effective operating condition (e.g., inlet protection was completely covered by sediment and there was additional sediment carry over observed in the in the access street.

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 16

Location: An unnamed street and the Corner of Bastrop St.

City: McKinney

County: Collin

State: TX



Description: View, of inlet protection identified by blue arrows on an unnamed street and the corner of Bastrop St., not maintained in an effective operating condition (e.g., the inlet protection did not provide adequate/complete coverage of the drainage inlet, and was surrounded by sediment and additional sediment carry over observed in the in the access street); no silt fencing was present immediately over the drainage opening (red arrow). A closer view of the inlet protection is provided in Photo #17. Trash and the construction debris was also observed in the area (purple arrow). A closer view is provided in Photo #18.

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 17

Location: An unnamed street and the Corner of Bastrop St.

City: McKinney

County: Collin

State: TX



Description: Closer view, of inlet protection on Jacaranda Dr. (and the corner of Bastrop St.), not maintained in an effective operating condition.

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 18

Location: An unnamed street and the Corner of Bastrop St.

City: McKinney

County: Collin

State: TX



Description: Closer view, of trash and construction debris observed at construction site on the corner of Jacaranda Dr. and Bastrop St. (purple arrows).

Date of Photo: 08/12/2024 Photographer: Sharron Crayton



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Appendix 1: Photograph Log

Photo No. 19

Location: Between an unnamed street and Jacaranda Dr.

City: McKinney

County: Collin

State: TX



Description: View, of construction area, between an unnamed street and Jacaranda Dr. with ineffective BMPs indicated by red and blue arrows (i.e., no silt fencing and accumulated sediment).

