



REGION 3

PHILADELPHIA, PA 19103

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 05/14/2024
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Construction Stormwater
Site/Facility Name: Jefferson Road Project
Permittee(s): Kokosing Construction Company Inc.
Site/Facility Operator: Kokosing Construction Company Inc.
Site/Facility Address: St. Rt. 601
South Charleston, WV 25309
Latitude/Longitude: 38.341151, -81.701526
Permit Number(s): WVR110581 (General Permit Registration Number)
WV0115924 (General Permit No. Stormwater Associated with
Construction Activities)
Effective Date: February 9, 2019
Expiration Date: February 9, 2024
SIC: 1629
Unique Project: ECAD-5489

Site/Facility Representative(s):

Dan Cooper, Kokosing Construction

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Point of Contact



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Date

Unique Project#: ECAD-5394

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I. Introduction

On May 14, 2024, an inspection team composed of representatives from the U.S. Environmental Protection Agency (“EPA”) Region 3 representatives from the West Virginia Department of Environmental Protection (WVDEP) (hereinafter, the “EPA Inspection Team”) conducted a compliance evaluation inspection (“CEI”) of the Jefferson Road Project site (hereinafter, “the site”). The purpose of the inspection was to verify compliance with the Clean Water Act, West Virginia/National Pollutant Discharge Elimination System (NPDES) Water Pollution Control Permit, Stormwater Associated with Construction Activities for Permit No. WV01115924 (Registration No. WVR110581) (the “Permit”), and other applicable regulations.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the site at approximately 8:20 for the inspection. Inspectors met with the following representatives:

Table 1: Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Region III Inspectors and Contractors			
Dominic Cotton	USEPA Region 3	215-814-2046	cotton.dominic@epa.gov
Edward Simas	USEPA Region 3	215-814-2120	Simas.edward@epa.gov
State/Local Inspectors			
Christy Pitsenbarger	WVDEP	304-816-2453	christy.e.pitsenbarger@wv.gov
Jason Liddle	WVDEP	614-859-4399	jason.t.liddle@wv.gov
Site/Facility Representatives			
Dan Cooper	Kokosing Construction	304-989-0345	ddc2@kokosing.biz
Brett Armbruster	Kokosing Construction	304-544-0809	brett.armbruster@kokosing.biz
Nathan Robinson	Kokosing Construction	304-646-9449	nrobinson@kokosing.biz
Forest Elliot	Kokosing Construction	614-989-2653	fde@kokosing.biz

Dominic Cotton and Edward Simas displayed their credentials to the site representatives at the outset of the inspection, and explained the purpose of the inspection was to observe compliance with the site’s Permits. A copy of the Permit is provided in Attachment 1. The EPA Inspection Team informed the site representatives that any information that the site deemed to be confidential business information (“CBI”) should be identified to EPA representatives during the inspection and it would be handled as CBI according to EPA’s CBI procedures.

B. Weather and Precipitation Conditions

During the inspection, the weather was 63° and partly cloudy with scattered showers. The National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the inspection and 5 days prior are provided in Table 2 below:

Table 2. Precipitation Data

Station Name	Date	Precipitation Amount (inches) ¹
CHARLESTON 2.6 W, WV US US1WVKN0033	5/9/2024	0.00
CHARLESTON 2.6 W, WV US US1WVKN0033	5/10/2024	0.12
CHARLESTON 2.6 W, WV US US1WVKN0033	5/11/2024	0.07
CHARLESTON 2.6 W, WV US US1WVKN0033	5/12/2024	0.08
CHARLESTON 2.6 W, WV US US1WVKN0033	5/13/2024	0.00
CHARLESTON 2.6 W, WV US US1WVKN0033	5/14/2024	0.06

II. Site Activity

The Jefferson Road Upgrade project is located along WV 601 (Jefferson Road) starting at the intersection with US 119 and progressing northerly to the intersection with WV 60 (MacCorkle Avenue) in Kanawha County, West Virginia. The Facility is in proximity to Davis Creek of the Kanawha River watershed.

