



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 21, 2022

Brian Hefty
Grant Park Capital LLC
47523 252nd Street
Baltic, SD 57003

WARNING LETTER

Re: Stormwater Inspection – Grant Park Addition (Permit No. SDR10K637)

Dear Brian Hefty:

The South Dakota Department of Agriculture and Natural Resources (SDDANR) conducted a Complaint Inspection of the Grant Park Addition construction project located in Baltic, SD on June 6, 2022.

I have attached an inspection summary and a copy of the inspection report. Please pay special attention to the Inspection Summary table on the next page and ensure that any issues identified are resolved and do not occur moving forward. The discharge of stormwater from your construction site is authorized only if your project is in compliance with the General Permit. This inspection identified a number of deficiencies.

The General Permit requires corrective actions be taken and modifications to the Stormwater Pollution Prevention Plan be made and implemented within seven (7) days of notification of the plan not meeting the minimum requirements. **By June 28, 2022**, please submit a written response detailing how the violations of the permit listed in the Full Inspection Summary have been corrected on your project site. In addition, submit a copy of your updated stormwater pollution prevention plan and your inspection records by **June 28, 2022**.

Please review this report for accuracy. If you have any questions or need any guidance, please contact Stormwater Staff at stormwater@state.sd.us or by calling 1-800-737-8676.

Sincerely,

Jill M. Riedel
Engineer III
Surface Water Quality Program

Enclosure

cc: Mike Wendland - On-Site Contact
Chad Huwe - Project Engineer
Ed Wilson, City of Baltic Planning and Zoning

EXHIBIT J

DANR 028

Company: Grant Park Capital LLC
 Inspector Name: Jill Riedel

Project Name: Phillips Crossing Addition
 Inspection Date: June 6, 2022

General Project Information					
Project Name	Phillips Crossing Addition			Permit Number	SDR10K637
Project Location	Baltic, SD			Project Start Date	April 1, 2021
Project Address	S 6th Street & Lovely Avenue			Project End Date	December 31, 2021
Owner Name	Brian Hefty	Owner Phone	(605) 513-3463	Owner Email	brian@agphd.com
Project Contact	Mike Wendland	Contact Phone	(605) 512-2210	Contact Email	mike@grantpark.capital
Inspection Date	June 6, 2022	Inspection Time	12:00 PM	Weather	Clear
Individuals Present During the Inspection					
Jill Riedel	SDDANR			stormwater@state.sd.us	
Kelli Buscher	SDDANR			stormwater@state.sd.us	
Brian Hefty	Grant Park Capital LLC			brian@agphd.com	
Mike Wendland	Grant Park Capital LLC			mike@grantpark.capital	
Ed Wilson	City of Baltic			605-321-2279	
Full Inspection Summary					
On-Site Inspection Corrective Actions					
<ul style="list-style-type: none"> You must post the general permit notice so it is visible and readily available from the public right-of-way. You must submit a Contractor Authorization Form for all required contractors. You must remove and properly dispose of off-site accumulations of sediment. You must repair or replace existing controls to prevent sediment from leaving the site. You must remove sediment from silt fence along storm drain inlets. You must install appropriate inlet protections around all storm drain inlets. You must install velocity controls to minimize erosion and scour. You must stabilize your site and minimize the amount exposed soil leaving the site. You must implement controls to minimize dust generation. You must place material stockpiles away from curb to prevent washout into paved streets. You must install temporary stabilization at all inactive areas of your construction site where construction activities will cease for 14 days but resume in the future. You must install controls such as mulch, erosion control blankets, etc., to control erosion until vegetation is established. You must install final stabilization at all inactive areas of your construction site where construction activities are complete. 					
Stormwater Pollution Prevention Plan (SWPPP) Review Corrective Actions					
<ul style="list-style-type: none"> Your SWPPP must be available onsite and must be made available to DANR upon request. You must update your SWPPP to include all of the information outlined in Section 3.5 of the General Permit. You must update your SWPPP to include site maps with all of the information outlined in section 5.3.4 of the General Permit. You must update your SWPPP as site conditions change. 					
Inspection Records Corrective Actions					
<ul style="list-style-type: none"> You must have a designated, knowledgeable stormwater inspector conduct routine site inspections and complete an inspection report to document each inspection as outlined in Section 4.0 of the General Permit. 					
Other Corrective Actions					
Best Management Practices (BMPs) - Silt fence along the east side of site should be installed on the project property and sediment discharged into neighboring property removed.					
Concentrated Flow Areas - You need to install and/or revise controls to reduce the velocity and force of the water leaving the site. This concentrated flow is causing erosion and offsite sediment discharge.					
Other Site Inspection Comments - Lack of stabilization is causing erosion and causing sediment to be discharged offsite. Offsite accumulations in the streets, ditches, private property, etc. must be cleaned up. Work with the property owners to initiate offsite sediment cleanup.					