Date of Photo: 08/12/2024 Photographer: Sharron Crayton

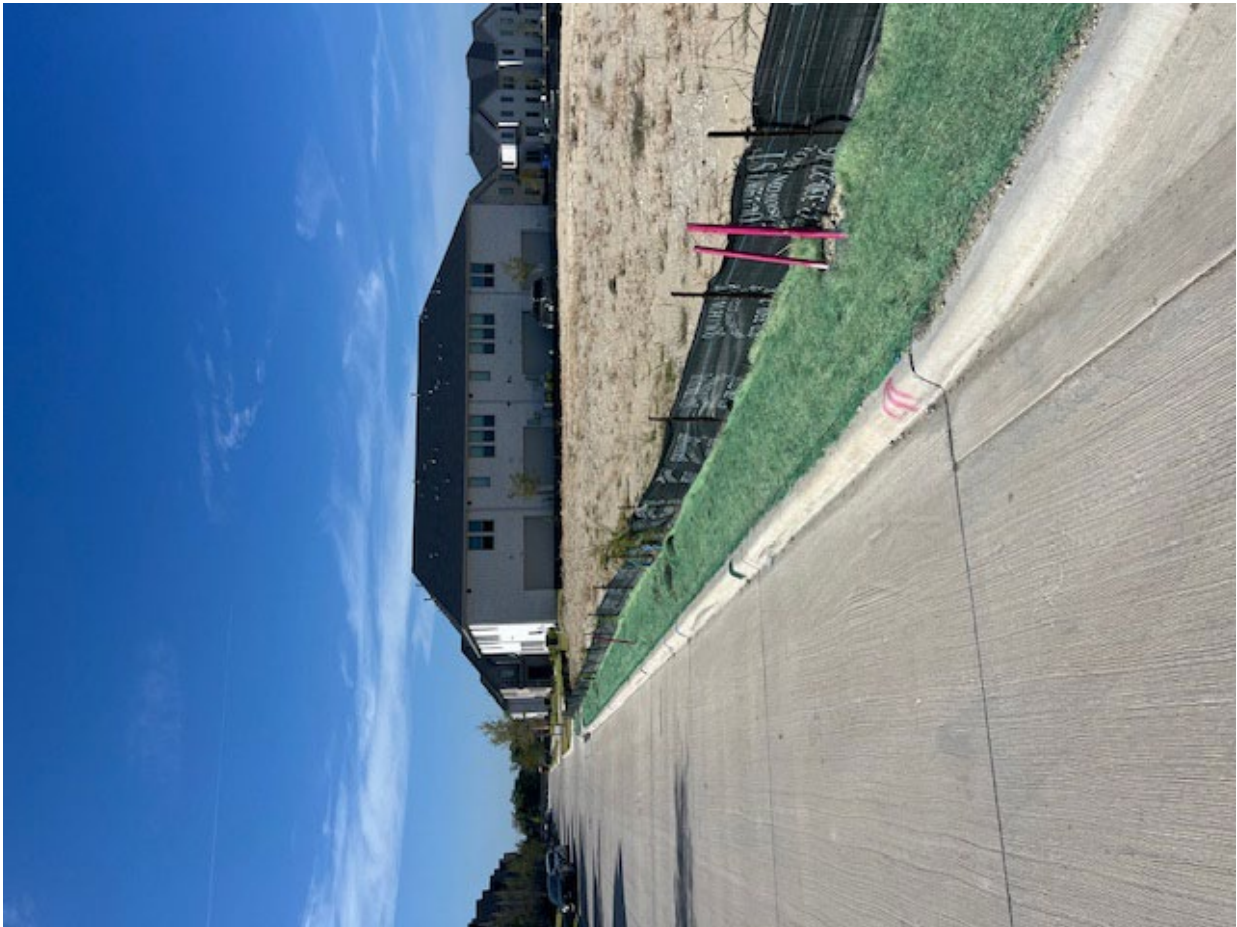
Appendix 2

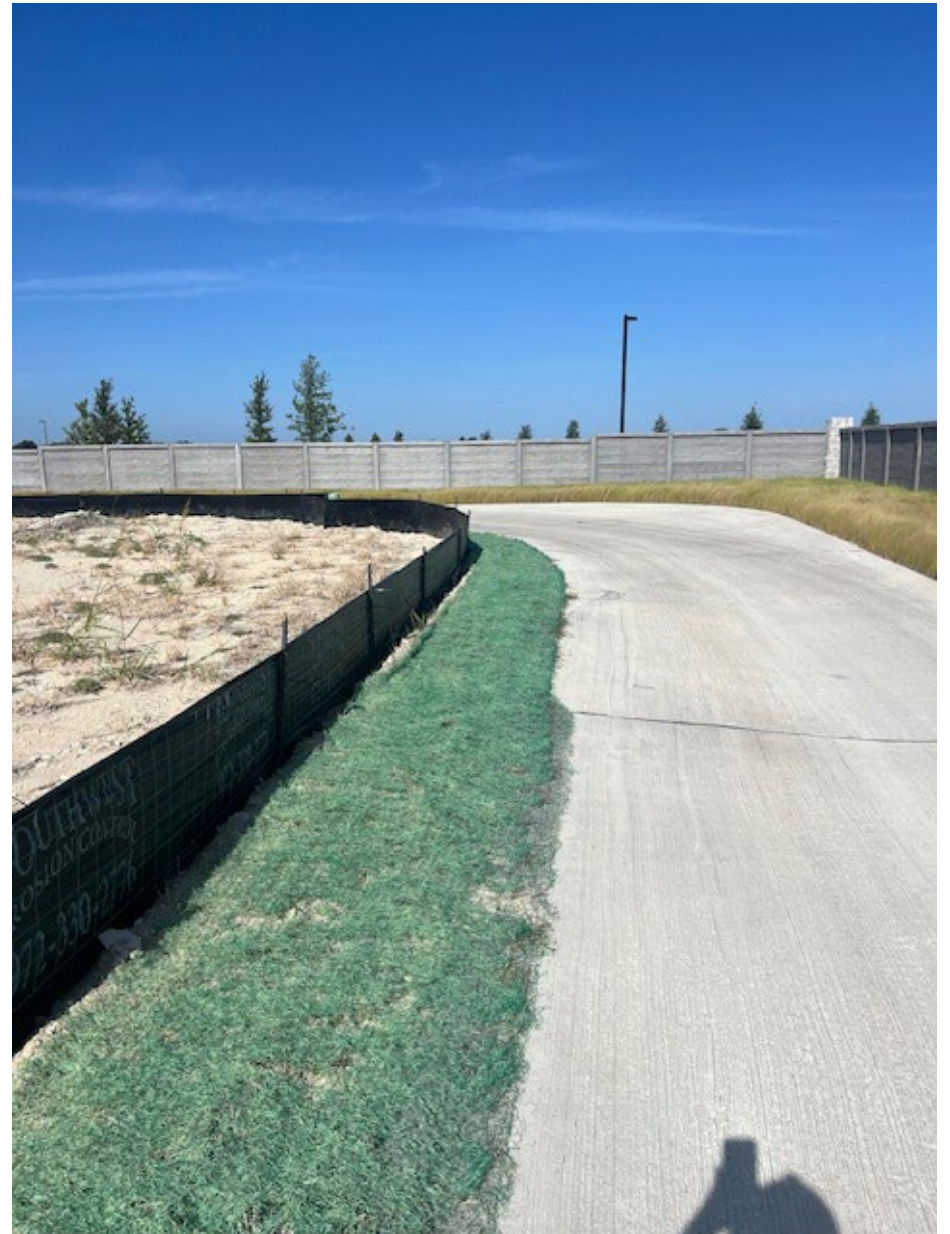
CB Jeni Homes Correction Photos
(provided via email on 08/16/2024)

