



# CONSTRUCTION STORMWATER GENERAL PERMIT INSPECTION REPORT

State of Washington Department of Ecology

## Section A: General Data

Ecology Inspector(s): Elizabeth Fint Alan Noell	On-Site Representative Name: Clay Grace Title: Estimator, Aero Construction Phone: 503-962-0383 Email: est1@pcaero.com	Inspection Date and Entry/Exit Time: September 29, 2021, 13:00/17:00	Inspection Type: ERTS Response
		Receiving waters: Creek and wetland system, tributary to Snohomish River	Permit webpage: <a href="https://fortress.wa.gov/ecy/paris/FacilitySummary.aspx?FacilityId=60941">https://fortress.wa.gov/ecy/p aris/FacilitySummary.aspx? FacilityId=60941</a>

## Section B: Background

The Bakerview Everett project is covered under the State of Washington's Construction Stormwater General Permit (CSGP). The CSGP is a National Pollutant Discharge Elimination System (NPDES) and a State Waste Discharge permit for discharge of construction-related stormwater. The project is also covered under Administrative Order 18193, which requires additional sampling of stormwater for contaminants that remain onsite from past land use activities (landfill). The purpose of this inspection is to conduct a compliance inspection and provide technical assistance as appropriate.

The site experienced a mudslide, which began September 17, 2021, in the northeast corner of the site due to failure of slope stability when constructing an access road. Large amounts of cutting and grading of material occurred on Friday the 17<sup>th</sup> and Saturday the 18<sup>th</sup>. A Snohomish County inspector confirmed the slide on September 21, 2021. The material from the slide is approximately 1-2 acres of disturbance with fill material and native soils in portions of the creek channel and additional impacts to wetlands. The slide area also directly affected a buried fuel utility line; the slide has removed ground cover at the Olympic Pipeline easement near the creek.

- The mudslide material and disturbed area is considered a part of the construction site. All permit requirements, as well as requirements under Administrative Order 18193, must be implemented in the mudslide area to ensure water quality standards are met.
- Monitoring and sampling per permit requirements must be implemented in the newly created construction area, specifically where surface waters are flowing in and through the mudslide material. Unless surface water flows or stormwater flows cease, ***samples must be collected daily until flows can be separated from the site disturbance, and new project boundaries are established. These samples must be included on the site's discharge monitoring reports (DMR).***

### Site sampling

Ecology staff collected samples at three locations during the inspection on September 29, 2021:

- 1.) North of the mudslide area where flows discharged to a wetland – **471 NTU**
- 2.) Where the mudslide material met the creek flows, east of the Olympic Pipeline easement – **17.5 NTU**
- 3.) Midway through the mudslide area where flows discharged east toward the creek – **285 NTU**

Clay Grace was present during inspection and all observations and recommendations were discussed.

Weather at time of inspection: Rainy; rain within last 24 hours

### Precipitation in the past 24 hours?

- ☒ Yes  
☐ No

## Section C: Compliance

### Inspection Checklist

<u>Is the Permit Coverage Letter on-site?</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Is a copy of the CSWGP on-site?</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Is the Site Log Book Current?</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Is the Site Log Book Adequate?</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>Are Site Inspections Recorded?</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Are Site Inspections Adequate?</u> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<u>Permittee has Prepared and Implemented a SWPPP?</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Is the SWPPP Adequate?</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

### Violations and action required to achieve compliance

### Complete or submit date

### Guidance

#### **S5.A High Turbidity Reporting**

**Failure to meet S5.A:** Any time sampling performed in accordance with Special Condition S4.C indicates turbidity has reached the 250 NTUs or more (or transparency less than or equal to 6 cm), high turbidity reporting level, the Permittee must notify Ecology within 24 hours of analysis. Notification is made by either calling the applicable Ecology Region's Environmental Report Tracking System (ERTS) number by phone or by submitting an electronic ERTS report (through Ecology's Water Quality Permitting Portal (WQWebPortal) – Permit Submittals when the form is available).

The site failed to notify Ecology's Water Quality Program or Ecology stormwater site inspector that a mudslide had occurred, impacting surface waters, between September 17 and September 18, 2021. The site submitted an ERTS to Ecology on *September 29, 2021*.

Within **24 hours** of analysis.

Ecology's [ERTS homepage](#)

#### **S4.B Site Inspections**

**Failure to meet S4.B:** The site inspections are not adequate. Retain Plans and Records on site, or within reasonable access to the site for use by the operator or for on-site review by Ecology or the local jurisdiction.

