



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

Inspection Date:	02/24/2021	
Time:	Entry: 1:30 p.m.	Exit: 2:40 p.m.
Media:	Water	
Regulatory Program:	CWA NPDES/Construction Stormwater	
Operator Name(s):	Brighton Development, Inc. – (Notice of Intent IDR1002TX)	
Operator Addresses:	2929 West Navigation Drive, Suite 400	
Operator City, State, Zip Code:	Meridian, Idaho 83642	
Site Name:	Hill's Century Farm North Subdivision No. 2	
Site Physical Location:	3401 East Amity Road, Meridian, Idaho, 83642	
	Latitude/Longitude	43.558268°N, 116.353572°W
City, State, Zip Code:	Meridian, Idaho, 83642	
Site Contact(s):	Manny Wheaton, Assistant Superintendent Phone: (208) 960-4609 Email: mwheaton@brightoncorp.com	Brighton Development, Inc.
County:	Ada County, Idaho	
Site Identifier:	Hill's Century Farm North Subdivision No. 2	
Estimated Site Area to be Disturbed:	30 acres	
Site Receiving Water(s)	Farr Lateral, Tenmile Creek, Rawson Canal, Fivemile Creek	
Site Receiving Water(s) Description:	Canals and creeks	
NPDES Permit:	2017 EPA Construction General Permit (CGP)	
EPA Site Tracking Numbers:	IDR1002TX	
Notice of Intent (NOI) Site Timeline(s):	Start Date: 12/14/2020	End Date: 12/14/2021
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 – EPA Region 10	U.S. EPA Inspector	(208) 378-5754

EPA Region 10 Recipient: Brian Levo	
Signature:	Date:

Table of Contents

Section I – Inspection Information	4
Purpose and Scope of the Inspection	4
Opening Conference.....	4
Site Description	4
Documents Requested During Inspection	5
Section II – Observations	5
Section III – Areas of Concern	6
Records Review Areas of Concern	6
3. Permit Part 7.2.10 (SWPPP Certification)	9
Field Observation Areas of Concern	9
Section IV – Closing Conference.....	11
Attachment A – Photograph Log and Photos	12
Attachment B – Exhibit Log	18
Attachment C - Inspection Reports	
Attachment D- Stormwater Pollution Prevention Plan	

Section I – Inspection Information

Purpose and Scope of the Inspection

On February 24, 2021, Steven Chase, U.S. Environmental Protection Agency (EPA) Contract Inspector, Eastern Research Group (ERG), Inc. staff inspector Kelly Davis, and EPA Region 10 Inspector Charissa Bujak, (hereafter, we or Inspection Team) conducted a construction stormwater inspection of Hill's Century Farm North Subdivision No. 2 construction project (hereafter, Site) operated by Brighton Development, 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. Manny Wheaton at approximately 11:30 a.m. on the day of the inspection without success. Mr. Wheaton returned the Inspection Team's call at approximately 12:00 p.m. and agreed to meet us on site at 1:30 p.m. We met with Zack Meyers of Brighton Development, Inc. near the Site construction entrance prior to conducting the records review and Site walk-through. We were also joined by Mr. Manny Wheaton of Brighton Development, Inc. who served as an Assistant Superintendent and Best Management Practice (BMP) inspector for the Site. Brighton Development, Inc. staff had elected to conduct biweekly inspections plus inspections after qualifying rain events (i.e., greater than 0.25" in 24 hours). Brighton Development, Inc. staff used storm data from the NOAA weather station at the Boise airport, Boise Air Terminal (KBOI). Syman, LLC performs BMP maintenance on site. During the opening conference, Charissa Bujak and I, Steven Chase, presented our EPA inspector credentials to Mr. Meyers and Mr. Wheaton (the Site Representatives), exchanged business cards, and informed Site Representatives of the purpose of the Site inspection.

