

**Expedited Settlement Offer Worksheet**  
**Deficiencies Form**  
*Consult instructions regarding eligibility criteria and procedures prior to use*



version 10.3.4

LEGAL NAME AND MAILING ADDRESS OF OPERATOR		Telephone Number	NPDES Permit Number
1	John Burggraf Hughes General Contractors 900 North Redwood Rd. North Salt Lake, UT 84054	801-292-1411	UTR370389
		Inspector Name:	Stephanie DeJong
		Inspector Agency:	US EPA
		Entrance Interview Conducted:	Yes
		Exit Interview Conducted:	Yes
		Exit Interview given to:	Larry Woodruff, Tim Sobotka, J. Noorda
		Exit Interview time:	11:00 Date: 07/12/2016
LOCATION AND ADDRESS OF SITE			
2	Logan High School - Hughes General Contractors 162 W 100 S Logan, UT 84321		

FACILITY DESCRIPTION / CONTACT NAMES	
Name of Site Contact (ESO Worksheet recipient):	John Burggraf
Name of Authorized Official (40 CFR 122.22):	John Burggraf, Vice President
Inspection Date:	07/12/2016
Start Construction Date:	03/22/2016
Estimated Completion Construction Date:	12/21/2017
If Unpermitted, Number of Months Unpermitted:	0
Name of Receiving Water Body (Indicate whether 303(d) listed):	Little Logan River
Acres Currently Disturbed   Acres to be Disturbed in Whole Common Plan:	13.75   13.75
Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?	No

PERMIT COVERAGE	Findings	Citation Reference**	R C A*	No. of Deficiencies	Dollar Amount	Total
3	Operator unpermitted for one month (# months unpermitted equals number of violations). Discharge without a permit.	CWA 301			\$500.00 =	

SWPPP REVIEW		Citation Reference**	R C A*	No. of Deficiencies	Dollar Amount	Total
4	SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)	UCGP 7.1.1			\$5,000.00 =	
5	SWPPP prepared but prepared after construction start (# of months = # of violations)	UCGP 7.1.1			\$75.00 =	
6	SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc...	UCGP 7.2.6.a			\$250.00 =	
7	SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control	UCGP 7.1.1			\$500.00 =	
8	SWPPP does not have site description, as follows:					
	A) Nature of activity in description	UCGP 7.2.2			\$100.00 =	
	B) Intended sequence of major activities	UCGP 7.2.4			\$100.00 =	
	C) Total disturbed acreage	UCGP 7.2.2			\$100.00 =	
	D) General location map				\$100.00 =	
	E) Site map is not included in SWPPP.	UCGP 7.2.5			\$500.00 =	

	F	Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage areas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)	c. Approximate slopes before and after major grading activities; d. Locations where sediment, soil, or other construction materials will be stockpiled. Stockpiles were observed on the site (photos 833 and 839); and e. Topography of the site or drainage patterns.	UCGP 7.2.5	Yes	5	\$50.00	=	\$250
	G	Location/description industrial activities, like concrete or asphalt batch plants		UCGP 7.2.5 a.vii			\$500.00	=	
9		SWPPP does not:							
	A	Describe all pollution control measures (e.g. BMPs)		UCGP 7.2.9			\$750.00	=	
	B	Describe sequence for implementation		UCGP 7.2.4			\$250.00	=	
	C	Detail operator(s) responsible for implementation		UCGP 7.2.1			\$250.00	=	
10		SWPPP does not describe interim stabilization practices.		UCGP 2.2 & 7.2.9.c			\$250.00	=	
11		SWPPP does not describe permanent stabilization practices.		UCGP 2.2 & 7.2.9			\$250.00	=	
12		SWPPP does not describe a schedule to implement stabilization practices	No final stabilization with estimated start dates and duration was discussed in the SWPPP; and	UCGP 7.2.4.d	Yes	1	\$250.00	=	\$250
13		Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)					\$250.00	=	
14		SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas		UCGP 2.1.3a-b & 7.2.9.a			\$500.00	=	
15		SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed					\$500.00	=	
16		SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit					\$500.00	=	
17		SWPPP does not describe measures to minimize off site vehicle tracking and generation of dust		UCGP 2.1.2.c, 2.1.2.e, & 7.2.9.a.iii			\$500.00	=	
18		SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials	Pollutant-generating activities were not discussed in the SWPPP. A concrete washout, concrete mixers, port-o-lets, and dumpsters were observed on-site (photos 834, 851, 846-847, and 857).	UCGP 7.2.6.b, 7.2.10.b, & 2.3.3.c	Yes	1	\$250.00	=	\$250
19		SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials		UCGP 1.3.3 & 7.2.6.a			\$500.00	=	
20		SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP	No sources of allowable non-stormwater discharges were listed in the SWPPP. Sources include irrigation water to be used where landscaping was being done, along 100 S and dust suppression water;	UCGP 1.3.4 & 7.2.7	Yes	1	\$500.00	=	\$500
21		SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges	Pollution prevention measures for non-stormwater discharges were not addressed in the SWPPP.	UCGP 1.3.4, 7.2.7, & 7.2.9.a	Yes	1	\$500.00	=	\$500

