

REPORT OF CONSTRUCTION STORMWATER COMPLIANCE EVALUATION INSPECTION (CEI)

**AT
Twin Oaks Apartments
402 Fast Lane
Hudson, IA 50643**

NPDES NO: IA41370-40997

October 25-26, 2022

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

INTRODUCTION

I performed a Compliance Evaluation Inspection (CEI) at the Twin Oaks Apartments residential development in Hudson, Iowa on October 25 and 26, 2022. The inspection was authorized by Section 308(a) of the Federal Water Pollution Control Act, as amended. I conducted this inspection in accordance with the procedures described herein and followed all applicable EPA Region 7 Standard Operating Procedures (SOPs). This narrative report presents the findings of the inspection.

PARTICIPANTS

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INSPECTION PROCEDURES

I contacted Matt McGeough on October 25, 2022. He stated on the phone that he could meet me that afternoon. While on the phone, I explained that I would be conducting a construction storm water inspection and asked him to provide a copy of the Storm Water Pollution Prevention Plan (SWPPP) and SWPPP site inspections.

Prior to entering the site, 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 on October 24, 2022. Dirt work was being conducted at the north ditch area while it was raining (photo 2, 3). The storm water was flowing north down Fast

Lane and collecting sediment from track-out (photos 5, 6). The sediment laden storm water was entering the storm sewers along Riders Road (photos 1, 2, 4). The storm sewer inlets along Riders Road shown in photos 1 and 4 did not have any effective pollution control devices.

Twin Oaks Apartments is located at the corner of Fast Lane and Riders Road in Hudson, Iowa. Storm water internally flows north to a ditch along Riders Road, east to the City of Hudson owned detention basin, or south to the south ditch. Storm water flow along Fast Lane flows north to Riders Road; then, east to storm sewer inlets along Riders Road. The north ditch, south ditch and storm sewer inlets discharge to the City's detention basin. Discharge from the detention basin flows east through a culvert under Butterfield Road to an unnamed tributary. The unnamed tributary joins another unnamed tributary before reaching Black Hawk Creek. The unnamed tributaries are designated as intermittent streams by the United States Geological Survey (USGS). The USGS has designated Black Hawk Creek as a perennial stream. The detention basin outfall is approximately 1.13 miles from Black Hawk Creek. Photos were taken on October 27, 2022, at the detention basin outfall and further downstream at the unnamed tributary crossing at Dewitt Road (photos 22-24).

I presented my identification to Mr. McGeough and explained the scope and purpose of the inspection. I explained to Mr. McGeough that I would be conducting the construction storm water 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. The Iowa Department of Natural Resources (IDNR) authorized the discharge of storm water from the site by approving the Notice of Intent (NOI) for NPDES General Permit No. 2 on July 1, 2022 (attachment 5). I explained that the inspection would consist of a review of required records, SWPPP, and a visual inspection of the facility. I documented my findings and observations by taking photographs and/or videos and obtaining statements from facility staff.

I completed the visual inspection on October 26, 2022. I summarized the findings of the visual inspection with Mr. McGeough during the exit briefing of the inspection. At that time, I issued a Notice of Potential Findings (NOPF) (attachment 3). Photographs were taken during the inspection. See attachment 2 for the digital photographs, photo log, and photo locations map.

FACILITY DESCRIPTION

Facility Operations

The Twin Oaks Apartments covers approximately 4.7 acres and will include six apartment buildings when completed. The project site was originally part of a larger development, Twin Oaks Subdivision, owned by Echo Development until the summer of 2022 when Twin Oaks Apartments, LLC purchased it. At the time of the inspection, the site was active with one building being framed and two others with finished foundations.

As stated previously, storm water ultimately flows to the city-owned detention basin via surface runoff or storm sewer infrastructure. The City of Hudson has a municipal separate storm sewer (MS4) permit through IDNR. The internal storm sewer infrastructure was not complete, at the time of the inspection; however, Fast Lane and Riders Road did have completed infrastructure.

During the pre-inspection reconnaissance on October 24, 2022, I noted a backhoe and skidsteer moving dirt along the north ditch while it was raining (photos 2, 3).

