



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

Inspection Date:	02/24/2021	
Time:	Entry: 8:30 a.m.	Exit: 9:30 a.m.
Media:	Water	
Regulatory Program:	CWA NPDES/Construction Stormwater	
Operator Name(s):	Barber Valley Development – (Notice of Intent IDR1002LG)	
Operator Addresses:	4940 East Mill Station Drive, Suite 101-B	
Operator City, State, Zip Code:	Boise, Idaho 83716	
Site Name:	Dallas Harris South Subdivision No. 1	
Site Physical Location:	East Warm Springs Avenue, City of Boise, Idaho, approximately 5 miles southeast of downtown Boise	
	Latitude/Longitude	43.56971°N, 116.130364°W
City, State, Zip Code:	Boise, Idaho 83716	
Site Contact(s):	Kyle Terrell, Project Manager Phone: (208) 338-0818 Email: kyle@centralpaving.com	Central Paving Co., Inc.
County:	Ada County, Idaho	
Site Identifier:	Dallas Harris South Subdivision No. 1	
Estimated Site Area to be Disturbed:	5.5 acres	
Site Receiving Water(s)	Warm Springs Creek	
Site Receiving Water(s) Description:	Creek	
NPDES Permit:	2017 EPA Construction General Permit (CGP)	
EPA Site Tracking Numbers:	IDR1002LG	
Notice of Intent (NOI) Site Timeline(s):	Start Date: 07/23/2020	End Date: 12/15/2020
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	-
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
Field Observation Areas of Concern	8
Section IV – Closing Conference.....	9
Attachment A – Photograph Log and Photos	10
Attachment B – Exhibit Log	15
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, a U.S. Environmental Protection Agency (EPA) Contract Inspector, Eastern Research Group (ERG), Inc. staff inspector Kelly Davis, and U.S. EPA inspector Charissa Bujak, (hereafter, we or Inspection Team) conducted a construction stormwater inspection of Dallas Harris South Subdivision No. 1 construction project (hereafter, Site) operated by Barber Valley Development (the Permittee) and Central Paving Co., Inc. 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 on site 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 given via voicemail to the project contact listed on the Notice of Intent (NOI), Mr. Kyle Terrell, on the evening prior to the inspection at approximately 5:30 p.m. The Inspection Team made contact via phone with Mr. Terrell on the morning of the inspection at 7:30 a.m. and agreed to meet at the Site at 8:30 a.m. Upon arriving at the Site at 8:30 a.m., we observed inactive construction activities and were met by Mr. Kyle Terrell of Central Paving, Inc. The Site is operated by Barber Valley Development and Central Paving Co., Inc. and erosion and sediment control inspections are conducted by Central Paving Co., Inc. Central Paving Co., Inc. staff had elected to conduct inspections every 14 days plus after qualifying rain events (i.e., greater than 0.25" in 24 hours). Central Paving Co., Inc. staff use storm data from the NOAA weather station at the Boise airport, Boise Air Terminal (KBOI). We proceeded to conduct an opening conference with Mr. Terrell at the Site entrance in the southwestern area of the Site. During the opening conference, Charissa Bujak and I, Steven Chase, presented our EPA inspector credentials to Mr. Terrell, exchanged business cards, and informed him of the purpose of the inspection.

Site Description

The Site is located off East Warm Springs Avenue in the City of Boise approximately 5 miles southeast of downtown Boise, ID. The Site is a utilities and roadway installation project for a future subdivision. The Site's southern and eastern perimeters extend along East Warm Springs Avenue. Another construction site borders the Site to the west, and private land borders the Site to the north. For an aerial image of the Site, refer to Attachment B, Exhibit 1. The Site includes one entrance located off East Warm Springs Avenue. The Site's total planned disturbance area is 5.5 acres, as described in the Site's NOI, which was certified by Ms. Amy L. Mitchell on July 14, 2020. At the time of the inspection, about 70% of the Site had been stabilized and the remaining 30% had established rough grading. Mr. Terrell stated that a Notice of Termination (NOT) would be filed two days after the inspection. The official receiving water for

stormwater discharged from the project is Warm Springs Creek as described in the Site's stormwater pollution prevention plan (SWPPP) and NOI.