Ecology staff reviewed site inspections for August 2021 and September 2021:

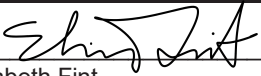
- CESCL inspections are not signed (September 20, 2021 is signed).
- CESCL inspections record best management practice (BMP) maintenance needs, but do not record "action required" nor provide a completion date or initials.
- Some BMP maintenance needs are recorded for several weeks in a row, with no indication of correction.
- CESCL inspection reports from August 20, 2021 to date note "no more contaminated soils/materials remain on site"; however, Ecology staff observed contaminated materials on site on 09/29/2021.
- Page 1 of the 10/01/2021 CESCL report checked the box indicating "no observed presence of sediment, turbidity". However, the mudslide materials are still present within the creek, and turbid flows are likely still occurring due to surface waters flowing on and through the mudslide material. This box should be marked "yes" until the mudslide material is removed from the creek.

Ecology's [site inspection form template](#).

<p><b><u>S9.D.4 Install Sediment Controls</u></b></p> <p><b>Failure to meet S9.D.4.b:</b> Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation; the nature of resulting stormwater runoff; and soil characteristics, including the range of soil particle sizes expected to be present on the site.</p> <p><b>Failure to meet S9.D.4.c:</b> Direct stormwater runoff from disturbed areas through a sediment pond or other appropriate sediment removal BMP, before the runoff leaves the construction site or before discharge to an infiltration facility. Runoff from fully stabilized areas may be discharged without a sediment removal BMP but must meet the flow control performance standard of Special Condition S9.D.3.a.</p> <p><b>Failure to meet S9.D.4.e:</b> Provide and maintain natural buffers around surface waters; direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible. Install sediment controls to minimize the discharge of pollutants as set forth in permit condition S9.D.4.b.</p> <p>Onsite cutting and grading activities on September 17 and 18 resulted in a mudslide that partially filled a creek with sediment and affected a wetland.</p> <p>From the information obtained from the site representative (Clay Grace), site CESCL, and inspection observations, no BMPs were in place down-slope of the grading activity to prevent materials from discharging to the wetland or creek while constructing the access. Silt fence was installed within the mudslide material as a reaction to the incident.</p>		<p><a href="#">C231</a>, <a href="#">C232</a>, <a href="#">C233</a>,  <a href="#">C234</a>, <a href="#">C235</a>, <a href="#">C240</a>,  <a href="#">C241</a>, <a href="#">C250</a>, <a href="#">C251</a></p>
<p><b><u>S9.D.5 Stabilize Soils</u></b></p> <p><b>Failure to meet S9.D.5.e:</b> The Permittee must stabilize soils at the end of the shift before a holiday or weekend if needed, based on the weather forecast.</p> <p><b>Failure to meet S9.D.5.f:</b> The Permittee must stabilize soil stockpiles from erosion, protect them with sediment trapping measures, and where possible, locate stockpiles away from storm drain inlets, waterways, and drainage channels.</p> <p>Stockpiles were located on the southeast side of the project near the edge of a steep slope that leads to a creek and wetland. The stockpiles had no cover at the time of inspection, with the exception of one stockpile covered in mulch (or the stockpile itself was mulch).</p> <p><b>Failure to meet S9.D.5.g:</b> The Permittee must minimize the amount of soil exposed during construction activity.</p> <p>The entire 6-acre site is currently open cut, where only approximately 1/3 of the site has a BMP installed for soil stabilization (hydroseed/hydromulch).</p> <p><b>Failure to meet S9.D.5.h:</b> The Permittee must minimize the disturbance of steep slopes. Stabilize exposed and unworked soils, including stockpiles, by application of effective BMPs to prevent erosion, as set forth in permit condition S9.D.5.a and timeline in S9.D.5.d.</p> <p>The site cutting and grading activities on September 17 and 18 resulted in a mudslide that partially filled a creek with sediment, and affected a wetland.</p> <p>From the information obtained from the site representative (Clay Grace), site CESCL, and inspection observations, no BMPs were in place down-</p>		<p><a href="#">C120</a>, <a href="#">C121</a>, <a href="#">C122</a>,  <a href="#">C123</a>, <a href="#">C124</a>, <a href="#">C125</a>,  <a href="#">C126</a>, <a href="#">C130</a>, <a href="#">C131</a>,  <a href="#">C140</a></p>