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On-Site Inspection		
Permit Documentation	Answer	Permit Language
Is permit information posted in an area visible from the public ROW?	No	Section 2.10 of the General Permit requires that you must post a sign or other notice at a safe, publically accessible location near your project site that includes, at minimum, your general permit tracking number and contact name and phone number for obtaining additional project information.
Have all contractors who are required to submitted a Contractor Authorization form?	No	Section 2.4.1 of the General Permit requires that you submit a Contractor Authorization Form as soon as a contractor is identified if the contractor was not identified on the NOI.
Inspection Report Requirements	Answer	Permit Language
Is surface runoff near lakes or streams directed to vegetated areas and stormwater maximally infiltrated?	Not Applicable	
Are natural buffer areas near lakes and streams delineated and clearly marked?	Not Applicable	
Are proper controls installed on slopes and side boundaries as appropriate?	Installed But Needs Maintenance	Section 3.19.1 of the General Permit requires you remove sediment from sediment controls before the deposit reaches 50% of the above-ground height of the control.
Are all sediment basins designed, constructed, and operated correctly?	Not Reviewed	
Are track out control measures in place?	Not Installed and Not Needed	
Are storm drain inlet protection in place?	Not Installed But Needed	Section 3.13.1 of the General Permit requires that you must protect all storm drain inlets that receive stormwater flows from the construction site by using appropriate best management practices during construction to minimize the discharge of pollutants from the site.
Are velocity controls being used to minimize erosion and scour along channels and at discharge points?	Installed But Needs Maintenance	Section 3.19.1 of the General Permit requires all nonfunctional BMPs be repaired, replaced, maintained or supplemented with functional BMPs. If a nonfunctioning BMP is supplemented, the nonfunctional BMP shall be removed.
Are soil stockpiles stored on site? Are they located outside of natural buffers and away from any stormwater conveyances, drain inlets, or areas where stormwater flow is concentrated? Are stockpiles that will be unused for 14 days covered and/or stabilized as required?	Yes Yes Yes	
Is the area of exposed soil minimized?	No	Section 3.16 of the General Permit requires that you must schedule and sequence soil disturbing activities to minimize the amount and duration of soil exposure to erosion and sedimentation by wind, rain surface runoff, and vehicle tracking.