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 August 10, 2020 through February 15, 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.
- Site inspection records and corrective action reports

Section II – Observations

Following the opening conference and records review, the Inspection Team, accompanied by Mr. Terrell, began the Site walk-through at approximately 8:50 a.m. At the time of the inspection, the weather was overcast with scattered snow flurries, with temperatures in the lower-30s and a steady, moderate wind.

We drove from our opening conference location in the southwestern area of the Site to the southernmost part of East Millbrook Way in the southeastern area of the Site to begin the Site walk-through. We observed the receiving water, Warm Springs Creek, that ran inside the site from the southern perimeter to the eastern perimeter of the Site. Mr. Terrell stated that the creek had been redirected along the southern and eastern perimeters of the Site before the current operator took ownership of the Site. A box culvert had been installed by Central Paving Co., Inc. in the creek to accommodate a new roadway, East Millbrook Way, into the subdivision. Central Paving Co., inc. previously hydroseeded the banks of Warm Springs Creek near the culvert. We progressed along the southern perimeter, then continued north through the center of the Site to the northern perimeter.

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 field observations during the Site walk-through portion of the inspection:

We observed construction activities that consisted of rough grading and stabilization. We observed lack of proper stabilization measures in the northern area of the Site as well as an improper implementation of perimeter best management practices (BMPs) at the Site's southern perimeter (refer to Section III, Areas of Concern, below for more details).

On the Site's southern perimeter, to the west and east of East Millbrook Way, we observed a fiber rolls that were not installed in accordance with good engineering practices (refer to Area of Concern 4). As we proceeded to the northern area of the Site, we observed an unstabilized soil and gravel stockpile located in the north-central portion of the Site (refer to Area of Concern 5). We also observed an uncovered pile of construction waste and debris at the north-central perimeter of the Site (refer to Area of Concern 6).

We concluded the Site walk-through at the northeastern perimeter of the Site.

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.*

(Area of Concern 1)

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

- Boundaries of the property (Permit Part 7.2.4.a);
- Designated points where vehicles will exit onto paved roads (Permit Part 7.2.4.b.v);
- Location of all waters of the U.S. one mile downstream of the Site's discharge point (Permit Part 7.2.4.c), and;
- Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities (Permit Part 7.2.4.f).

2. 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 2)

During the post-inspection documents review, we observed that the Central Paving Co., Inc. representatives did not sign the Subcontractor Certification/Agreement Forms located in Appendix G of the SWPPP. We also observed that the Delegation of Authority Form located in Appendix J of the SWPPP was not signed. The Form was completed, but not signed, under the name Terry McEntee of Central Paving Co., Inc. (refer to Attachment D).

3. 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.

(Area of Concern 3)

We observed two gaps in the Site inspection frequency greater than 14 days. We observed a 21-day gap between Inspection #7 conducted on 10/26/2020 and Inspection #8 conducted on 11/16/2021. We also observed a 22-day gap between Inspection #11 on 12/16/2020 and Inspection #12 on 1/7/2021 (refer to [Attachment C](#)).

Field Observation Areas of Concern

4. Permit Part 2.1.2 (General Stormwater Control Design, Installation, and Maintenance Requirements)

Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.¹¹

(Footnote 11) Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practices and must be explained in your SWPPP. You must also comply with any additional design and installation requirements specified for the effluent limits in Parts 2.2 and 2.3.

(Area of Concern 4)

We observed that the fiber roll BMPs along the southern perimeter were not properly installed or maintained in accordance with good engineering practices. On the Site's southern perimeter, to the west and east of East Millbrook Way, we observed fiber rolls installed upgradient of the hydro seeded area along Warm Springs Creek to provide protection to the creek while vegetation was established. Fiber rolls were not located downgradient, allowing sediment and pollutants to potentially enter Warm Springs Creek (refer to [Attachment A, Photographs 1 through 4](#)).

After the inspection on March 3, 2021, Mr. Terrell sent the Inspection Team three pictures of the corrected BMPs (refer to [Attachment B, Exhibits 3 through 5](#)).

5. Permit Part 2.2.5 (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.*

(Area of Concern 5)

We observed one unstabilized soil and gravel stockpile along the north-central portion of the Site (refer to Attachment A, Photograph 5). We observed fiber rolls installed downgradient of the stockpile along Warm Springs Creek that provided perimeter protection (refer to Attachment A, Photographs 1 through 4).

