

Expedited Settlement Offer Worksheet
Findings and Alleged Violations

Consult instructions regarding eligibility criteria
and procedures prior to use

version: June 2019



LEGAL NAME AND MAILING ADDRESS OF OPERATOR		Telephone Number	NPDES Permit Number				
1	Operator 1	(208) 332-5100	IDR1001C7				
	Nate Shake, Project Manager						
	Bogus Basin Recreational Association, Inc.	Inspector Name:	James Craft				
	2600 Bogus Basin Road	Inspector Agency:	IDEQ				
	Boise, Idaho 83705	Entrance Interview Conducted:		Yes			
	(208) 332-5100; nate@bogusbasin.org	Exit Interview Conducted:		Yes			
LOCATION AND ADDRESS OF SITE		Exit Interview given to:	Nate Shake				
2	Bogus Basin Stabilization Project	Exit Interview time:	10:30 AM	Date: 06/17/2019			
	1754 Bogus Basin Road						
	Boise, Idaho 83705						
FACILITY DESCRIPTION / CONTACT NAMES							
3	Name of Site Contact (ESO Worksheet recipient):		Nate Shake				
	Name of Authorized Official (40 CFR 122.22):		Nate Shake				
	Inspection Date:		06/17/2019				
	Start Construction Date:		06/18/2018				
	Estimated Completion Construction Date:		08/31/2020				
	If Unpermitted, Number of Months Unpermitted:						
	Name of Receiving Water Body (Indicate whether 303(d) listed):		Bogus Creek (Tier 2 waterbody)				
	Acres Disturbed Acres for Whole Common Plan:		10.00	10.00			
	Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?						
			No				
	PERMIT COVERAGE	Findings	CGP Citation	RCA*	No. of Deficiencies	Penalty Amount	Total
4	Operator discharged stormwater without a permit on one or more days during ____ months (# of months with an unauthorized discharge equals number of violations)	NA	CWA 301			\$600.00	\$0
	USE OF CATIONIC TREATMENT CHEMICALS (WHERE APPLICABLE)						
5	Proper notice was not provided for use of cationic treatment chemicals prior to submittal of the NOI. NOTE that this applies only to the failure to provide notice in the absence of a discharge to a storm drain or	NA	1.1.9			\$300.00	\$0
	POST NOTICE OF PERMIT COVERAGE						
6	A Sign/notice not posted as required. (If no sign/notice posted, leave element B blank.)	The sign was not in a publically accessible location in proximity to the construction site.	1.5		1	X \$300.00	\$300
	B Sign/Notice was missing one or more elements required by the Permit. (Count 1 violation for each omission under B.)	Sign did not include: NPDES ID (permit tracking number assigned to NOI); contact information; URL for SWPPP, and a statement to contact EPA to report observed indicators of stormwater pollutants in the discharges or in the receiving waterbody.	1.5.a-d		4	X \$60.00	\$240

