



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

Inspection Date:	02/25/2021	
Time:	Entry: 10:30 a.m.	Exit: 11:45 a.m.
Media:	Water	
Regulatory Program:	CWA NPDES/Construction Stormwater	
Operator Name(s):	Movado Development, LLC – (Notice of Intent IDR1001T3) Conger Group – (Notice of Intent IDR1001T4)	
Operator Addresses:	4824 W. Fairview Ave.	
Operator City, State, Zip Code:	Boise, Idaho 83706	
Site Name:	Movado Subdivisions No. 5, 7, and 9	
Site Physical Location:	4225 East Overland Road	
	Latitude/Longitude	43.5862°N, 116.3422°W
City, State, Zip Code:	Meridian, Idaho 83642	
Site Contact(s):	Jim Conger, Project Manager Phone: (208) 713-2527 or (208) 336-5355 Email: JConger@CongerGroup.com	Conger Management Group
County:	Ada County, Idaho	
Site Identifier:	Movado Subdivisions No. 5, 7, and 9	
Estimated Site Area to be Disturbed:	26.25 acres	
Site Receiving Water(s)	Fivemile Creek, Ridenbaugh Canal	
Site Receiving Water(s) Description:	Creek and canal	
NPDES Permit:	2017 EPA Construction General Permit (CGP)	
EPA Site Tracking Number #1:	IDR1001T3	
Site Operator #1	Movado Development, LLC	
EPA Site Tracking Number #2:	IDR1001T4	
Permittee #2	Conger Group	
Notice of Intent (NOI) Site Timeline(s):	Start Date: 05/06/2019	End Date: 10/10/2021
Inspector(s):		
Steven Chase – PG Environmental	U.S. EPA Contract Inspector (Lead Inspector)	(720) 789-8048
Signature: 		Date: 04/26/2021

Movado Subdivision No. 5, 7, and 9
Construction Stormwater Inspection Report

Kelly Davis – ERG, Inc.	U.S. EPA Contract Inspector	(703) 633-1600
Charissa Bujak - EPA	U.S. EPA Inspector	(208) 378-5754
EPA Region 10 Recipient: Brian Levo		
Signature: BRIAN LEVO	Digitally signed by BRIAN LEVO Date: 2021.04.27 10:14:16 -07'00'	Date:

Inspection Date: February 25, 2021

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Section I – Inspection Information

Purpose and Scope of the Inspection

On February 25, 2021, Steven Chase, U.S. Environmental Protection Agency (EPA) Contract Inspector, Eastern Research Group (ERG), Inc. staff inspector Kelly Davis, and U.S. EPA Region 10 inspector Charissa Bujak, (hereafter, we or Inspection Team) conducted a construction stormwater inspection of Movado Subdivision No. 5, 7, and 9 construction project (hereafter, Site) owned by the Conger Management Group (hereafter, 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

The two Permits associated with the Site (IDR1001T3 and IDR1001T4) listed the same point of contact, Mr. Jim Conger. A notice of inspection was made via telephone to Mr. Conger at approximately 5:30pm the night prior to the inspection. Mr. Conger informed the Inspection Team that we would be joined by representatives from their erosion and sediment control subcontractor, Syman LLC, and Mr. Steve Sears of Conger Management Group/M3 Companies, LLC. Upon arriving at the Site at 10:30 a.m., we observed active construction activities occurring and were able to locate Mr. Sears. At that point, we proceeded to conduct an opening conference with Mr. Sears near the north-central location of the Site prior to conducting the records review and Site walk-through. We were also joined by Mr. Colter Hodge and Mr. Dan Strauss, both of Syman, LLC, who served as the Site's Stormwater Pollution Prevention Plan (SWPPP) developers and the implementation and maintenance crew of the Site's Best Management Practices (BMPs). Conger Management Group staff had elected to conduct Site inspections every 14 days plus inspections after qualifying rain events (i.e. greater than 0.25" in 24 hours). Conger Management Group staff use storm data from the NOAA weather station at the Boise airport, Boise Air Terminal (KBOI). During the opening conference, Charissa Bujak and I, Steven Chase, presented our EPA inspector credentials to Mr. Sears, Mr. Hodge, and Mr. Strauss (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 Overland Road in the City of Meridian, 7 miles southwest of Boise, ID. Phases 5, 7, and 9 of the subdivision have concurrent permit coverage with permits IDR1001T3 and IDR1001T4. One permit provides coverage for the Conger Management Group (owner) and one permit provides coverage for Movado Development, LLC (operator). The Site comprises construction activities for a planned home residential community. The Site's southern perimeter extends along Fivemile Creek. The Site's eastern perimeter extends along the Ridenbaugh Canal. Previously finished phases of the