<p>slope of the grading activity to prevent materials from discharging to the wetland or creek while constructing the access. Silt fence was installed within the mudslide material as a reaction to the incident.</p>		
<p><b><u>S9.D.6 Protect Slopes</u></b>  <b>Failure to meet S9.D.6.a:</b> The Permittee must design and construct cut-and-fill slopes in a manner to minimize erosion. Applicable practices include, but are not limited to, reducing continuous length of slope with terracing and diversions, reducing slope steepness, and roughening slope surfaces (for example, track walking).</p> <p><b>Failure to meet S9.D.6.b:</b> The Permittee must divert offsite stormwater (run-on) or <b>groundwater</b> away from slopes and disturbed areas with interceptor dikes, pipes, and/or swales. Offsite stormwater or <b>groundwater</b> <i>should be managed separately from stormwater generated on the site.</i> Protect slopes, as set forth in permit condition S9.D.6.</p> <p>Site CESCL inspections from August and September 2021 indicated the site was directing groundwater seepage from the work area near the west slope and discharging it to a temporary sediment pond east of the site (cul-de-sac). The temporary sediment pond does not have sizing calculations, and was constructed to remove and alleviate flows entering the newly constructed lined pond, according to site inspections.</p> <p>Notes from the September 2021 CESCL inspections indicate the site had to use more material to create additional height in the pond so it would not overtop and discharge down the ravine.</p>		<p><a href="#">C120</a>, <a href="#">C121</a>, <a href="#">C122</a>,  <a href="#">C123</a>, <a href="#">C124</a>, <a href="#">C130</a>,  <a href="#">C131</a>, <a href="#">C200</a>, <a href="#">C201</a>,  <a href="#">C202</a>, <a href="#">C203</a>, <a href="#">C204</a>,  <a href="#">C205</a>, <a href="#">C206</a>, <a href="#">C207</a>,  <a href="#">C208</a></p>
<p><b><u>S9.D.9 Control Pollutants</u></b>  <b>Failure to meet S9.D.9.a:</b> Handle and dispose of all pollutants, including waste materials and demolition debris that occur onsite in a manner that does not cause contamination of stormwater. Design, install, implement and maintain effective pollution prevention measures to minimize the discharge of pollutants, as set forth in permit conditions S1.D.1, S9.D.9.</p> <p>The project is also covered under Administrative Order 18193, which requires additional sampling of stormwater for contaminants that remain on-site from past land use activities (landfill). I observed exposed landfill material on the east boundary of the site at the time of inspection, and the silt fence acting as a perimeter BMP was damaged at the toe of the exposed slope. No BMPs were in place to capture, contain, nor sample the potentially contaminated stormwater prior to discharge off site.</p> <p>Through communication with the site contact and site CESCL between September 29 and October 5, 2021, there was no information provided to Ecology water quality staff that indicated the site was complying with the requirements of Administrative Order 18193:</p> <ul style="list-style-type: none"> <li>• No flow-through treatment BMPs were observed onsite at the time of inspection to treat contaminate stormwater or groundwater.</li> <li>• No treatment system was observed onsite to capture, contain, and hold the potentially contaminated stormwater or groundwater on-site for sampling for contaminants prior to discharging offsite.</li> <li>• No BMPs are included in the site Stormwater Pollution Prevention Plan (SWPPP) or site map to treat contaminated stormwater or groundwater prior to leaving the site.</li> <li>• The site SWPPP does not include any information acknowledging the issuance or requirements of Administrative Order 18193.</li> </ul>		<p><a href="#">C151</a>, <a href="#">C152</a>, <a href="#">C153</a>,  <a href="#">C154</a>, <a href="#">C250</a>, <a href="#">C251</a>,  <a href="#">C252</a></p>