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Is dust being minimized?	No	Section 3.8 of the General Permit requires that you must minimize the generation of dust at the construction site to avoid pollutants from being deposited into surface waters of the state. This can be accomplished through the appropriate application of water or other dust suppression techniques.
Is there temporary stabilization being done on site?	Not Done and Needed	Section 3.18.2 of the General Permit requires that as soon as practicable, but no later than 14 calendar days after initiating soil stabilization measures you are required to complete temporary stabilization.
Are there areas where final stabilization is being done?	Not Done and Needed	Section 3.18.2 of the General Permit requires that as soon as practicable, but no later than 14 calendar days after initiating soil stabilization measures you are required to complete temporary stabilization.
Potentially Harmful Pollutants Stored on Site	Answer	Permit Language
Fuels, Oils, or Other Chemicals Used for Fueling and Maintenance	Not Stored On Site	
Detergents, Soaps, or Solvents Used for Vehicle and Equipment Washing	Not Stored On Site	
Garbage, Debris, Masonry, Scraps, Timber, Pipes, Styrofoam, or Other Construction Materials	Not Stored On Site	
Concrete, Stucco, Paint, Acids, or Other Construction Chemicals	Not Stored On Site	
Pesticides and Fertilizers	Not Stored On Site	
Hazardous or Toxic Waste	Not Stored On Site	
Portable Toilets	Not Stored On Site	
Potentially Harmful Pollutants Stored on Site	Answer	Permit Language
Is a concrete washout on site?	No	
Potentially Harmful Pollutants Stored on Site	Answer	Permit Language
Is construction dewatering occurring on site?	No	
General Comments on the Site Inspection		
<p>Non-Stabilized Areas - Streets have been installed and two lots built upon, otherwise the rest of the site needs stabilization to prevent further erosion and sediment discharge offsite.</p> <p>BMPs - Silt fence along the east side of site should be installed on the project property and sediment discharged into neighboring property removed. Sediment needs to be removed from silt fence along storm drain inlets.</p> <p>Stockpiles - Material stockpiles should be further from the curb to prevent washout into street.</p> <p>All Points of Discharge - Rip rap at the outlet needs to be revised and/or additional controls installed to capture sediment and prevent sediment discharge offsite. Sediment was discharged into road ditch along northeast corner of site.</p> <p>Other Site Inspection Comments - Discussed with owner and permit contact the immediate need for removing sediment from the street and developing a plan to properly stabilize all the exposed area onsite to prevent continued erosion and sediment discharge.</p>		

SWPPP Inspection Checklist		
SWPPP Includes	Answer	Permit Language
Narrative description of the nature of construction activities.	No	Section 5.0 of the General Permit requires that your SWPPP must contain all of the information outlined in Section 5.3, be signed with the certification statement, and contain any modifications that have taken place since it was implemented.
Legible site map.	No	Section 5.3 of the General Permit requires you must include a legible site map depicting the features and boundaries of the project as outlined in Section 5.3.4.
General Required SWPPP Information	Answer	Permit Language
Person(s) responsible for implementation of the plan.	Not Reviewed	
How employees and responsible parties will be trained on the SWPPP.	Not Reviewed	
Overall project description and the type of construction.	Not Reviewed	
Estimates of the total size of project and total area expected to be disturbed.	Not Reviewed	
Maximum area expected to be disturbed at one time.	Not Reviewed	
Existing vegetation at site and estimate of percent of vegetative ground cover.	Not Reviewed	
Description of the soil type within disturbed area(s).	Not Reviewed	
Name of surface water(s) or MS4 that could receive discharges.	Not Reviewed	
Any construction support activity areas.	Not Reviewed	
Construction and BMP Sequencing	Answer	Permit Language
Start and duration of earth-disturbing activities needing stabilizing.	Not Reviewed	
Cessation of construction activities on site or in designated portions of the site.	Not Reviewed	
Timeframe for installation, maintenance, and removal of BMPs.	Not Reviewed	
BMPs are indicated as temporary or permanent.	Not Reviewed	
Description of maintenance specification and procedures.	Not Reviewed	
Stormwater Diversions and Conveyances	Answer	Permit Language
Description of structural diversion practices.	Not Reviewed	
Description of removal of any temporary stormwater conveyance.	Not Reviewed	
Stabilization Requirements	Answer	Permit Language
Description of stabilization in areas where construction has ceased.	Not Reviewed	