subdivision border the Site to the north and south. Commercial businesses border the Site to the west. On the other side of Fivemile Creek adjacent to the Site is undeveloped land. For an aerial image of the Site, refer to Attachment B, Exhibit 1. The total planned disturbance area of the construction activities is 26.25 acres, as described in both Site's Notices of Intent (NOIs), which were both certified by Mr. Jim Conger. At the time of the inspection, the phases covered under the Permit were in various stages of development. Phase 5 had completed fine grading, pavement/ sidewalk construction, and storm sewer piping, but vertical construction had not been completed. Phase 7 had completed fine grading and had started roadway/sidewalk and storm drain construction. Phase 9 had begun rough grading and had not installed storm drain inlets or catch basins. Site Representatives stated that the storm drains in Phase 5 discharge to two underground seepage beds located in Phase 5, storm drains in Phase 7 discharge to an underground seepage bed located in Phase 7, and stormwater runoff from Phases 7 and 9 discharges to Fivemile Creek via sheet flow. The official receiving waters for stormwater discharges from the project include the Fivemile Creek and the Ridenbaugh Canal as described in the Site SWPPP and NOIs. Fivemile Creek is impaired for E. coli and low flow alterations as described on the Site's NOI. A TMDL has been completed for E. coli, named Lower Boise River TMDL (ID #: 64560). The Ridenbaugh Canal is 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 Inspection Team requested the following documents electronically for review following the onsite inspection. The Permittee provided electronic inspection reports from December 7, 2021 through February 22, 2021. 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 the Site SWPPP and map.
- The three most recent months of site inspection records and corrective action reports.

Section II – Observations

Following the opening conference and records review, the Inspection Team, accompanied by the Site Representatives, began the Site walk-through at approximately 10:50 a.m. At the time of the inspection, the weather was mostly overcast, with temperatures in the upper-30s and a steady, moderate wind.

We drove from our opening conference location in the north-central portion of the Site to the western portion of the Site in Phase 5 to begin the Site walk-through. We progressed along the Site's receiving water, Fivemile Creek, located west of the Site, and observed its condition. We then returned to the north-central portion of the Site to observe Phases 7 and 9 as they were adjacent to each other. We observed the other receiving water, Ridenbaugh Canal, to the east of the Site.

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

We observed a lack of erosion control BMPs at the Site's western perimeter as well as lack of adequate stabilization measures (temporary or permanent) in Phases 5, 7, and 9.

Starting in Phase 5, we progressed westbound along the northern perimeter and observed construction waste and debris in an uncovered plywood container outside a home building site (refer to Area of Concern 4). We also observed sediment and debris and unstabilized soil adjacent to an inlet located on a roadway along the Site's north-central perimeter (refer to Area of Concern 5). We continued to the northwest perimeter of the Site and observed an unstabilized soil stockpile adjacent to a roadway (refer to Areas of Concern 6 and 9). As we progressed along the Site's western perimeter in Phase 5, we observed fiber rolls adjacent to Fivemile Creek that were in need of maintenance (refer to Area of Concern 7). At the same Site location, we observed a hardened puddle of concrete washout (refer to Area of Concern 8).

We returned to Phase 7 at the central north entrance and progressed south along the western perimeter of the Site. We observed an unstabilized soil stockpile along the western perimeter of the Site (refer to Area of Concern 6).

We continued along the Site's southern perimeter into Phase 9. We did not observe any areas of concern in Phase 9.

As we progressed to the northern area of the Site along the eastern perimeter of the Site, we returned into Phase 7 and observed an unstabilized access point creating sediment track out onto South Movado Way (refer to Area of Concern 9). We also observed an unstabilized gravel and soil stockpile on South Movado Way on the eastern side of Phase 7 (refer to Areas of Concern 6 and 9).

We concluded the Site walk-through near the Site entrance at the north-central 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 4.5 (Areas that must be inspected)

During your site inspection, you must at a minimum inspect the following areas of your site:

4.5.1 All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2.14a;

4.5.2 All stormwater controls (including pollution prevention controls) installed at the site to comply with this permit;

4.5.3 Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;

4.5.4 All areas where stormwater typically flows within the site, including drainageways designed to divert, convey, and/or treat stormwater;

4.5.5 All points of discharge from the site; and

4.5.6 All locations where stabilization measures have been implemented. You are not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

(Area of Concern 1)

Site Representatives stated that the Site operator had adopted the practice of contractually requiring homebuilders to obtain CGP coverage for individual home lots and then internally “excluding” home lots from required inspections or other applicable BMPs (refer to Attachment B, Exhibit 2). It was unclear to the Inspection Team if individual home builders were obtaining CGP coverage for each individual lot since the Permittee did not track the CGP permits obtained by homebuilders.