6. Permit Part 2.3.3.e (Erosion and Sediment Control Requirements)

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.*

(Area of Concern 6)

We observed an uncontained pile of construction waste and debris along the north-central perimeter of the Site that was piled on the ground. At the time of the inspection, a crew was loading the waste into a tractor trailer for disposal offsite (Refer to Attachment A, Photograph 6).

Section IV – Closing Conference

We held a closing conference at the conclusion of the inspection at approximately 9:20 a.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 Mr. Kyle Terrell of Central Paving Co., Inc.

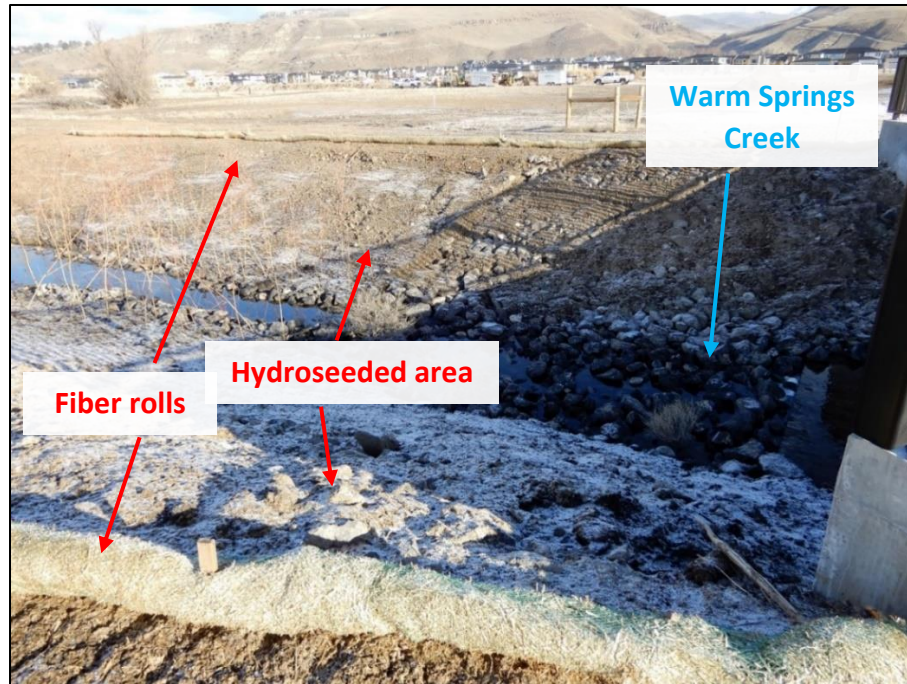
- Area of Concern 1 - SWPPP map presented on Site did not include all the minimum Permit-required information;
- Area of Concern 2 – Incomplete signing of The Delegation of Authority and the Subcontractor Certification/Agreement Form in the SWPPP;
- Area of Concern 3 – Gaps in the Site inspection frequency;
- Area of Concern 4 – Improper placement of fiber rolls on the banks of Warm Springs Creek;
- Area of Concern 5 – Lack of downgradient sediment control of soil and gravel stockpile;
- Area of Concern 6 – Uncontained construction waste and debris on the ground.

The closing conference concluded at approximately 9:30 a.m.

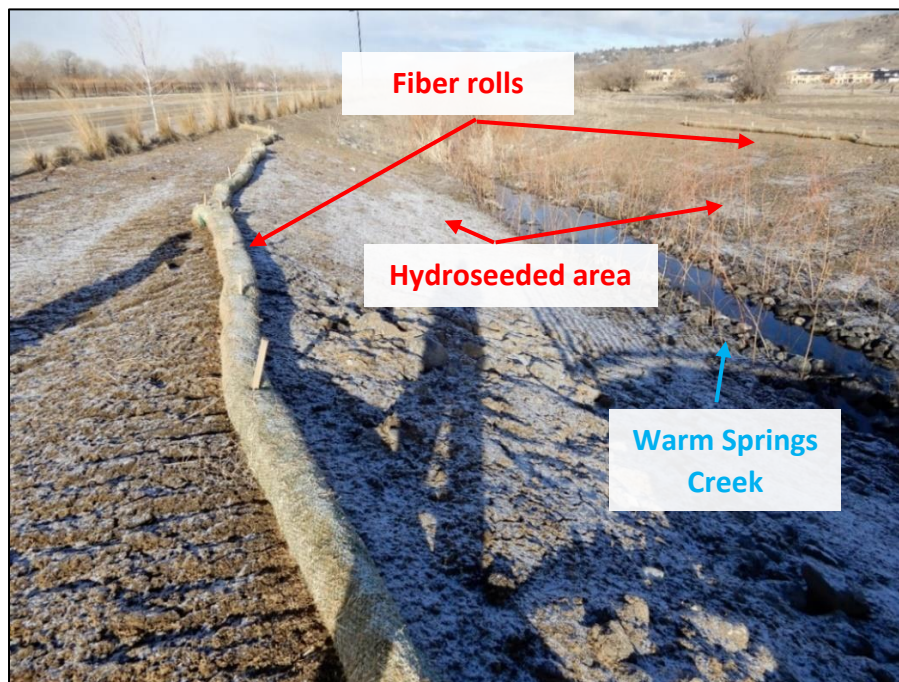
Attachment A – Photograph Log and Photos