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Does SWPPP vegetative and/or non-vegetative practices comply with stabilization requirements in Section 3.19?	Not Reviewed	
Inspection Records and Procedures	Answer	Permit Language
Procedures for conducting site inspections and performing necessary corrective actions.	Not Reviewed	
Personnel responsible for inspections.	Not Reviewed	
Required inspection frequency.	Not Reviewed	
Rational for frequency reduction.	Not Reviewed	
Checklists or other forms to be used.	Not Reviewed	
Post Construction Management	Answer	Permit Language
Technical reasoning used to select controls where flows exceed pre-development levels.	Not Reviewed	
Description of structural stormwater management practices.	Not Reviewed	
Location of velocity and energy dissipating devices at discharge points.	Not Reviewed	
Location of erosion protection for outfall channels and ditches.	Not Reviewed	
Description of spill prevention and response procedures.	Not Reviewed	
Procedures for handling and disposing of spills or leaks.	Not Reviewed	
Name or position of the employee(s) responsible for response to spills and leaks.	Not Reviewed	
Procedures for handling and disposing of waste on site.	Not Reviewed	
Description of all activities that could generate pollutants at the site.	Not Reviewed	
All sources of non-stormwater discharges.	Not Reviewed	
Statement if is it infeasible to comply with any permit condition on this site.	Not Reviewed	
SWPPP Site Maps Show	Answer	Permit Language
Preconstruction site conditions including vegetative and non-vegetative cover.	Not Reviewed	
Locations where earth-disturbing activities will occur, noting phasing.	Not Reviewed	
Approximate slopes before and after major grading activities; noting areas with a slope greater than 3:1.	Not Reviewed	
Topography of site.	Not Reviewed	
Drainage patterns before and after major grading and flow directions marked with arrows.	Not Reviewed	
Name and locations of all surface waters potentially receiving discharges.	Not Reviewed	
Surface water crossings.	Not Reviewed	
Stormwater conveyances.	Not Reviewed	
Discharge locations, including storm drain inlets potentially receiving discharge.	Not Reviewed	

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Stormwater discharge to surface water locations.	Not Reviewed	
Sediment, soil and/or other construction material stockpiles.	Not Reviewed	
Designated site access points.	Not Reviewed	
Structures and other impervious surfaces upon completion of construction.	Not Reviewed	
Natural buffer boundaries and widths.	Not Reviewed	
Potential Areas Where Pollutants Could Be Generated Are Marked	Answer	Permit Language
Fueling stations	Not Reviewed	
Vehicle maintenance areas	Not Reviewed	
Designated wash water collection areas	Not Reviewed	
Lubricant and chemical storage	Not Reviewed	
Waste storage/dumpsters	Not Reviewed	
Concrete washout areas	Not Reviewed	
Portable toilets	Not Reviewed	
Equipment storage	Not Reviewed	
Sediment and erosion controls	Not Reviewed	
Velocity dissipation devices	Not Reviewed	
Post-construction controls	Not Reviewed	
Construction support activities	Not Reviewed	
SWPPP Modifications	Answer	Permit Language
Has the SWPPP had any modifications?	Not Reviewed	
Was SWPPP updated within 7 calendar days?	Not Reviewed	
Does the SWPPP show the modification date, who made the change, and a brief summary?	Not Reviewed	
Is the modification signed and certified?	Not Reviewed	
Was each operator impacted by the SWPPP change notified within 24 hours?	Not Reviewed	
Signed and Certified	Answer	Permit Language
The SWPPP is signed and certified?	Not Reviewed	
General Comments on the SWPPP		
Owner and permit contact did not have a copy of SWPPP onsite and were not aware of the requirements. A revised and updated copy of the SWPPP will be required to be submitted with inspection response.		