SWPPP REVIEW								
7	No SWPPP prepared at time of inspection. (If no SWPPP, leave elements 8 - 21 blank)	NA	7.1				\$6,000.00	\$0
8	SWPPP prepared after construction start (# of months = # of violations with a maximum penalty of \$6,000). NOTE that elements 9 - 21 only apply to the months when the operator had a SWPPP. The maximum penalty for all SWPPP violations is \$6,000.	NA	7.1				\$1,000.00	\$0
9	A SWPPP does not list all operators for the project site and the areas of the site over which each operator has control.	SWPPP did not identify operators and who had operational control.	7.2.1		1	X	\$600.00	\$600
	B SWPPP does not identify stormwater team and respective responsibilities.	SWPPP Team not fully documented in SWPPP.	7.2.2		1	X	\$300.00	\$300
10	SWPPP does not include:							
A	Description of the nature of construction activities.	NA	7.2.3.a				\$120.00	\$0
	B The size of the property; the total area expected to be disturbed by the construction activities; the maximum area expected to be disturbed at any one time including onsite and offsite construction support activity areas.	NA	7.2.3 b, c, e				\$120.00	\$0
	C A description of any onsite/offsite construction support activities.	NA	7.2.3.d				\$600.00	\$0
	D A description and projected schedule for each portion of the site that includes all elements/dates required by the Permit. (Count 1 violation for each omitted category.)	NA	7.2.3.f				\$300.00	\$0
	E A list and description of all pollutant-generating activities.	NA	7.2.3.g				\$300.00	\$0
	F Public Emergencies: Required information for public emergency situations. NOTE: Operator has 30 days to complete SWPPP after construction begins.	NA	7.2.3.i 1.4				\$300.00	\$0
11	Site Map							
A	Site map not included in SWPPP.	NA	7.2.4				\$600.00	\$0
	B Site map does not include all elements required by the Permit. (Count 1 violation for each omission up to \$600.)	Site map did not include: slopes before and after grading activities; locations of stockpiles; designated vehicle exits onto paved roads; locations of onsite/off site construction support activities; identification of Bogus Creek as a Tier-2 impaired water; before and after drainage patterns; authorized discharge locations (storm drain inlets and directly to waters); locations of potential pollutant generating activities; locations of stormwater controls.	7.2.4.a-j		9	X	\$60.00	\$540
12	SWPPP does not:							
A	Identify all authorized non-storm water discharges that will or may occur.	NA	7.2.5				\$600.00	\$0
	B Describe the specific controls to be implemented to meet the effluent limits for erosion and sediment controls. (Count 1 violation for each missing control measure up to a maximum of \$900.)		NA	7.2.6 2.2			\$300.00	\$0
		For each specific erosion and sediment control identified in the SWPPP, include all information required by the Permit. (Count 1 violation for each control with incomplete information.)	NA	7.2.6			\$100.00	\$0
	C Describe the specific controls to be implemented to meet the effluent limits for pollution prevention. (Count 1 violation for each missing control measure up to a maximum of \$900.)		NA	7.2.6 2.3			\$300.00	\$0
		For each specific pollution prevention control measure identified in the SWPPP, include all information required by the Permit. (Count 1 violation for each control with incomplete information.)	NA	7.2.6			\$100.00	\$0
	D Describe the specific controls to be implemented to meet the effluent limits for construction dewatering.		NA	7.2.6 2.4			\$300.00	\$0
For each specific dewatering control measure identified in the SWPPP, include all information required by the Permit. (Count 1 violation for each control with incomplete information.)		NA	7.2.6					

	E	Document for sites affected by unforeseen circumstances that delay initiation and/or completion of Vegetative Stabilization: the circumstances and the schedule for initiating and completing stabilization.	NA	7.2.6.b.vi (d) 2.2.14					\$300.00	\$0	
13	A	SWPPP does not describe the procedures for Inspection, Maintenance and Corrective Action.	NA	7.2.7 2.1.4 4.0 5.0					\$600.00	\$0	
	B	Description of Inspection, Maintenance and Corrective Action procedures does not include all information required by the Permit. (Count 1 violation for each applicable omission.)	NA	7.2.7.a-d					\$120.00	\$0	
14		SWPPP does not include documentation that required personnel were, or will be, trained per Permit requirements.	No training documentation in SWPPP.	7.2.8 6.0		1	X		\$300.00	\$300	
15		Threatened and Endangered Species Act documentation is not included in SWPPP.	NA	7.2.9.a					\$600.00	\$0	
16		Historic Properties documentation is not included in SWPPP.	NA	7.2.9.b					\$600.00	\$0	
17		SWPPP does not document contacts, where applicable, with UIC regulatory authority regarding compliance with SDWA UIC Requirements for Certain Subsurface Stormwater Controls.	NA	7.2.9.c					\$600.00	\$0	
18		SWPPP not signed/dated/certified.	Electronic SWPPP not signed or dated.	7.2.10		1	X		\$600.00	\$600	
19		Copy of NOI and relevant correspondence, acknowledgement letter received from NeT, or Permit (can be electronic) not included as part of SWPPP. (Count 1 violation for each omission.)	SWPPP did not contain NOI, acknowledgement letter, or CGP.	7.2.11 a- c		3	X		\$300.00	\$900	
20		Copy of SWPPP is not retained on site or otherwise easily accessible.	Current copy of SWPPP not available on site at time of inspection.	7.3		1			\$600.00	\$600	
21	A	SWPPP (including site map) has not been updated/modified as required by the Permit. (Count 1 violation for each omission.)	NA	7.4.1					\$60.00	\$0	
	B	SWPPP modifications do not meet record keeping, approval or notification requirements. (Count 1 violation for each omission.)	Modifications to the SWPPP/Site Map were not documented in the SWPPP or site map.	7.4.2 7.4.3 7.4.4		1	X		\$60.00	\$60	
22	INSPECTIONS										
	A	Number of Inspections required if performed every 7 days:	52								
	B	Number of Inspections required if performed every 14 days:	26								
	C	If known, and if applicable, number of days of rainfall of > 0.25" :	54 based on a weather station that is more representative than the Boise Airport Station selected by the Site Representatives.								
	D	Number of inspections required under a reduced frequency	13								
	E	TOTAL number of required inspections	106								
	F	TOTAL number of inspections conducted/documentated	7								
23	A	All required inspections were not conducted and timely documented. (If NO inspections were conducted and documented, then leave elements 24-28 blank)	FALSE						True or False		
	B	Inspections not performed and timely documented. (Count 1 violation for each failure to inspect and document.)	The receiving water, Bogus Creek, is a Tier-2 impaired water. Since the site discharges to an impaired water, it is required to conduct inspections 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.	4.2 4.3 4.4 4.7.1		45	X		\$300.00	\$13,500	
24		Inspections not conducted by qualified personnel. (Count 1 violation for each inspection conducted by unqualified personnel.)	NA	4.1					\$60.00	\$0	
25		Areas to be inspected: Failed to inspect all required areas as identified in the Permit. (Count 1 violation for each omission.)	NA	4.5 4.6.1					\$60.00	\$0	