Site Description

The Site is located off East Amity Road in the City of Meridian, ID, roughly 8 miles southwest of Boise. The Site is comprised of construction activities for a planned single-family home residential community. The Site's western perimeter extends along South Eagle Road. The Site borders another construction project to the north. To the east and south of the Site are private residential properties. The Site has one construction entrance located off East Amity Road that connects to the Site via a roadway that runs through the construction project to the north of the Site. For an aerial image of the Site, refer to Attachment B, Exhibit 1. The Site's total planned disturbance area is 30 acres, as described in the Site's

Notice of Intent (NOI), which was certified by Mr. Jon Wardle on November 23, 2020. Construction activities began in January 2021. At the time of the inspection, rough grading had been completed and storm sewer installation was in progress, but fine grading, pavement/sidewalk construction, installation of storm drain inlets and catch basins, and vertical construction had not begun. The official receiving waters for stormwater discharged from the Site include Farr Lateral canal, Tenmile Creek, Rawson Canal, and Fivemile Creek as described in the Site's Stormwater Pollution Prevention Plan (SWPPP) and NOI. The Inspection Team also observed an unnamed irrigation canal along the western perimeter of the Site that Site Representatives stated collects stormwater via sheet flow. Site Representatives explained that stormwater from the Site is collected in a sediment basin located on the Site's northwestern perimeter, a seepage bed located on the Site's southwest perimeter, and in the unnamed irrigation canal along the western perimeter. Stormwater collected in the unnamed irrigation canal discharges to the sediment basin before discharging canal north of the Site through the unnamed irrigation canal, and then discharges to Tenmile Creek, then subsequently to the Boise River. Site connections to the other official receiving water bodies listed on the NOI were unclear to the Inspection Team. Tenmile Creek and Fivemile Creek are impaired for E. coli and sediment and have a TMDL (ID# 64560) named the, *2015 Sediment and Bacteria Addendum, Sep 2015*. The Farr Lateral and Rawson Canal are not impaired.

Documents Requested During Inspection

Due to the ongoing COVID-19 pandemic, the Inspection Team confirmed Site documentation to be available at the time of the inspection but did not review the documentation in detail onsite. The site provided inspection reports from the beginning of the project on January 13, 2021 through February 24, 2021. The Inspection Team requested the following documents electronically for review following 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.

- Current copy of Site SWPPP and map.
- The three most recent months of Site inspection records and corrective action reports (note that construction had begun January 2021)

Section II – Observations

Following the opening conference and initial records review, the Inspection Team, accompanied by the Site Representatives, began the Site walk-through at approximately 1:50 p.m. At the time of the inspection, the weather was mostly sunny with temperatures in the upper-30's and a steady, mild wind.

We began the Site walk-through at the Site entrance and followed the Site perimeter in a clockwise pattern, completing the walk-through back at the Site entrance.

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

We observed construction activities that consisted of sewer utility installation. We observed an overall lack of stabilization measures and perimeter control BMPs throughout the Site (refer to Section III, Areas of Concern, below for more details).

As we progressed towards the northeast Site perimeter, we observed an unstabilized soil stockpile that did not have sediment barriers installed on all downgradient perimeter areas (refer to Area of Concern 4). We also observed a lack of perimeter controls along a majority of the eastern perimeter of the Site (refer to Areas of Concern 5).

We progressed along the southern perimeter towards the western perimeter of the Site. We did not see any areas of concern along the southern perimeter.

As we progressed along the western perimeter of the Site, we observed an unstabilized soil stockpile on the southwest perimeter (refer to Area of Concern 4). Adjacent to the unstabilized soil stockpile was an irrigation channel that extended along the western perimeter of the Site that lacked perimeter controls on the southwest end of the perimeter (refer to Area of Concern 5). We continued to the northwest perimeter of the Site and observed a sediment basin that discharges stormwater from the northwest perimeter to an irrigation canal north of the Site.

We continued along the northern perimeter of the Site and observed a dewatering ditch that extended along the northern perimeter of the Site that connected to the sediment basin on the northwest perimeter of the Site. Adjacent to the dewatering ditch along the north-central perimeter of the Site, we observed an unstabilized soil stockpile (refer to Area of Concern 4).

We concluded the Site walk-through portion of the inspection near the Site entrance.

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 7.1 (General Requirements)

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI. The SWPPP must be kept up-to-date throughout coverage under this permit. If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.