22	Endangered Species Act documentation is not in SWPPP						\$500.00	=	
23	Historic Properties (Reserved)								
24	Copy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)		UCGP 7.2.1 & 7.2.16				\$250.00	=	
25	SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)						\$750.00	=	
26	SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans		UCGP 7.4.1.a				\$250.00	=	
27	Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates		UCGP 4.1.7.c & 5.4.3				\$500.00	=	
28	SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)	The site map did not reflect the site. For example, the equipment storage yard north of 100 S was not depicted on the site map (photos 841-843). Although some stormwater controls were shown on the site map, they did not reflect the control observed at the site during the inspection. For example, there was no vehicle tracking control where shown on the site map (photos 834, 835, 844, and 845).	UCGP 5.4.2.b & 7.4.1	Yes	2		\$50.00	=	\$100
29	Copy of SWPPP not retained on site		UCGP 7.1.1 & 7.3				\$500.00	=	
	A SWPPP not made available upon request		UCGP 7.3				\$500.00	=	
30	SWPPP not signed/certified		UCGP 7.2.15				\$500.00	=	
<b>Subtotal SWPPP Deficiencies</b>									<b>\$1,850</b>
<b>INSPECTIONS</b>									
31	Inspections not performed and documented at least once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).	Not all inspections occurred every 7 days, which was the inspection frequency selected by Hughes as indicated by the SWPPP. Between the 6/9/16 inspection and the 6/17/16 inspection, 8 days lapsed. Between the 6/23/16 inspection and the 7/8/16 inspection, 15 days lapsed. It is unknown what frequency the inspections occurred at between 4/9/16 and 5/13/16, because the reports did not include an inspection date.	UCGP 4.1.2, 4.1.3, 4.1.4, 4.1.7, 7.2.11.b, & 7.2.11.c	Yes	2		\$250.00	=	\$500
	No inspections conducted and documented (if True, then leave elements 32-39 blank)					FALSE			True or False
	Number of Inspections expected if performed every 7 days:								
	Number of Inspections expected if performed bi-weekly:								
	If known, number of days of rainfall of >0.5"								
32	Inspections not conducted by qualified personnel	Inspections were not performed by qualified, certified personnel. The SWPPP did not indicate that personnel were trained. Larry Woodruff stated that he had not been trained in stormwater, and he was conducting inspections. Fifteen inspections were reviewed.	UCGP 4.1.1, 6, & 7.2.12	Yes	15		\$50.00	=	\$750

33	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected		UCGP 4.1.5.a & 4.1.5.c				\$50.00	=	
34	All pollution control measures not inspected to ensure proper operation	Observations indicate the Hughes Inspector did not check whether all erosion and sediment controls and pollution prevention controls were installed, appeared to be operational, and were working as intended to minimize pollutant discharges. Observations indicate the Hughes Inspector did not determine if any controls needed to be replaced, repaired, or maintained. The inspection reports contained a section to list the stormwater controls that were installed. This was blank on the inspection reports for 5/19/16, 5/26/16, and 6/2/16. During the EPA's inspection, trackout was observed with no vehicle tracking control, and dumpsters were not covered (photos 834-835, 841, 844-845, 850, 852, and 858). The concrete washout had concrete spilled around it, and there was concrete spilled on the ground around the concrete mixers (photos 848 and 857).	UCGP 4.1.5.b & 4.1.6	Yes	3		\$50.00	=	\$150
35	Discharge locations are not observed and inspected		Part 4.1.5.e				\$50.00	=	
36	For discharge locations that are not accessible, nearby locations are not inspected						\$50.00	=	
37	Entrance/exit not inspected for off-site tracking		UCGP 4.1.5 & 4.1.5				\$50.00	=	
38	Site inspection report does not include: date, name, and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)	No inspection date was included on the reports between 4/9/16 and 5/13/16. What was assumed to be the 5/26/16 inspection report included this date beside the review signature, but the inspection date was left blank. No corrective actions were taken according to the inspection reports between 3/24/16 and 7/8/16. Larry Woodruff stated he had noted that some corrective actions were needed, but none had been taken. He stated he planned to keep them on the corrective action log until they were corrected. A total of 15 inspections were incomplete.	UCGP 4.1.7, 4.1.6, & 5.4	Yes	15		\$50.00	=	\$750
39	Inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)		UCGP 4.1.7.b				\$50.00	=	
<b>Subtotal Inspections Deficiencies</b>									<b>\$2,150</b>
<b>AVAILABILITY OF RECORDS</b>									
40	Sign/notice not posted		UCGP 1.5				\$250.00	=	
	A Does not contain copy of complete NOI						\$50.00	=	
	B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign		UCGP 1.5				\$50.00	=	
<b>Subtotal Records Deficiencies</b>									<b>\$0</b>
<b>BEST MANAGEMENT PRACTICES</b>									
41	No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water		UCGP 2.1.3.a & 2.1.3.b.3				\$500.00	=	
42	Control measures are not properly:	The following stormwater controls						=	