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Inspection Records Review Checklist		
Inspection Records	Answer	Permit Language
Are inspection records being kept?	No	Section 4.6 of the General Permit requires you must complete an inspection report in conjunction with each site inspection.
Are regular site inspections being conducted as required in Section 4.2 of the General Permit?	No	Section 4.2 of the General Permit requires that at minimum you must either conduct a site inspection once every 7 calendar days; or once every 14 calendar days and within 24 hours of precipitation that exceeds 0.25 inches or snowmelt that generates runoff.
Does the site have a knowledgeable inspector?	No	Section 4.1 of the General Permit requires that you are responsible for ensuring the person who conducts the inspection is knowledgeable in the principles and practice of erosion and sediment controls and pollution, possesses the skills to assess conditions at the site that could impact stormwater quality, and is able to assess the effectiveness of any control measures selected and installed to meet the requirements of the general permit.
Has inspection frequency ever been reduced?	Not Applicable	
Inspection Report Requirements	Answer	Permit Language
Inspection records include the date and time of inspection.	Not Reviewed	
Inspection records include the name of inspecting person.	Not Reviewed	
Inspection records include the date and amount of most recent precipitation.	Not Reviewed	
Inspection records include if runoff was flowing on and/or off site.	Not Reviewed	
Inspection records include the summary of inspection findings.	Not Reviewed	
Inspection records include the specific locations where corrective actions are needed.	Not Reviewed	
Inspection records include the summary of corrective actions taken.	Not Reviewed	
Inspection records include the statement the site is in full compliance.	Not Reviewed	
Inspection records include the statement an area was unsafe to inspect.	Not Reviewed	
Inspection records are signed with the certification statement.	Not Reviewed	
General Comments on the Inspection Records		
Permit contact states he is on site daily but does not keep stormwater inspection records and was unaware of the permit requirements. A copy of onsite inspection checklist template was sent via email after the inspection on June 6 to owner and permit contact to adapt and use.		

Inspection Photo Log

Location: Philips Crossing - Baltic, SD

Inspection Date: June 6, 2022

Inspector: Jill Riedel

Picture	Facing	Photo Description
1		Unstabilized areas and utility trench causing erosion
2		Unstabilized areas and sediment discharged into street. No inlet protection installed on either side of street.
3		Erosion rills and sediment washed into street and in storm drain with no inlet protection.
4		Storm drain inlet with no sediment controls installed.
5		Silt fence installed upgradient of storm drain inlet but sediment from unstabilized areas flowed around it. Topsoil stockpile in background with vegetative cover.
6		Unstabilized areas showing erosion and where high concentrations of stormwater flow on west side of site in the gully washed out.
7		Storm drain inlet with no protection installed and exposed soil around it needs to be stabilized. Some seeded grass growth can be seen but not enough to prevent erosion.
8		Close up of storm drain inlet
9		Unstabilized areas and utility trench showing erosion. Top soil stockpile has vegetated cover.
10		Sediment runoff into street needs removed. Exposed soils need stabilization to prevent further erosion.
11		Exposed soils need to be stabilized to prevent further erosion and sediment runoff. Silt fence may need maintenance as it looks to have sediment buildup along bottom from high flows. Sediment has washed over the curb; silt fence needs to be extended to capture off-site flows.
12		Some seeded growth but not sufficient to prevent erosion.
13		Rubble piles should be noted on SWPPP map or removed from site.
14		Material stockpiles should be moved further from street to prevent sediment runoff. Sediment and material in gutter needs to be removed.
15		Stockpile from bike bath construction owner stated was being actively used. Some seeded growth can be seen but not enough to prevent erosion. Sediment in gutter needs to be removed.
16		Stormwater outfall needs debris removed and sediment discharged offsite removed. Exposed soils need stabilization to prevent further erosion.
17		Stormwater outfall needs sediment cleaned up and sediment discharged into neighboring property needs removed. Snow fence debris should be cleaned up. Silt fence is completely covered with sediment and should be removed. Erosion controls should be installed on site property.
18		Erosion rills and gullies north side of stormwater outfall. Stabilize exposed soil to prevent further erosion.
19		Sediment discharged offsite into road ditch. Exposed soils need to be properly stabilized to prevent further erosion. Snow fence debris should be cleaned up.