(Area of Concern 1)

During the initial onsite records review, we observed that the SWPPP Site map did not include all minimum information as required by Part 7.2.4 of the Permit. The onsite map did not include the following information (refer to Attachment B, Exhibit 2):

- Locations where sediment, soil, or other construction materials will be stockpiled (Permit Part 7.2.4.b.iii) – We observed that the onsite SWPPP map did not include locations where sediment and soil would be stockpiled. The Site had three locations where soil was stockpiled – one location at the northeast perimeter of the Site, one location at the southwestern perimeter of the Site, and one location on the

north-central perimeter of the Site (refer to Attachment A, Photographs 1 through 4);

- Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities (Permit Part 7.2.4.f);
- Stormwater and authorized non-stormwater discharge locations (Permit Part 7.2.4.g) – We observed a discharge location that was not identified on the SWPPP map that discharged into an offsite irrigation channel from a sediment basin located at the northwest perimeter of the Site. An irrigation ditch along the western perimeter of the Site and a drainage dewatering ditch along the northern perimeter of the Site discharged into the sediment basin (refer to Photographs 5 and 6).
- Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit (Permit Part 7.2.4.i) – We observed that the onsite SWPPP map displayed fiber rolls installed at the perimeters of the Site; however, we did not observe fiber rolls. On the southern perimeter of the Site we observed vegetated berms and soil berms. On the northern and northwestern perimeters of the Site we observed soil berms. We did not observe perimeter controls on the eastern perimeter of the Site, except along one perimeter south of the unstabilized soil stockpile that had a soil berm (refer to Attachment A, Photographs 1, 2, 3, 7, 8, and 9).

2. Permit Part 4.2 (Frequency of Inspections)

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to the Part 4.3 site inspection frequency for discharges to sensitive waters or qualify for a Part 4.4 reduction in the inspection frequency:

4.2.1 At least once every seven (7) calendar days; or

4.2.2 Once every 14 calendar days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

AND

Permit Part 4.3 (Increase in Inspection Frequency for Sites Discharging to Sensitive Waters)

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.2), instead of the inspection frequency specified in Part 4.2, you must conduct inspections in accordance with the following inspection frequencies: Once every seven (7) calendar days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

(Area of Concern 2)

We observed on page 42 of the SWPPP, that the Permittee had elected to conduct biweekly inspections plus inspections after qualifying rain events (i.e., greater than 0.25" in 24 hours) (refer to Attachment C). As stated in the NOI, due to stormwater discharging to Tenmile Creek and Fivemile Creek that are impaired for sediment, according to part 4.3 of the Permit, the Permittee must conduct weekly inspections plus inspections after qualifying rain events. It was noted that the Permittee had been conducting inspections at this frequency as observed in the inspection reports, however the SWPPP did not reflect the accurate frequency (refer to Attachment D).

We observed gaps in between Site inspections that were greater than 7 days. We observed a 12-day gap between an inspection conducted on 1/20/2021 and an inspection conducted on 2/2/2021; an 8-day gap between an inspection on 2/2/2021 and an inspection 1/10/2021; and another 8-day gap between an inspection on 2/16/2021 and 2/24/2021 (refer to Attachment D).

3. Permit Part 7.2.10 (SWPPP Certification)

You must sign and date your SWPPP in accordance with Appendix I, Part I.11.

(Area of Concern 3)

During the onsite records review, we observed that the Delegation of Authority Form located in Appendix J of the SWPPP was not signed. The Form was completed, but not signed or dated, under the name Jon Wardle of Brighton Development, Inc. (refer to Attachment B, Exhibit 3).

Field Observation Areas of Concern

4. Permit Part 2.2.5 (Erosion and Sediment Control Requirements)

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 4.3 (Sediment track out, erosion and sediment control #8- stockpile management)

- “Locate stockpiles a min of 50 ft away from concentrated flows of stormwater, drainage courses, and inlets
- Protect all stockpiles from stormwater run-on using a temporary perimeter sediment barrier such as berms, dikes, fiber rolls, silt fences, sandbags, or gravel bags
- Implement wind erosion control practices as appropriate on all stockpiled material. Place bagged materials on pallets and under cover.”

(Area of Concern 4)

We observed three unstabilized soil stockpiles on site that did not have sediment barriers installed on all the down gradient perimeter areas. The stockpiles were located on the northeastern perimeter of the Site, the southwest perimeter of the Site, and the north-central perimeter of the Site. Additionally, the stockpiles located on the southwest and north-central perimeters of the Site were located within 50 ft from the concentrated flows from the irrigation canal and the dewatering ditch (refer to Attachment A, Photographs 1 through 4).

5. Permit Part 2.2.3 (Install sediment controls along any perimeter areas of the site that will receive pollutant discharges.)