2. 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 2)

During the onsite records review, we observed that the SWPPP map presented on Site did not include every location where sediment and soil would be stockpiled as required by Part 7.2.4.b.iii of the Permit. The Site had three locations where soil and gravel were stockpiled – one at the northwestern perimeter in Phase 5, one along the western perimeter of Phase 7, and one along the eastern area of Phase 7 (refer to Attachment A, Photographs 1, 2, and 3). The onsite SWPPP map depicted an area where soil would be stockpiled, but the stockpiles were observed to be outside of that area (refer to Attachment B, Exhibit 3 and 4).

During the post-inspection document review, we observed an incorrectly labeled stream on the SWPPP map in Appendix A of the SWPPP. The Fivemile Creek was labeled as the “Eight Mile Creek” (refer to Attachment C).

3. Permit Part 4.7.1 (Inspection Report)

You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report must include the following:

- a. The inspection date;*
- b. Names and titles of personnel making the inspection;*
- c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.6, including any necessary maintenance or corrective actions;*
- d. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.1b, and you conducted an inspection because of rainfall measuring 0.25 inches or greater, you must include the applicable rain gauge or weather station readings that triggered the inspection; and*
- e. If you determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.*

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 3)

During the post-inspection records review, we observed two inspections (on 1/25/21 and 2/15/21) that were conducted because of a rainfall event. No applicable rain gauge or weather station readings were included in the inspection reports as required by part 4.7.1.d of the Permit (refer to Attachment D).

Additionally, we observed on page 2 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 Fivemile Creek that is 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 inspection reports, however the SWPPP did not reflect the accurate frequency.

Field Observation Areas of Concern

4. Permit Part 2.3.3.e (For storage, handling, and disposal of building products, materials, and wastes)

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.*

AND

SWPPP Part 5.5.5 (Construction and domestic waste)

"A dumpster will be kept on the site when needed. All waste containers will have a lid, cover, or similarly effective means to minimize discharge of pollutants. Waste container lids must be closed when not in use and at the end of the business day."

(Area of Concern 4)

We observed construction waste and debris in an uncovered plywood container outside home building site lot 80 in Phase 5. Additionally construction waste was observed on the ground adjacent to the plywood container (refer to Attachment A, Photograph 4).

5. Permit Part 2.2.10 (Protect storm drain inlets)

- a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from your site to a water of the U.S., provided you have authority to access the storm drain inlet; and*
- b. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.*

AND

SWPPP Part 4.9 (Storm Drain Inlets)

"Storm drain inlets installed as part of the project will be protected as soon as practicable. Existing storm drains that have the potential to receive silt laden run off from earth disturbing activities will be protected before the start of construction... BMP Description: Inlet protections consist of a filtering measure placed around an inlet or drain to trap and prevent the sediment from entering the storm drain system. Additionally, it serves to prevent the silting-in of inlets, storm drainage systems, or receiving channels. Inlet protection may be composed of gravel and stone with a wire mesh filter, block and gravel, or sod. Manufactured products are also available that are designed to trap silt and sediment at the point of entry to a storm drain. Inserts can include bags, racks, baskets and other materials that hang down into a catch basin or inlet. Inserts are made from filter fabric, wire mesh, metal plates, various types of plastic products, and combinations of these and other materials."

(Area of Concern 5)

We observed sediment and debris and unstabilized soil adjacent to a storm drain inlet located on a paved roadway along the north-central perimeter of Phase 5. The storm drain inlet discharges to two seepage beds in Phase 5. We did not observe any inlet protections inside the storm drain inlet (refer to Attachment A, Photographs 5, 6, and 7).