20	Sediment discharged offsite into road ditch on northeast end of project. Sediment needs to be cleaned up and exposed soils properly stabilized to prevent further erosion.
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Picture 1

DANR 038



Picture 2

DANR 039



Picture 3

DANR 040

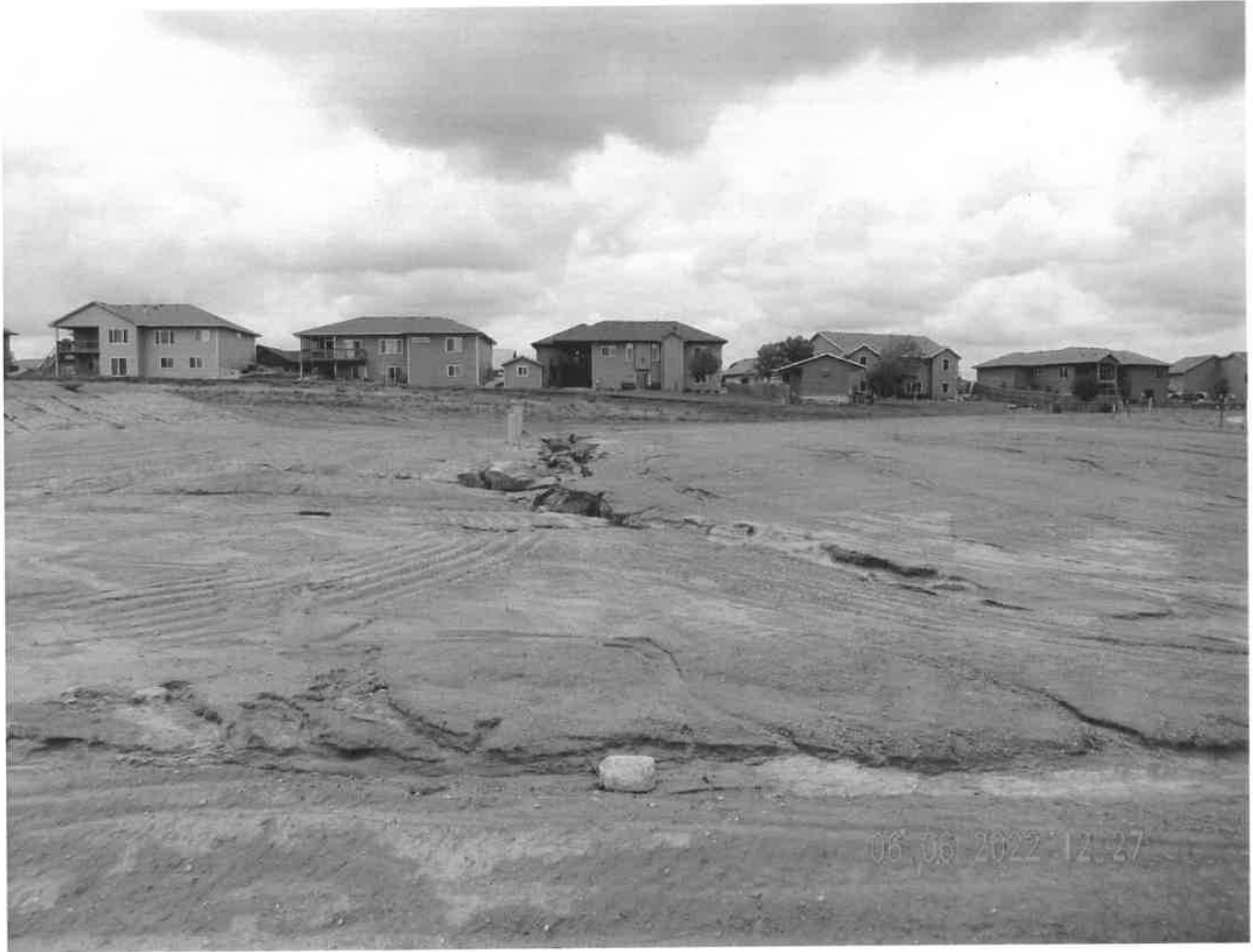


Picture 4

DANR 041



Picture 5



Picture 6

DANR 043



Picture 7

DANR 044



Picture 8

DANR 045



Picture 9

DANR 046



Picture 10

DANR 047



Picture 11



Picture 12

DANR 049



Picture 13

DANR 050



Picture 14

DANR 051



Picture 15



Picture 16

DANR 053



Picture 17

DANR 054



Picture 18

DANR 055



Picture 19

DANR 056



Picture 20

DANR 057