This project consists of improvements to an approximate 1.7-mile section of Jefferson Road/WV 601. The project will begin at the intersection of US 119 (Corridor G Davis Creek Interchange) and progress northerly to the intersection of US 60 (MacCorkle Avenue).

The flow of traffic along Jefferson Road is slowed due to (2) two lanes, an active railroad crossing, and the offset intersection. Two traffic lights provide access to Kanawha Turnpike, which also serves as an important connector road in the region.

The proposed project consists of widening Jefferson Road from two to three lanes to four to five lanes. The alignment predominantly follows the current roadway, but diverges south of Kanawha Turnpike, offering different options for eliminating the offset intersection. These options include a roundabout that provides a connection for through traffic on Kanawha Turnpike, as well as the southern portion of Jefferson Road towards US 119. Another option consists of a bridge that spans the Kanawha Turnpike, CSX Railroad, and Davis Creek providing a functional and safe alternative for passage from US 60 to US 119 roadways. The improvements are being constructed to relieve current and future traffic congestion and improve safety in the corridor.

The project is divided into four (4) phases of constructional activity:

¹ Source: NOAA National Climatic Data Center (<http://www.ncdc.noaa.gov/>).

Phase 1:

Demolition of buildings and clearing & grubbing operations north of Kanawha Turnpike. Milling & filling operations and minor drainage construction for maintenance of traffic is also to be completed.

Phase 2:

The bridge crossing over Kanawha Turnpike which includes piers, abutment fills/ramps, abutments, Mechanically Stabilized Earth (MSE) walls, erecting beams and completing superstructure. This work will start at the beginning of Phase 2 and will continue through Phases 2A and 2B.

Phase 2A:

Jefferson Road traffic will be pushed to the West, and work will consist of major roadway items on the East side of Jefferson Road and South of Kanawha Turnpike. This work includes clearing & grubbing, building demolition, roadway removal, and excavation/grading operations to accommodate road widening. Work in this phase also includes utility relocations, drainage construction, roadway subgrade construction, asphalt pavement, access road construction, lighting, and guardrail.

Phase 2B:

After Phase 2A is complete, traffic on Jefferson Road will be shifted to the East, and work will consist of major roadway items on the West side of Jefferson Road and South of Kanawha Turnpike. This work includes roadway removal, drainage construction, roadway subgrade construction, asphalt pavement, lighting, and guardrail.

Phase 3:

Work will be executed on major roadway items for the roundabout located just south of Kanawha Turnpike and tie-in work north of Kanawha Turnpike. Activities will consist of excavation/grading operations, drainage, roadway subgrade, asphalt pavement, and guardrail.

Phase 4:

This phase will consist of shared-use path subgrade/asphalt work, installation of bioretention basins, final pavement markings, and permanent project signage.

The construction site is currently in Phase 2. Explosives were used in this phase to blast mountain sides to widen Jefferson Rd and build a new Jefferson Rd Bridge ramp to lessen traffic enroute.

Kokosing Construction leases land to store wasted blasting material from mountain sides and gravel at the top of a private road, "United Disciples Drive". According to site representative Dan Cooper, the location is owned by a church named United Disciples of Christ. The location is under a construction stormwater permit number WVR111873. Site representative, Dan Cooper, mentioned that Kokosing Construction is responsible for maintaining the waste area. WVDOH has no ties to the waste area identified with permit number WVR111873. Once construction is finished, Kokosing Construction will bring the waste area to grade, deposit the gravel onto the constructed site as subgrade, and return the waste area back to the Church.

III. Observations

The inspection observations were made pursuant to the requirements of the Permit. The observations from the inspection are described in detail below. Photographs were taken during the inspection by Edward Simas and are provided in Attachment 2 (Photograph Log). Unused photographs are available upon request.

Part II.H.1.a. Maps of the Permit states: "Site maps shall contain a North arrow with sites oriented to the North, with a minimum of five-foot topographical contours. The maps shall include...

- Access roads;
- Post-development stormwater management structures required by local governments..."