26		Site inspection report does not include all information required by the Permit. (Count 1 violation for each omission.)	Inspection reports did not: adequately address site conditions; include identification of needed corrective actions; note corrective actions completed; and address reduction of inspection frequency.	4.6.6 4.7.1.a -e		24	X	\$60.00	\$1,440
27	A	Inspection reports not properly signed/certified. (Count 1 violation for each failure to sign/certify.)	NA	4.7.2				\$60.00	\$0
	B	Copies of inspection reports have not been retained onsite or at easily accessible location.	Inspection reports not available on-site at the time of inspection.	4.7.3 4.7.4		1	X	\$600.00	\$600
		BEST MANAGEMENT PRACTICES							
28		General Maintenance Requirements:							
	A	Failure to ensure that all stormwater controls are maintained and remain in effective operating condition (i.e., all routine maintenance and corrective actions are performed within the timeframes required by the Permit). (Count 1 violation for each failure to maintain a control.)	The inspector observed 6 areas where BMPs were improperly installed; 11 areas where BMPs required maintenance; and 4 areas where the BMPs needed to be replaced.	2.1.4 2.2 5.2		21	X	\$300.00	\$6,300
	B	Failure to complete a Corrective Action report when required per Permit requirements. (Count 1 violation for each missing/deficient report.)	NA	5.4.1 5.4.2 5.4.4				\$300.00	\$0
	C	Corrective Action Reports not properly signed. (Count 1 violation for each failure to sign.)	NA	5.4.3				\$60.00	\$0
		Control measures improperly selected, installed, or maintained:							
29		Failure to provide a 50-ft undisturbed natural buffer or equivalent erosion and sediment control when a water of the US is located within 50 feet of the site's earth disturbances. (Count 1 violation for each failure.)	No buffers were installed to control sediment when earth was disturbed <50 feet from Bogus Creek a Tier-2 waterbody.	2.2.1		1	X	\$600.00	\$600
30		Failure to direct stormwater to vegetated areas to maximize infiltration and filtering (unless infeasible). (Count 1 violation for each failure.)	NA	2.2.2				\$600.00	\$0
31		Failure to install sediment controls along all perimeter areas of the site that will receive pollutant discharges (or, for linear construction sites where such controls are infeasible, to implement other appropriate practices).	The inspector noted 19 areas, such as steep hillsides, road cuts, embankments and access roads that had erosion rills and gulleys that indicated the site did not have adequate erosion and sediment controls in place.						
	A	If Common Drainage is 10+ acres	See above.	2.2.3		19	X	\$1,200.00	\$22,800
	B	If Common Drainage is less than 10 acres	NA	2.2.3				\$600.00	\$0
32		Failure to minimize sediment trackout per with Permit requirements. (Count 1 violation for each failure.)	NA	2.2.4.a-c				\$600.00	\$0
33		Failure to properly manage stockpiles or land clearing debris piles composed of sediment and/or soil. (Count 1 violation for each failure.)	NA	2.2.5.a-d				\$600.00	\$0
34		Failure to minimize dust through appropriate application of water or other dust suppression techniques. (Count 1 violation for each failure.)	NA	2.2.6				\$600.00	\$0
35		Failure to minimize disturbances of "steep slopes". (Count 1 violation for each failure.)	NA	2.2.7				\$600.00	\$0
36		Failure to preserve native topsoil (unless infeasible). (Count 1 violation for each failure.)	NA	2.2.8				\$600.00	\$0
37		Failure to minimize soil compaction in areas where final vegetative stabilization will occur or where infiltration practices will be installed. (Count 1 violation for each failure.)	NA	2.2.9				\$600.00	\$0
38		Failure to protect storm drain inlets by installing inlet protection measures that remove sediment from discharges prior to entry into a storm drain inlet. (Count 1 violation for each failure.)	NA	2.2.10.a				\$600.00	\$0
39		Failure to use erosion controls and velocity dissipation devices within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to minimize erosion. (Count 1 violation for each failure.)	The site did not have velocity dissipation devices within and along the length of the stormwater conveyance channel.	2.2.11		5	X	\$600.00	\$3,000