- a. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control.*
- b. Exception. For areas at “linear construction sites” (as defined in Appendix A) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.*

(Area of Concern 5)

We observed a lack of perimeter control measures implemented on the eastern and southwestern perimeters of the Site (refer to Attachment A, Photographs 1, 3, and 7). Tire tracks were additionally observed in the unnamed irrigation ditch located on the western perimeter of the Site that receives Site drainage (refer to Attachment A, Photograph 9). A soil berm was observed south of the unstabilized soil stockpile along the northeastern perimeter of the Site (refer to Attachment A, Photograph 2). The Inspection Team noted during the document review that while the SWPPP described various BMPs that could be used as perimeter controls (e.g. silt fence, fiber rolls) no cohesive plan on how perimeter control would be maintained was included.

Section IV – Closing Conference

We held a closing conference at the conclusion of the inspection at approximately 2:30 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 Site Representatives, Mr. Meyers and Mr. Wheaton of Brighton Development, Inc.

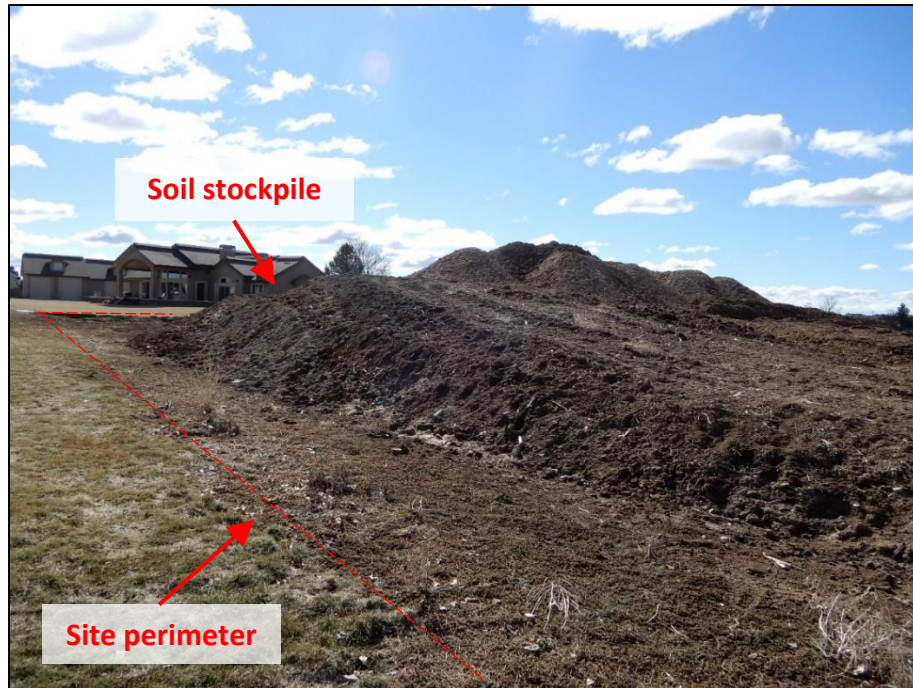
- Area of Concern 1 – The SWPPP Site map did not include all minimum required information;
- Area of Concern 2 – Inspection frequency not reflective of Permit requirements in SWPPP and gaps of more than 7 days in between Site inspections;
- Area of Concern 3 – The Delegation of Authority Form was not signed;
- Area of Concern 4 – Unstabilized soil stockpiles did not have a sediment barriers installed on the down gradient perimeter areas;
- Area of Concern 5 – Lack of perimeter control measures;

The closing conference concluded at approximately 2:40 p.m.