6. 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.*

AND

SWPPP Part 4.4 (Stockpiled Sediment or Soil)

“During the rainy season the stockpiles should be covered with a heavy poly sheeting or protected with a temporary sediment perimeter barrier such as silt fence or fiber wattle to prevent sediment erosion. As an alternative to surrounding stockpiles with perimeter controls, place stockpiles in areas that are graded to prevent any stormwater discharge. During the non-rainy season the stockpiles should be covered or protected with a temporary perimeter barrier prior to the onset of precipitation...To prevent stormwater pollution from stockpiles, the following guidelines will be followed:

- Whenever possible, only stockpile materials that can be used within a few days.
- Never stockpile materials near or in a stormwater conveyance.
- Stockpile excavated materials up-slope of the excavation whenever possible.
- For utility lines, only excavate areas that can be back filled in one day.
- Monitor weather to anticipate possible storm events.
- Keep extra materials such as sand bags, sheeting, and perimeter controls on site for use when precipitation is eminent.

Apply dust control water regularly to stockpiles of materials susceptible to wind erosion.”

(Area of Concern 6)

We observed an uncontained soil stockpile along the northwest perimeter of the Site in Phase 5 adjacent to an impervious area. The stockpile appeared to contribute to sediment track-out onto the pavement around it and lacked sediment barriers along the downgradient perimeter areas of the roadway (refer to Attachment A, Photograph 1).

We also observed one unstabilized soil stockpile along the western perimeter of Phase 7 that was surrounded by a vegetated berm (refer to Attachment A, Photograph 2).

Additionally, we observed one unstabilized gravel and soil stockpile along the eastern area of Phase 7 on South Movado Way. The stockpile appeared to contribute to sediment track-out onto the pavement around it and lacked sediment barriers along the downgradient perimeter area (refer to Attachment A, Photograph 3).

The Inspection Team could not determine when the stockpile materials would be used, or if perimeter controls were used during precipitation, since no precipitation was observed.

7. Permit Part 2.1.4 (Ensure that all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness)

- a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.*
- b. If at any time you find that a stormwater control needs routine maintenance, you must immediately initiate the needed maintenance work, and complete such work by the close of the next business day.*
- c. If at any time you find that a stormwater control needs repair or replacement, you must comply with the corrective action requirements in Part 5.*

AND

SWPPP Part 4.2 (Perimeter Controls)

“Repair or replace split, torn, unraveled, or slumping fiber rolls when damage will reduce their effectiveness.

If the fiber roll is used as a capture device, or as an erosion control device to maintain sheet flows, sediment accumulations should be removed before build up has reached one-half the height of the fiber roll.”

(Area of Concern 7)

We observed a location on the fiber rolls adjacent to the Fivemile Creek in Phase 5 that showed signs of deterioration and were in need of maintenance. Additionally, sediment had been deposited on the side of the filter berm closest to Fivemile Creek without any additional sediment barriers downgradient (refer to Attachment A, Photograph 8).

8. Permit Part 2.3.4 (For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:)

- a. *Direct wash water into a leak-proof container or leak-proof and lined pit designed so that no overflows can occur due to inadequate sizing or precipitation;*
- b. *Handle washout or cleanout wastes as follows:*
 - i. *Do not dump liquid wastes in storm sewers or waters of the U.S.;*
 - ii. *Dispose of liquid wastes in accordance with applicable requirements in Part 2.3.3; and*
 - iii. *Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3; and*
- c. *Locate any washout or cleanout activities as far away as possible from waters of the U.S. and stormwater inlets or conveyances, and, to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.*

AND

SWPPP Part 5.6 (Washing of applicators and containers used for paint, concrete or other materials)

“Prevent or reduce the discharge of pollutants to stormwater from concrete or other similar waste by conducting off-site washouts, performing on-site washout in a designated area that is sized so that no overflows can occur due to inadequate sizing or precipitation, and training employees and subcontractors. Provide a designated area for the washout of concrete. The designated area will consist of a shallow excavation and earth berms to contain all excess concrete and washout water. The washout will be lined with a plastic liner to ensure the washout area is fully contained. Provide a stabilized area for transit mixers to access the washout and educate personnel about the importance of completely containing the wash water.”

(Area of Concern 8)

We observed a hardened puddle of concrete washout located along the western perimeter of Phase 5 roughly 20 feet from Fivemile Creek (refer to Attachment A, Photograph 9). The location is not near the concrete washout station labeled on the SWPPP map in Appendix A of the SWPPP (refer to Attachment C).