Photograph Log

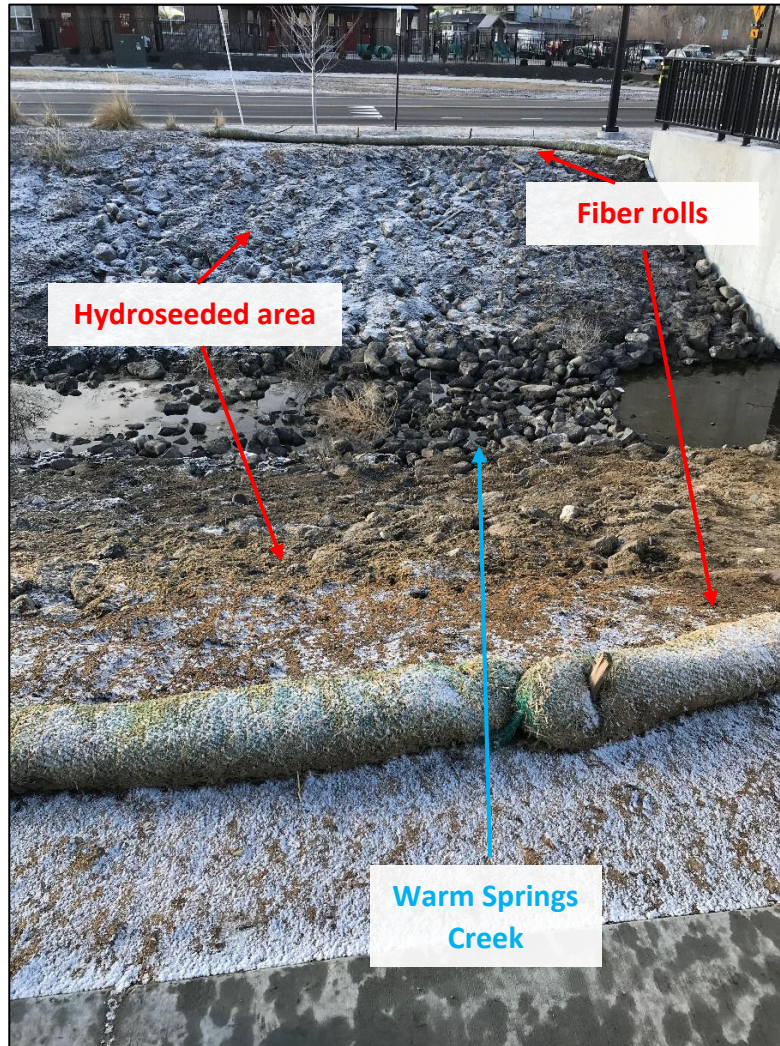
The photographs were taken during the inspection by Mr. Steven Chase, PG Environmental, and Kelly Davis, Eastern Research Group, Inc., U.S. EPA Contractors, using Nikon Coolpix W300 digital camera and a Nikon Coolpix A900. Original copies of the photos are on file.