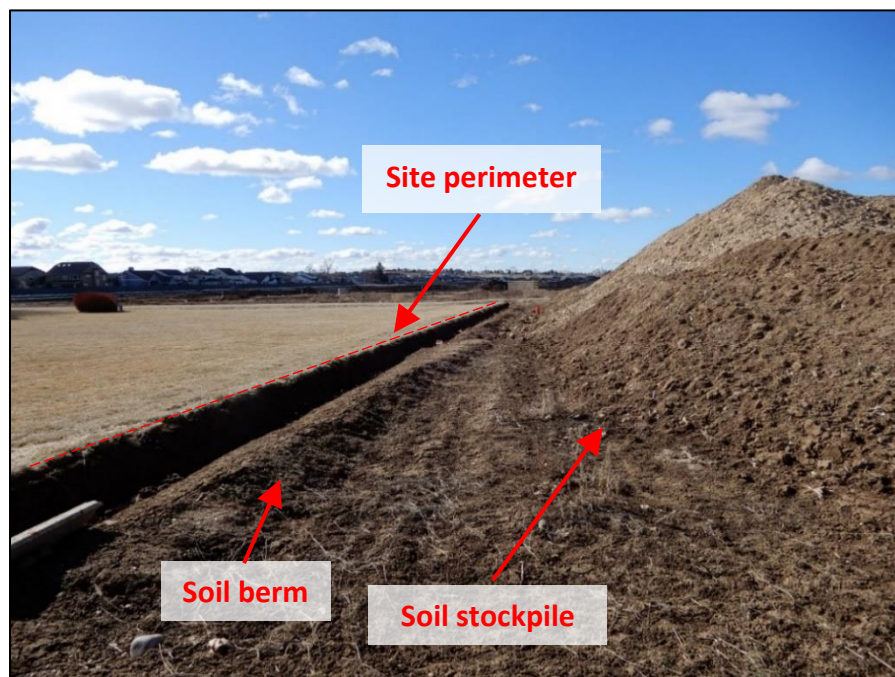
Attachment A – Photograph Log and Photos

Photograph Log

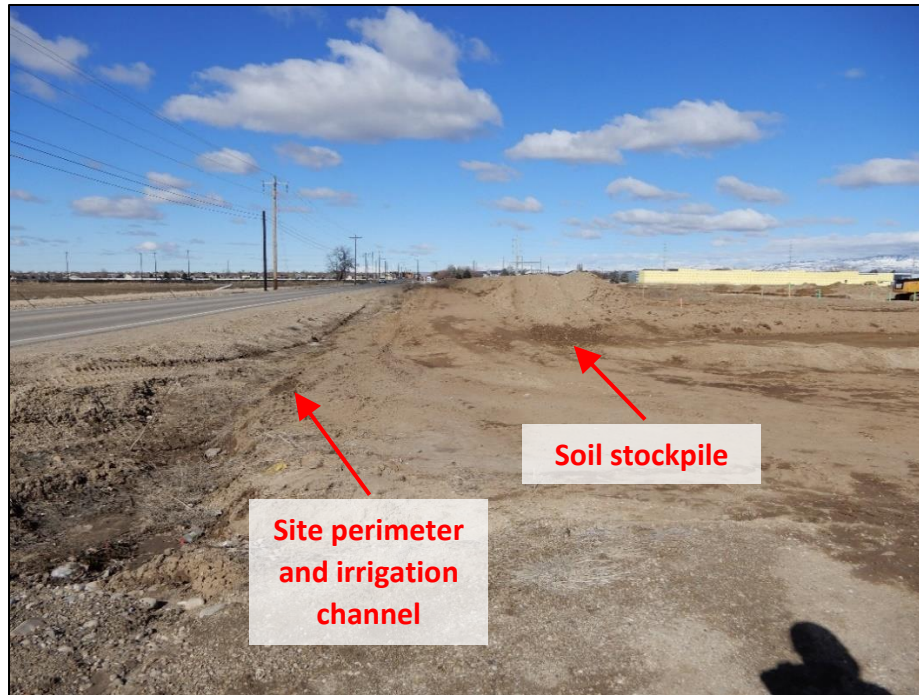
The photographs were taken during the inspection by Mr. Steven Chase, PG Environmental, and Kelly Davis, ERG Inc., U.S. EPA Contractors, Nikon Coolpix W300 digital camera and a Nikon Coolpix A900. Original copies of the photos are on file.