9. Permit Part 2.2.4 (Minimize sediment track-out)

- a. *Restrict vehicle use to properly designated exit points;*
- b. *Use appropriate stabilization techniques at all points that exit onto paved roads.*
 - i. *Exception: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls are implemented to minimize sediment track-out;*
- c. *Implement additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit; and*

- d. *Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the U.S.*

AND

SWPPP Part 4.3 (Sediment track out)

“The contractor will eliminate or control tracking of sediment from the site through implementation of the following:

- Establish stabilized entrances (See Stabilized Construction Entrance BMP below).
- Establish stabilized staging areas (See Staging Area BMP below).
- Control construction traffic using project signs and coordination with project leaders.
- Keep construction traffic on established roadways as much as possible.
- If tires become excessively dirty, manually clean mud or dirt from tires with brooms and shovels prior to the equipment exiting the site.
- Only allow equipment and trucks on bare soil when necessary.”

(Area of Concern 9)

We observed that construction vehicle access had not been restricted to designated exit points in Phase 7. We observed sediment track-out on South Movado Way adjacent to the northern area of the Site. No appropriate stabilization techniques had been used at the access point (refer to Attachment A, Photograph 10).

We also observed sediment track-out around the soil stockpile located on the northwestern perimeter of Phase 5 on a roadway and the gravel and soil stockpile located on the eastern portion of the Site in Phase 7 on South Movado Way (refer to Attachment A, Photographs 1 and 3).

Section IV – Closing Conference

We held a closing conference at the conclusion of the inspection at approximately 11:35 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 preliminary inspection observations and areas of concern were communicated to the Site Representatives, Mr. Steve Sears of Conger Management Group and Mr. Colter Hodge and Mr. Dan Strauss of Syman, LLC.

- Area of Concern 1 –Site operator had adopted the practice of contractually requiring homebuilders to obtain CGP coverage, unclear if individual home builders were obtaining CGP coverage for each individual lot;
- Area of Concern 2 – SWPPP map did not reflect current stockpile locations and contained a mislabeled stream;

- Area of Concern 3 – Inspection frequency not reflective of Permit requirements in SWPPP and no inclusion of applicable rain gauge or weather station reading in post-rain inspection reports;
- Area of Concern 4 – Uncovered construction waste and debris;
- Area of Concern 5 – Sediment and unstabilized soil adjacent to storm drain inlet;
- Area of Concern 6 – Three unstabilized stockpiles;
- Area of Concern 7 – Fiber roll in need of maintenance;
- Area of Concern 8 – Concrete washout adjacent to Fivemile Creek;
- Area of Concern 9 – Unstabilized access point and stockpiles creating sediment track out onto paved roadways.

The closing conference concluded at approximately 11:45 a.m.

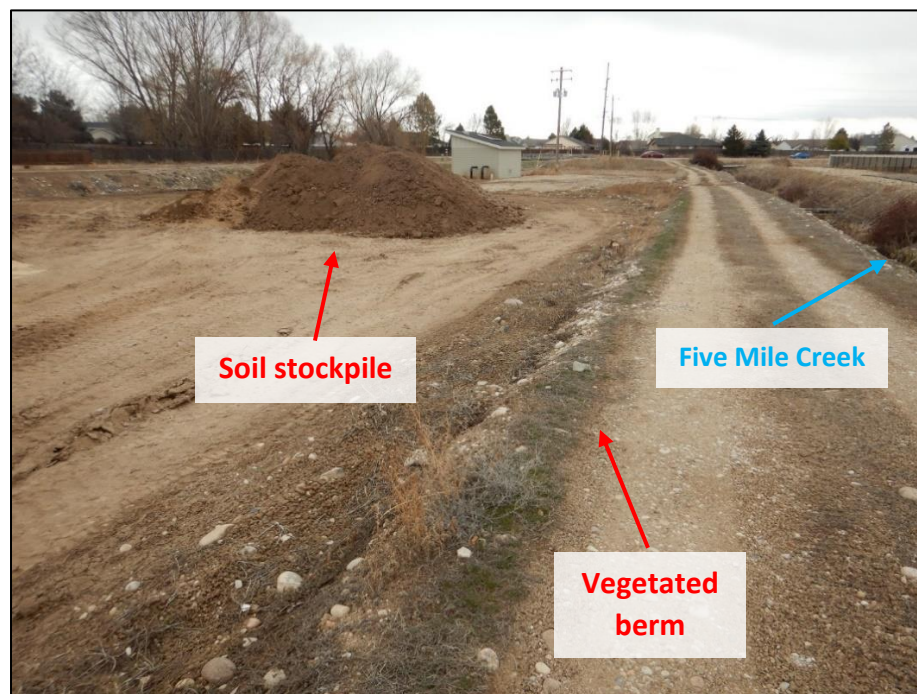
Attachment A – Photograph Log and Photos

Photograph Log

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



Photograph 1. View, facing southwest, of a soil stockpile located on the northwestern perimeter of Phase 5 on a roadway. The stockpile did not have a sediment barrier installed downgradient. Note the track out surrounding the soil stockpile.