<ul style="list-style-type: none"> <li>• CESCL inspection reports from August 20, 2021 to date note “no more contaminated soils/materials remain on site”; however, Ecology staff observed contaminated materials onsite on Sept. 29, 2021.</li> <li>• The site CESCL communicated to Ecology on Sept. 30, 2021 that the site is preparing to hydroseed the exposed landfill material; however, this will not prevent stormwater from coming into contact with contaminants. <b>The site must prevent stormwater exposure to contaminated material.</b></li> </ul>		
<p><b>S9.D.10 Control Dewatering</b></p> <p><b>Failure to meet S9.D.10.b:</b> Permittee may discharge clean, non-turbid dewatering water, such as wellpoint ground water, to systems tributary to, or directly into, surface waters of the State. This is specified in Special Condition S9.D.8, provided the dewatering flow does not cause erosion or flooding of receiving waters. <b>Do not route clean dewatering water through stormwater sediment ponds.</b> Note that "surface waters of the State" may exist on a construction site as well as off-site; for example, a creek running through a site.</p> <p><b>Failure to meet S9.D.10.d:</b> Permittee must handle highly turbid or contaminated dewatering water separately from stormwater. Control dewatering to include discharges from foundations, vaults and trenches, as set forth in permit condition S9.D.10.</p> <p>Site CESCL inspections from August and September 2021 indicated the site was directing groundwater seepage from the work area near the west slope and discharging it to a temporary sediment pond northeast of the site (cul-de-sac). The temporary sediment pond does not have sizing calculations, and was constructed to remove and alleviate flows entering the newly constructed lined pond, according to site inspections.</p> <p>Notes from the September 2021 CESCL inspections indicate the site had to use more material to create additional height in the pond so it would not overtop and discharge down the ravine.</p> <p>At the time of inspection, the groundwater seepage and realigned creek were flowing through a temporary realignment in a constructed French drain and tight line to a catch basin out-falling to the ravine south of the site.</p> <p>Groundwater/stormwater was observed in several excavated areas east of the site. Clay and Jay described these areas as temporary sediment ponds to hold and infiltrate groundwater and stormwater.</p> <p>The SWPPP indicated the newly constructed lined ponds would be used to manage stormwater flows from the site, and the site provided sizing calculations for this pond per permit requirements. However, there are no sizing calculations for the temporary sediment ponds east of the site (cul-de-sac area).</p>		<p><a href="#">C203</a>, <a href="#">C206</a>, <a href="#">C236</a></p>
<p><b>S9.D.11 Maintain BMPs</b></p> <p><b>Failure to meet S9.D.11.a:</b> Permittee must maintain and repair all temporary and permanent erosion and sediment control BMPs as needed to assure continued performance of their intended function in accordance with BMP specifications. Maintain and repair all temporary and permanent BMPs as set forth in permit condition S9.D.11.a.</p> <ul style="list-style-type: none"> <li>• Silt fence installed as a perimeter BMP was damaged and missing a large portion of fence at the toe of the slope east of the diversion</li> </ul>		<p>SWMMWW, Chapter II-3 <a href="#">Construction Stormwater BMPs</a>, <a href="#">C150</a>, <a href="#">C160</a></p>

<p>pipe at the time of the 9/29/2021 inspection. This same portion of silt fence was noted as damaged on the 9/10/2021 CESCL inspection report.</p> <ul style="list-style-type: none"> <li>• Portions of silt fence were damaged, improperly installed, or allowed undercutting of material and flows along the east project boundary near the stockpiles.</li> </ul>		
<p><b>S9.D.12 Manage the Project</b>  <b>Failure to meet S9.D.12.b:</b> Inspect, maintain and repair all BMPs as needed to assure continued performance of their intended function. Conduct site inspections and monitoring in accordance with Special Condition S4. Manage the Project to include inspecting, maintaining and repairing BMPs as needed and maintaining the SWPPP, as set forth in permit conditions S9.D.12.a and S9.D.12.c.</p> <p>Site inspections are not adequate as described above. BMPs have not been maintained nor repaired per permit requirements or standards outlined in the Stormwater Management Manual for Western Washington (SWMMWW).</p>		<a href="#">C150</a> , <a href="#">C160</a> , <a href="#">C162</a>
<p>For assistance with any of these compliance issues or recommendations regarding BMPs, please see the 2019 Stormwater Management Manual for Western Washington (SWMMWW), Volume II, Construction Stormwater Pollution Prevention which includes BMPs for <a href="#">Source Control</a> and <a href="#">Runoff Conveyance and Treatment BMPs</a>. The full SWMMWW is available at: <a href="http://www.ecy.wa.gov/programs/wq/stormwater/manual.html">http://www.ecy.wa.gov/programs/wq/stormwater/manual.html</a>.</p> <p>The Department of Ecology has the authority to issue formal enforcement actions including issuance of orders and civil penalties of up to \$10,000 per day per violation for violations of your NPDES permit and/or state laws and regulations.</p> <p><i>Noncompliance with the limits, monitoring requirements, terms and/or conditions established in your permit may result in formal enforcement action by the Department of Ecology.</i></p>		
<p>Ecology Inspector (signature): <u></u> Date: October 8, 2021  Ecology Inspector (print name): Elizabeth Fint</p> <p>Water Quality Program  Northwest Regional Office  3190 160<sup>th</sup> Ave. SE Bellevue, WA 98008-5452</p>		