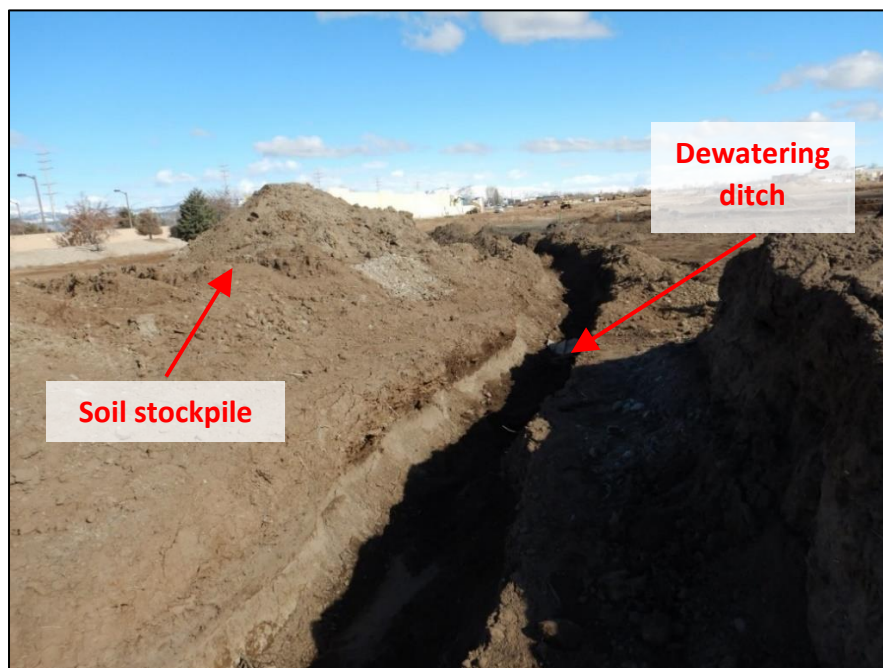
Photograph 1. View, facing southwest, of the Site's northeastern perimeter (photograph taken from off site). Note the lack of perimeter controls and the unstabilized soil stockpile that lacked sediment barriers installed on the down gradient perimeter area to the east.



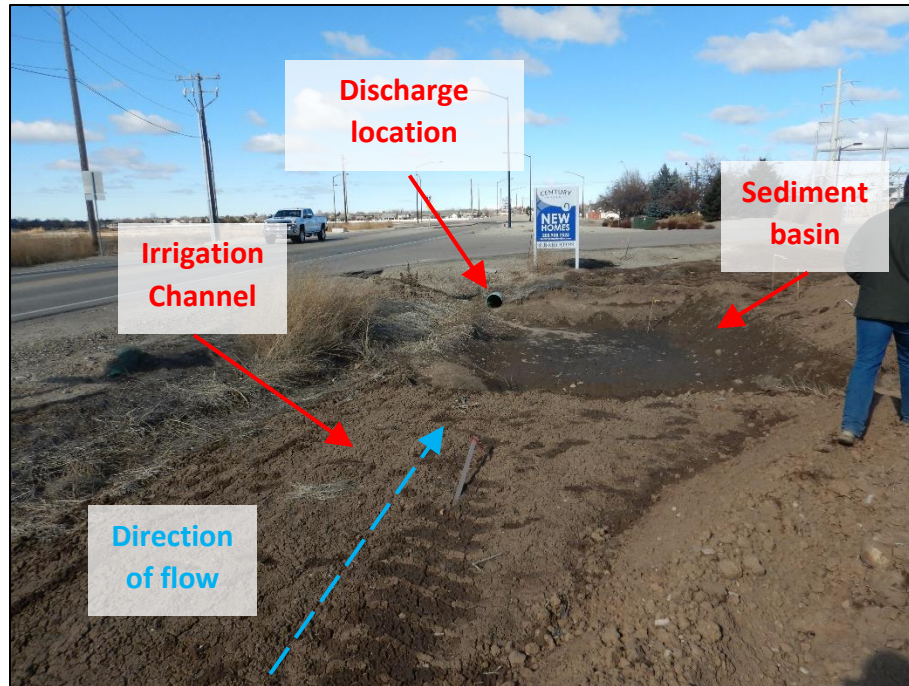
Photograph 2. Another view, facing west, of the Site's northeastern perimeter (photograph taken from on site). Note the soil berm on the southern side of the unstabilized stockpile.



Photograph 3. View, facing north, of the irrigation channel along the western perimeter of the Site along South Eagle Road . Note the lack of perimeter control and the unstabilized soil stockpile that lacked sediment barriers installed on the down gradient perimeter areas.



Photograph 4. View, facing northeast, of the dewatering ditch installed along the northern perimeter of the Site. Note the soil stockpile located adjacent to the dewatering ditch and the lack of sediment barriers installed on the down gradient perimeter areas.