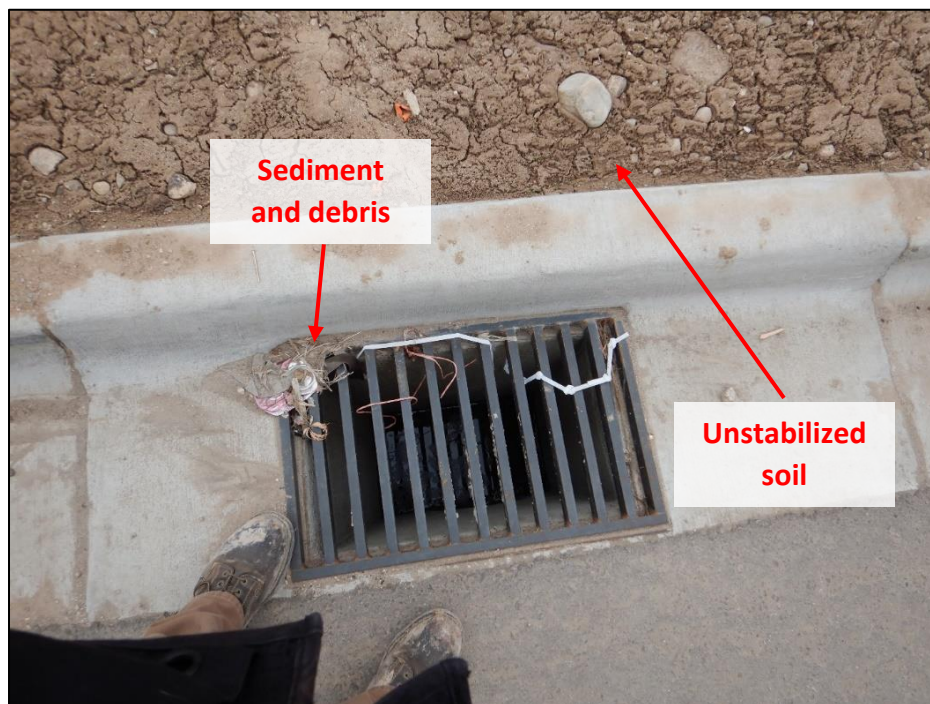
Photograph 2. View, facing south, of an unstabilized stockpile of soil located on the western perimeter of Phase 7. The soil stockpile was surrounded by a vegetated berm.



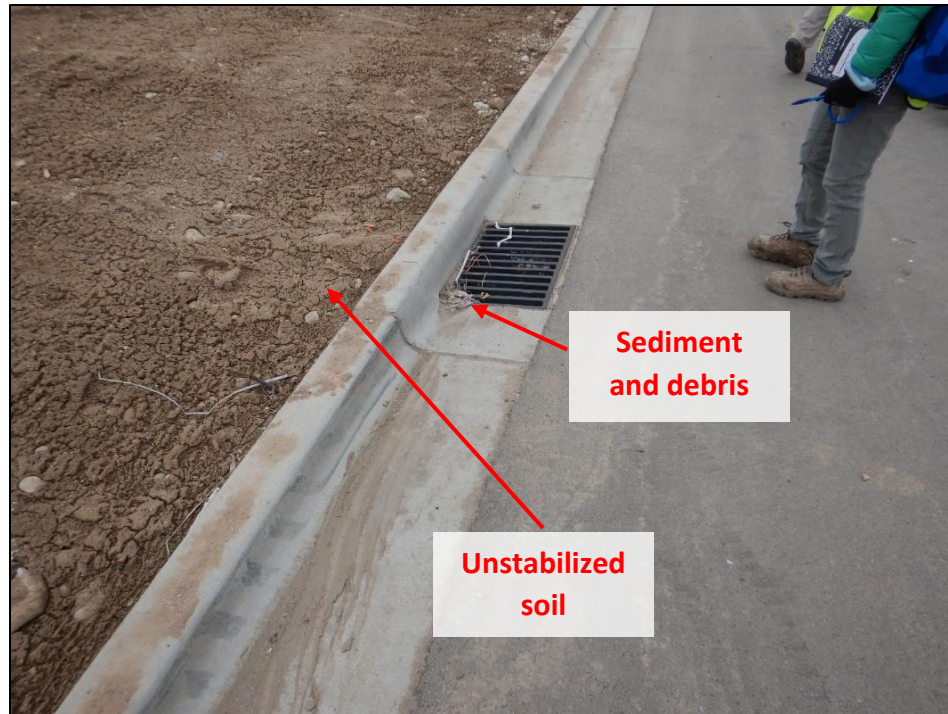
Photograph 3. View, facing east, of a gravel and soil stockpile located on the eastern area of the Site in Phase 7 on South Movado Way. The soil stockpile did not have a sediment barrier installed on the downgradient perimeter areas on the roadway and appeared to be contributing to track-out on the surrounding roadway.