	A Selected, installed and maintained	required by the permit were not implemented at the site: a. The Little Logan River runs through the southern portion of the construction site. No buffer or equivalent erosion/sediment control was used (photo 853); b. No vehicle tracking control was used at any of the 5 vehicle exits on 100 S or 100 W, or the vehicle tracking control had filled with sediment (photos 834-835, 844-845, 850, 852, and 858). The SWPPP discussed street sweeping, but this had not been done recently.	UCGP 2.1.1.c, 2.1.1.d, 2.1.3.a, 2.1.3.b, 2.2, & 2.3.2	Yes	15	\$500.00	=	\$7,500
	B Maintenance not performed prior to next anticipated storm event  (count each failure to select, install, maintain each BMP as one violation)	Sediment was observed in the streets (photos 834, 835, 836, 840, 844, 850, 852, 854, 858); c. Stockpiles were observed on the site without any controls (photos 833 and 839); and d. Although storm drain inlet protection was used on storm drains within the area of disturbance, no storm drain inlets had controls along 100 S, 100 W, or in the parking lot on the northwest corner of the site near a storage yard (photos 836-838, 840, and 855-856). This was observed at eight storm drains.	UCGP 2.1.1.d.ii & 2.1.1.iii			\$250.00	=	
43	When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts	Corrective actions listed included trackout. Reports for 3/24/16 and 3/31/16 listed trackout in areas A and D, and dumpsters not covered. During the EPA's inspection, trackout was observed with no vehicle tracking control, and dumpsters were not covered (photos 834-835, 841, 844-845, 850, 852, and 858). One count was included for each inspection where trackout is known and one count was included based on the EPA's inspection observations.	UCGP 2.1.2.c.iv	Yes	3	\$500.00	=	\$1,500
44	Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source screening outfalls, pickup daily, etc.) (e.g.)	The concrete washout had concrete spilled around it, and there was concrete spilled on the ground around the concrete mixers (photos 848 and 857). Materials listed in the permit, including oils and gasoline, were stored in areas without cover or similarly controlled to prevent discharge of pollutants. Oil was stored in an area without cover in the equipment storage yard north of 100 S (photo 843). Gasoline and engine oil was observed stored in an area without cover by the concrete mixers south of 100 S (photos 846 and 848). Trash and debris were observed in the storage yard north of 100 S (photo 842). Dumpsters and port-a-lets were observed on the site. Trash was also observed around a storm drain on 100 S (photo 840).	UCGP 2.3.3	Yes	4	\$500.00	=	\$2,000
45	Stabilization measures are not initiated as soon as practicable on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation  *Exceptions: (a) Snow or frozen ground conditions (b) Activities will be resumed within 14 days (c) Arid or Semi-arid areas (<20 inches per year)		UCGP 2.2			\$500.00	=	

46	Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained		UCGP 2.1.3.b.i.1		\$1,000.00	=		
	A Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope boundaries				\$1,000.00	=		
	B Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more.		UCGP 2.1.3.b.ii		\$500.00	=		
47	Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 46 above)		UCGP 2.1.1.b, 2.1.1.c, & 2.1.2		\$500.00	=		
	A Sediment not removed from sediment trap when design capacity reduced by 50% or more		UCGP 2.1.1.d & 2.3.2		\$500.00	=		
<b>Subtotal BMP Deficiencies</b>								<b>\$11,000</b>
<b>SMALL BUSINESS EVALUATION</b>								
48	Is the Owner/Operator a Small Business?  A <i>small business</i> is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.	Unknown						
<b>Total Expedited Settlement:</b>								<b>\$15,000</b>
* Requires Corrective Action.								