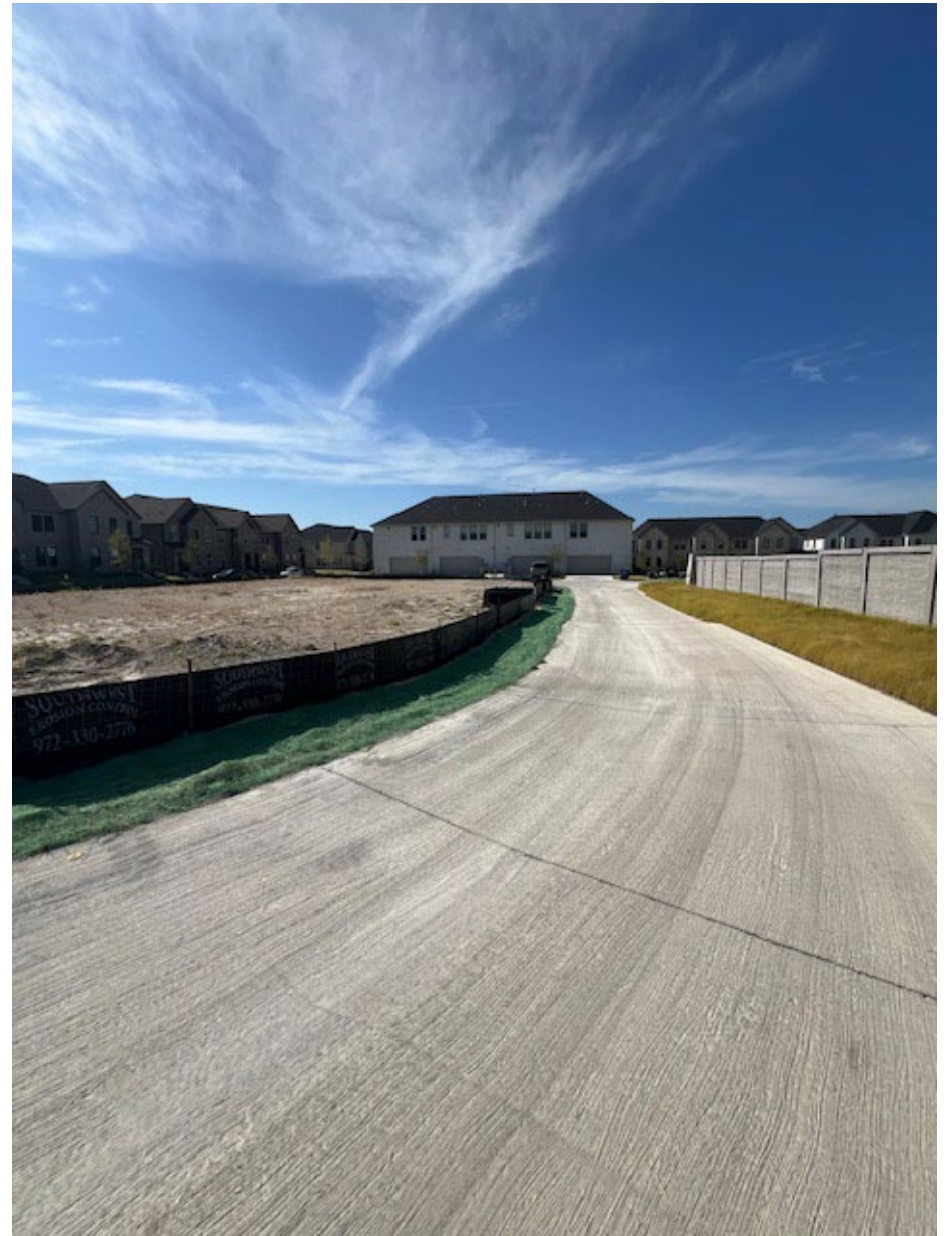
From: [Steve Murphy](#)
To: [Crayton, Sharron](#)
Subject: CB Jeni Homes Painted Tree correction photos
Date: Friday, August 16, 2024 10:23:48 AM