Photograph 4. View, facing west, of a pile of construction waste and debris in an uncovered plywood container located on the northern perimeter of Phase 5 in lot 80.



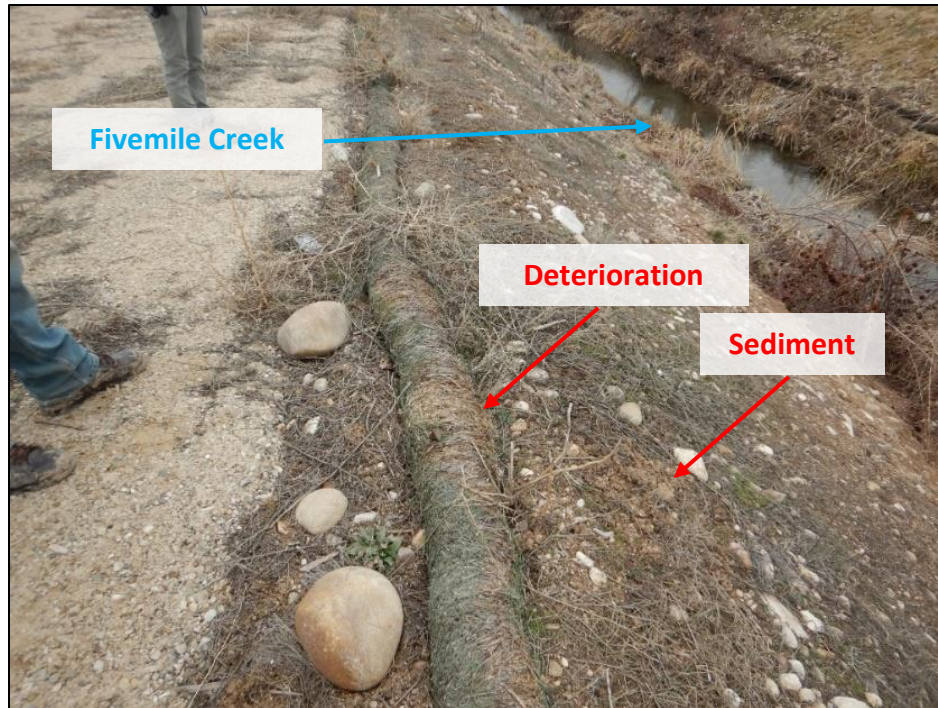
Photograph 5. View of sediment and debris collected adjacent to a storm drain inlet and unstabilized exposed soil located along a roadway at the north-central perimeter of Phase 5. No BMP inside the inlet was observed. The inlet leads to two seepage beds located in Phase 5.



Photograph 6. Another view, facing south, of sediment and debris collected adjacent to a storm drain inlet and unstabilized exposed soil located along a roadway at the north-central perimeter of Phase 5. No BMP inside the inlet was observed.



Photograph 7. View inside the storm drain inlet shown in Photographs 5 and 6. No BMP is located inside the catch basin. The storm drain inlet discharges to a seepage bed in Phase 5.



Photograph 8. View, facing south, of a fiber roll that showed signs of deterioration. Note the sediment that was deposited downgradient of the fiber roll.



Photograph 9. View, facing south, of concrete washout located along the western perimeter of Phase 5 adjacent to Fivemile Creek. The location is just east of the location shown in [Photograph 8](#).



Photograph 10. View, facing north, of a non-designated and unstabilized access point on South Movado Way. Note the sediment track out on to paved roadways.

Attachment B – Exhibit Log



Exhibit 1. Google Maps (copyright date: 2021). Location of Movado Subdivision No. 5, 7, and 9 in Boise, Idaho. Note the approximate Site perimeter outlined with the dotted yellow line and the approximate phase divide with the dotted black line.