Regulatory History

Twin Oaks Apartments was permitted under IDNR's NPDES General Permit No. 2 authorization number IA41370-40997 on July 1, 2022, to discharge storm water from activities associated with construction. Neither IDNR nor EPA have inspected the site previously.

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. McGeough during the exit meeting. The weather conditions at the time of the inspection were partly cloudy and windy (45°F). The most recent rain event was approximately one inch on October 24, 2022, according to the High Plains Regional Climate Center's CLIMOD website. It was raining during the pre-inspection visual reconnaissance on October 24, 2022.

The construction entrance was located on Fast Lane and was muddy and allowing track-out to occur onto Fast Lane (photo 7) (NOPF 1). A trash dumpster and portable toilet were located near the entrance. Construction waste and bagged trash were on the ground within the south ditch drainage (photos 8 & 9) (NOPF 2).

In the southeast corner of the site, the south ditch flows to the city-owned detention basin. Storm water had undercut the silt fence, allowing the stormwater to bypass the control measure (photo 10) (NOPF 1). As seen in photos 11 and 12, storm water runoff had deposited sediment within the south ditch upslope of this silt fence as well as downslope of this silt fence. At the time of the inspection, site personnel were replacing the south ditch straw wattles seen in photos 8 and 9.

Storm Water Pollution Prevention Plan (SWPPP)

The NPDES permit requires the facility to develop and implement a SWPPP. During the exit meeting, Mr. McGeough provided a SWPPP map and site inspections but not a complete SWPPP (NOPF 4). At that time, we discussed that I needed a complete copy of the SWPPP. Mr. McGeough explained that he did not realize we needed the entire document. He promptly provided documents electronically, soon after the exit meeting on October 26 (attachment 4).

I reviewed the SWPPP for completeness after the inspection and noted that the SWPPP was incomplete. The SWPPP does not include the receiving waters or an estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site, per Part IV.D. of the NPDES permit. The SWPPP does not include "a description of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures identified in the site plan," as required by the NPDES permit.

Other Observations

During the inspection, I observed activities across the site. Some BMPs were missing, not maintained, or not implemented (NOPF 1, 2, 3). Silt fencing was not maintained allowing storm water to bypass the fencing in the southeast corner (photo 10). Also, a lack of BMPs allowed sediment deposits within the south ditch and downslope of the southeast corner silt fencing (photos 11 & 12). Approximately 140 feet of silt fencing along the north ditch was also full of sediment and in need of maintenance or replacement (photo 17). Approximately 600 linear feet along the north ditch had slopes that were disturbed but did not have controls (photos 18-21). Heavy equipment was actively moving soil within the north ditch without effective controls. Deep erosion rills within the north ditch were present from the sediment basin and back upslope about 100 feet (photo 16). Sediment discharge into the city-owned detention basin was occurring during the inspection from the north ditch (photos 14, 15).

The city-owned detention basin was not discharging at the time of the inspection (photo 24).

SUMMARY

Mr. McGeough was initially confused by my request for a SWPPP. After explaining NOPF 4, he provided a copy of a SWPPP soon after the exit meeting (attachment 4).

The following potential findings were identified during the inspection and are included on the NOPF:

- 1) Not installing or maintaining effective pollution prevention measures: Part III.C.5.
- 2) Not utilizing methods to minimize exposure of construction waste and trash to precipitation and storm water: Part III.C.5.B.
- 3) Discharge of pollutants off site: Part I.B.2. and Part III.A.1.
- 4) Not providing a copy of a complete SWPPP: Part V.

The following potential findings were identified after the inspection and are in addition to the NOPF dated October 26, 2022:

- 5) The SWPPP does not meet the requirements of Part IV.D. of the NPDES permit.

Also, Mr. McGeough provided responses to the NOPF on October 26, November 29, and November 30, 2022 (attachment 6).

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ATTACHMENTS:

1. NPDES Storm Water Worksheet (Construction) (6 pages)
2. Digital Photograph Map, Photo Log and Photos #1-32 (13 pages)
3. NOPF (2 pages)
4. SWPPP (33 pages)

5. IDNR NPDES General Permit No. 2 (21 pages)
6. NOPF Responses (29 pages)