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Please find the correction photos below for the CB Jeni Homes site in the Painted Tree community in McKinney, TX





























































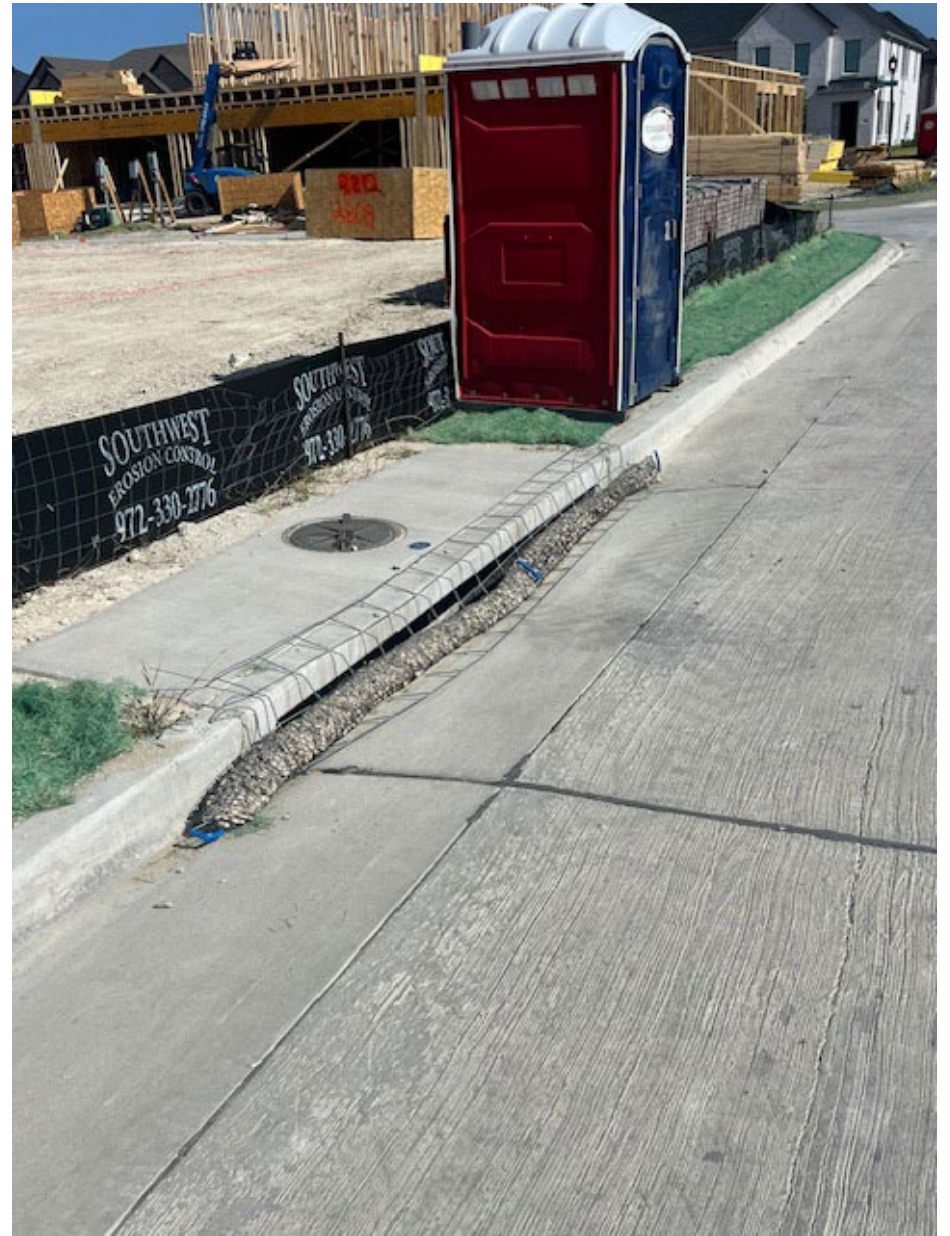
















Thanks,



Steve Murphy

Community Construction Manager

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