Movado Subdivision No. 5, 7, and 9
Construction Stormwater Inspection Report



Exhibit 2. Image of the Site map of Phase 5 provided on Site of Movado Subdivision No. 5, 7, and 9. Note that the Site map shows house lots that are sold and therefore internally “excluded” from required inspections or other applicable BMPs.



Exhibit 3. Image of the Site map of Phase 5 provided on Site of Movado Subdivision No. 5, 7, and 9. It was noted that the Site map does not identify all locations of stockpiles.

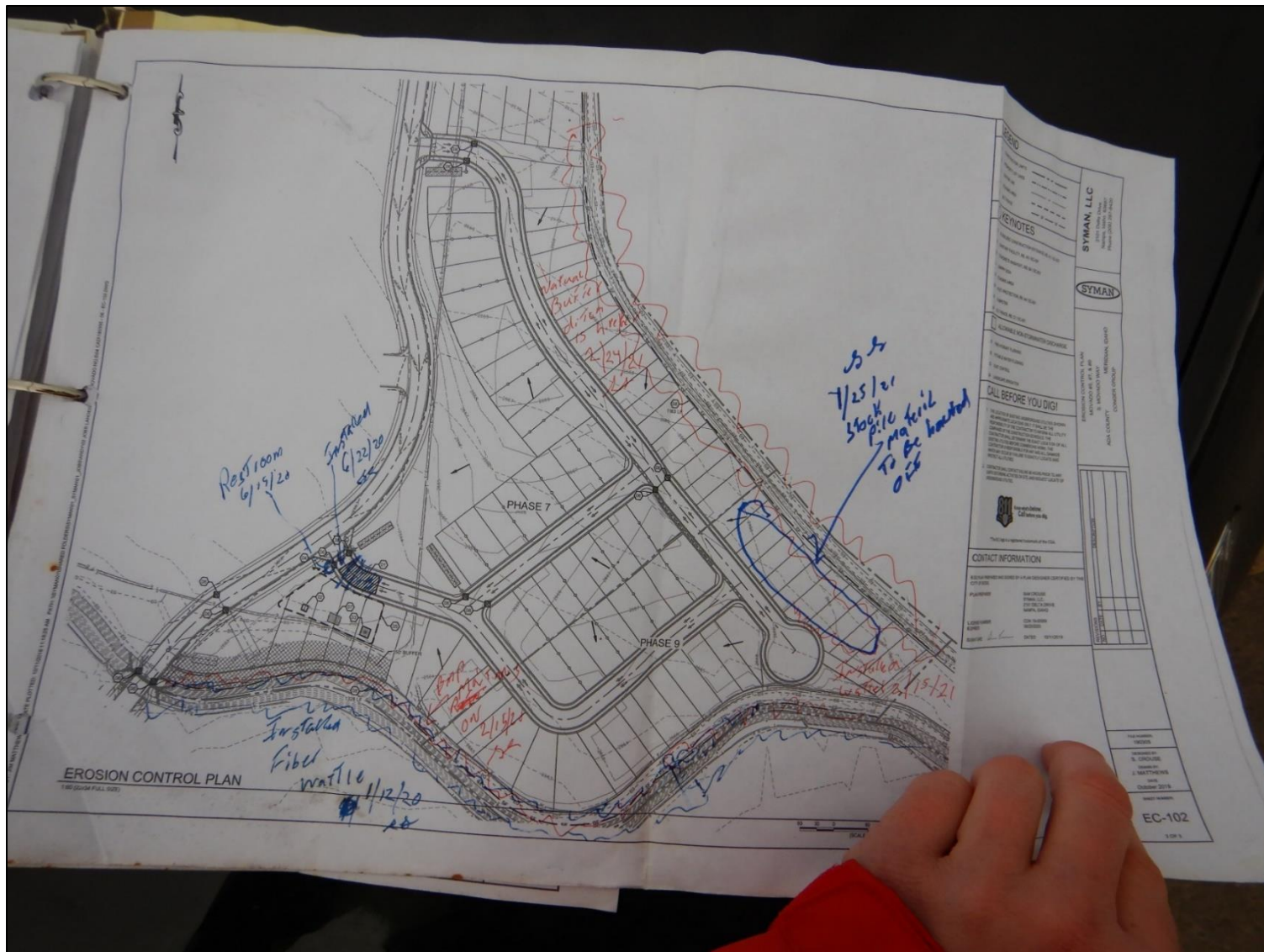


Exhibit 4. Image of the Site map of Phases 7 and 9 provided on Site of Movado Subdivision No. 5, 7, and 9. It was noted that the Site map does not identify all locations of stockpiles.