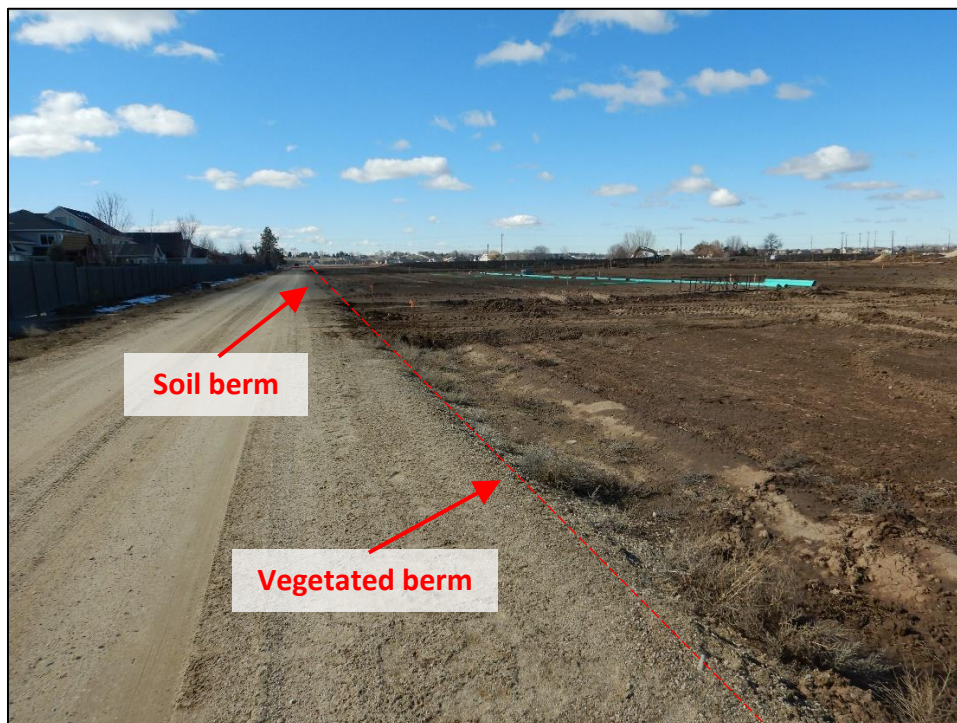
Photograph 5. View, facing north, of the irrigation channel leading to the sediment basin located on the northwest perimeter of the Site. Note the signs of previous containment of water and the discharge point from the northwest perimeter.



Photograph 6. Another view, facing north, of the sediment basin located on the northwest perimeter of the Site. Note the dewatering ditch leading to the basin, signs of previous containment of water, and the discharge point from the northwest perimeter.



Photograph 7. View, facing south, of the southeast perimeter of the Site (photograph taken from off site). Note the lack of perimeter controls.



Photograph 8. View, facing west, of the southern perimeter of the Site (photograph taken from off site). Note the use of berms as perimeter controls.



Photograph 9. View, facing northwest, of the irrigation channel on the northwestern perimeter of the Site along South Eagle Road. Note the moisture and the tire tracks in the irrigation channel and the soil berm.

Attachment B – Exhibit Log



Exhibit 1. Google maps (imagery copyright 2021). Location of Hill's Century Farm North Subdivision No. 2 in Meridian, Idaho. Note the approximate Site perimeter outlined with the dotted yellow line.