40	Failure to properly design or locate sediment basin or similar impoundment per Permit requirements. (Count 1 violation for each failure.)	NA	2.2.12.a-e				\$1,200.00	\$0
41	Failure to comply with Permit requirements for use of treatment chemicals.	NA	2.2.13.a-f				\$200.00	\$0
42	Failure to initiate and complete stabilization measures within the deadlines required by the Permit. (Count 1 violation for each failure.)	NA	2.2.14.a				\$600.00	\$0
43	Final Stabilization Criteria not achieved as required.	NA	2.2.14.b				\$1,200.00	\$0
44	Other needed control measures not properly selected or installed. (Count 1 violation for each omission.)	NA	2.1				\$600.00	\$0
Pollution Prevention Requirements								
45	Failure to provide effective controls for equipment and vehicle fueling and maintenance activities. (Count 1 violation for each failure.)	NA	2.3.1.a-f				\$600.00	\$0
46	Failure to effectively minimize the discharge of pollutants from equipment and vehicle washing. (Count 1 violation for each failure.) NOTE: Discharges of soaps, solvents or detergents to a storm drain or receiving water are not eligible for an ESA.	NA	1.2.2; 2.3.2.a-c				\$600.00	\$0
47	Failure to implement appropriate controls to prevent/minimize the discharge of pollutants from any of the following: building materials/products; landscaping chemicals and materials; petroleum products and other chemicals; hazardous and toxic waste; construction and domestic wastes; and/or sanitary wastes. (Count 1 violation for each failure.) NOTE: Nonallowable, non-stormwater discharges to a storm drain or receiving water are not eligible for an ESA.	NA	2.3.3.a-f				\$600.00	\$0
48	Failure to provide effective controls for concrete washout. NOTE: Nonallowable, non-stormwater discharges to a storm drain or water are not eligible for an ESA.	NA	2.3.4.a-c				\$1,000.00	
49	Failure to provide effective controls for washing applicators/containers for stucco, paint, form release oils, curing compounds or other materials. (Count 1 violation for each failure.) NOTE: Nonallowable, non-stormwater discharges to a storm drain or receiving water are not eligible for an ESA.	NA	2.3.4.a-c				\$600.00	\$0
50	Failure to comply with requirements for application of fertilizers.	NA	2.3.5.a-f				\$600.00	\$0
51	Failure to comply with Permit requirements for construction dewatering in order to minimize the discharge of pollutants. (Count 1 violation for each failure.) NOTE: Use of waters of the US as part of the treatment area is not eligible for an ESA.	NA	2.4				\$600.00	\$0
SMALL BUSINESS EVALUATION								
52	Is the Owner/Operator a Small Business?	Yes					Yes or No	
	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.							
Total Expedited Settlement:								\$52,680

*RCA: Requires Corrective Action