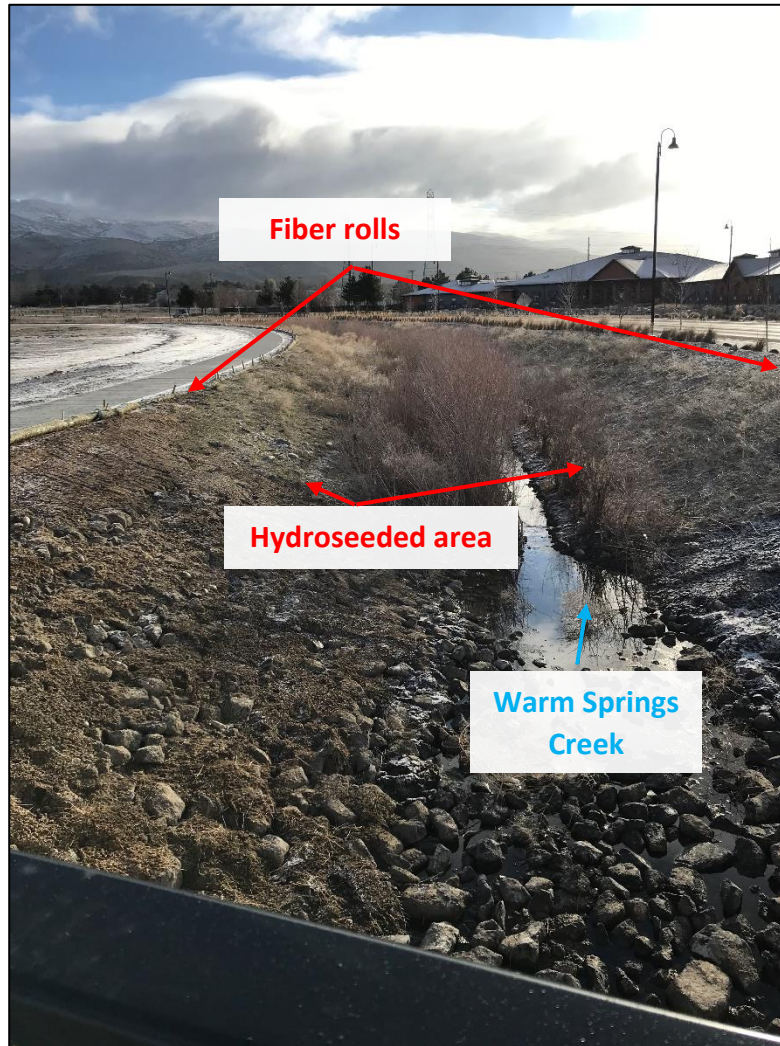
Photograph 1. View, facing north, of Warm Springs Creek located on the southern perimeter of the Site west of East Millbrook Way. The fiber rolls are installed upgradient of the hydro seeded area next to the creek.



Photograph 2. View, facing west, of Warm Springs Creek located adjacent to the southern perimeter of the Site west of East Millbrook Way. The fiber rolls are installed upgradient of the hydro seeded area next to the creek.



Photograph 3. View, facing south, of Warm Springs Creek located adjacent to the southern perimeter of the Site to the east of East Millbrook Way. The fiber rolls are installed upgradient of the hydro seeded area next to the creek.



Photograph 4. View, facing east, of Warm Springs Creek located adjacent to the southern perimeter of the Site to the east of East Millbrook Way. The fiber rolls are installed upgradient of the hydro seeded area next to the creek.



Photograph 5. View, facing east, of an unstabilized gravel and soil stockpile. It was noted that fiber rolls were installed downgradient of the stockpile along Warm Springs Creek that provided perimeter protection.



Photograph 6. View, facing northwest, of a pile of uncontained construction waste and debris. At the time of the inspection, the waste was actively being loaded into a tractor trailer.

Attachment B – Exhibit Log



Exhibit 1. Google Earth Pro (imagery date: 3/18/2021). Location of the Dallas Harris construction site in Boise, Idaho. Note the approximate Site perimeter outlined with the dotted yellow line and the approximate path of the creek outlined with the blue dotted line.



Exhibit 3. View, facing southwest, of Warm Springs Creek, west of East Millbrook Way. The fiber rolls were moved downgradient of the hydro seeded area along the creek. The image was sent to the Inspection Team from Kyle Terrell on 3/2/2021.



Exhibit 4. View, facing south, of Warm Springs Creek west of East Millbrook Way. The fiber rolls were moved downgradient of the hydro seeded area along the creek. The image was sent to the Inspection Team from Kyle Terrell, on 3/2/2021.



Exhibit 5. View, facing south, of Warm Springs Creek east of East Millbrook Way. Fiber rolls, as stated by Kyle Terrell, had been added downgradient of the hydro seeded area along the creek. The location shown is east of the location shown by [Exhibits 3 and 4](#). The image was sent to the Inspection Team from Kyle Terrell on 3/2/2021.