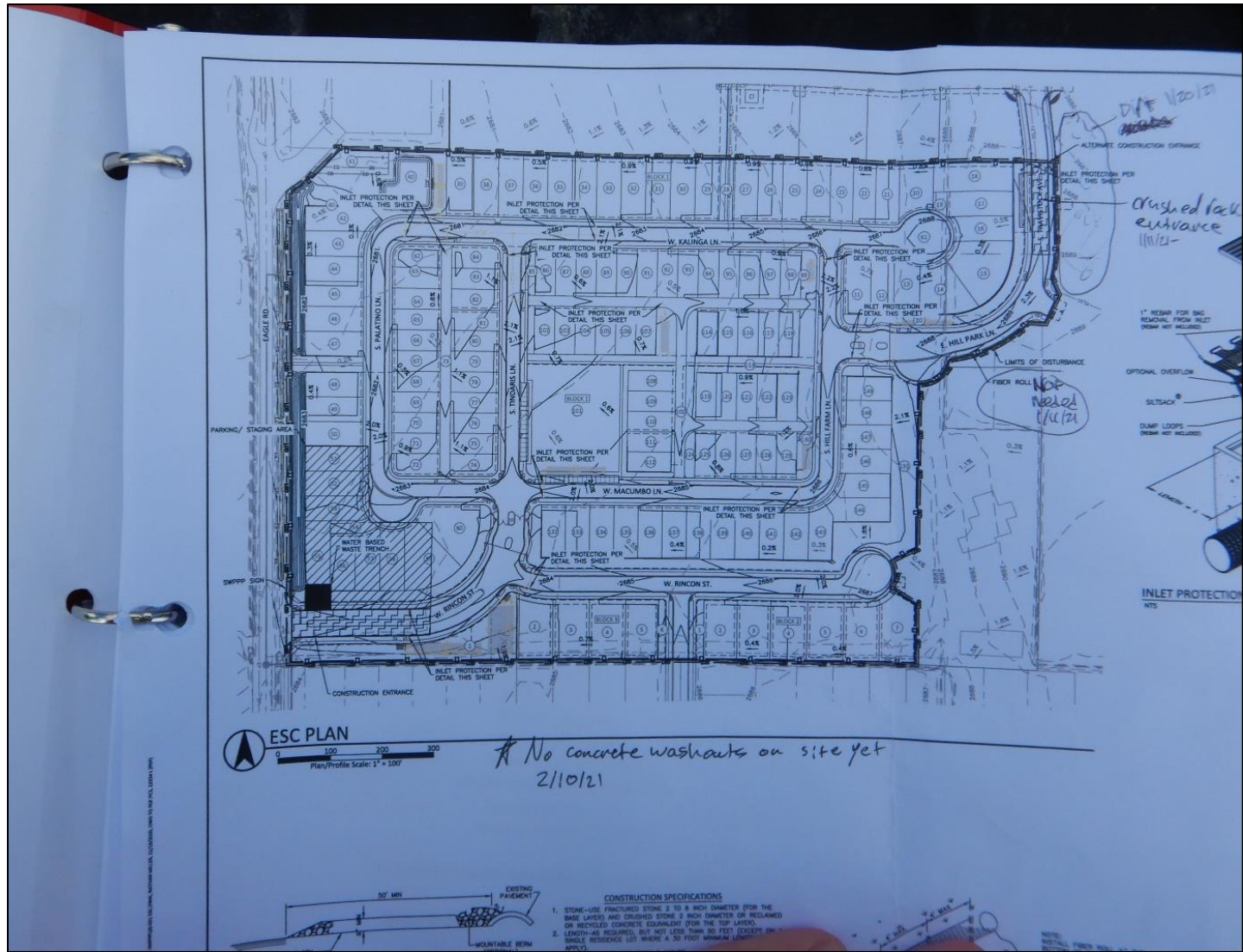


Exhibit 2. Image of the Site map provided to the Inspection Team during the onsite inspection (image was cropped to focus on map details). It was noted the Site map does not contain all Permit-required elements, such as locations of stockpiles, drainage patterns of stormwater and authorized non-stormwater, authorized non-stormwater discharge locations, and updated perimeter controls.

BRIGHTON
CORPORATION

Delegation of Authority

I, Jon Wardle, President of Development of Brighton Development, Inc., hereby designate the person(s) or specifically described position(s) below to be a duly authorized representative(s) for the purpose of overseeing compliance with environmental requirements, including the Construction General Permit, at the **Hill's Century Farm North 1** construction site. The designee(s) are authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

Project Manager: Zach Meyers (208) 901-4264
Brighton Corporation
2929 W. Navigator Dr. Suite 400
Meridian, Id, 83642

SWPPP Contact (RP): Manny Wheaton (CON20-00294) (208) 960-4609
Email: mwheaton@brightoncorp.com
Brighton Corporation
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Meridian, Id, 83642

SWPPP Contractor: Syman LLC. (208) 287-8420
Brad Simpson and Adam Lyman
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Email: b.simpson@symancompany.com, a.lyman@symancompany.com

Site Inspector: Zachary Meyers (CON15-00194) (208) 901-4264
Daniel Frisby (CON13-00101) (208) 577-1000
Manny Wheaton (CON20-00294) (208) 960-4609
Brighton Corporation
2929 W. Navigator Dr. Suite 400
Meridian, Id, 83642

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix I of EPA's Construction General Permit (CGP), and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix I.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Date: _____

Exhibit 3. Image of the unsigned Delegation of Authority that was observed during the onsite records review. Note that the form was completed by Jon Wardle of Brighton Development, Inc. but not signed or dated.