Observation 1:

- During the inspection, the EPA Inspection observed (3) three structures called "Infiltration Ponds", according to Kokosing representative Dan Cooper, on site that did not appear nor were identified on the SWPPP map (IMG_0082-IMG_0083, IMG_0094, IMG_0109-IMG_0111, and IMG_0118).
 - It appears this BMP was not designed to be a pond. However, the plans do not document the BMP.
- The EPA Inspection Team observed multiple egress and ingress access points on the construction site that were not identified on the SWPPP map (IMG_0033-IMG_034, IMG_0062, IMG_0064, IMG_0069, IMG_0104-IMG_105).

Part II.H.3.b.13 of the Permit states: "Protection must be provided for the inlet(s) and outlet(s) of a sediment trapping structure to protect against erosion by an appropriate material such as riprap or other similar media."

Observation 2:

- The EPA Inspection Team observed several drop inlets that appeared to have damaged inlet protection and/or without proper apparent inlet protection and inundated with sediment or gravel (IMG_0016-IMG_0017, IMG_0032, IMG_0041, IMG_0045, IMG_0047, IMG_0048, IMG_0049, IMG_0051, IMG_0052, IMG_0055, IMG_0058,

IMG_0063), IMG_0066-IMG_0067, IMG_0072, IMG_0077, IMG_0083, IMG_0085
IMG_0088, IMG_0097, IMG_0100, IMG_0101, IMG_0103, IMG_0107).

- The EPA Inspection Team observed multiple outlets with inadequate and or without apparent proper protection around the structures (IMG_0091, IMG_0106, IMG_0110, IMG_0114 and IMG_0122) and not designed to spec (see Attachment 5 pg. 11 Typical Outfall Detail).

Appendix B.I.1 Operation and Maintenance of the Permit states: “The permittee shall at all times properly operate and maintain all activities and BMPs which are installed or used by the permittee to achieve compliance with the terms and conditions of the permit.”

Observation 3:

- The EPA Inspection Team observed multiple areas of silt fence where the perimeter controls appeared to be collapsing and not maintained (IMG_0018, IMG_0020-IMG_0021, IMG_0098, IMG_0112, IMG_0114-IMG_0116, IMG_0119) (See Attachment 5 pg. 14 for 36” Smart Fence).
- The EPA Inspection Team observed several RDC’s (Rock Ditch Checks) and Flexamat, within the ditch lines, that appeared to be damaged and overwhelmed with sediment and/or gravel (IMG_0027, IMG_0029-IMG_0030, IMG_0036, and IMG_0038).
- The EPA Inspection Team observed multiple egress/ingress access points that appeared to have an inadequate amount of stone to prevent tracking onto Jefferson Road (State Rt. 601) (IMG_0009-IMG_0010, IMG_0033-IMG_0334, IMG_0062, IMG_0064, IMG_0069, IMG_0104-IMG_105) (see Attachment 5 pg. 13 Rock Construction Entrance).
- Multiple drop inlet protections were installed that appeared to not be designed to specification which allowed sediment to intrude and or enter the structures (IMG_0016-IMG_0017, IMG_0032, IMG_0041, IMG_0045, IMG_0047-IMG_0049, IMG_0051-IMG_0053, IMG_0055, IMG_0058-IMG_0059, IMG_0063, IMG_0066-IMG_0067, IMG_0077, IMG_0085, IMG_0088, IMG_0097, IMG_0100-IMG_0101, IMG_0103, IMG_0107 (see Attachment 5 pg. 5 – Block and Gravel Drop Inlet Protection).
- Installation of ditches appeared to lack stabilization (IMG_0023-IMG_0025, IMG_0029, IMG_0030, IMG_0039-IMG_0040, IMG_0042, IMG_0070, IMG_0072-IMG_0073, IMG_0080, IMG_0108-IMG_0109 (see Attachment 5 pg.7 Rolled Erosion Control Product).
- The EPA Inspection Team observed hardened concrete material outside of proper washout located on the ground situated atop of the new Jefferson Road Bridge ramp (IMG_0092). Concrete washout did not appear to be installed correctly (see Attachment 3 pg(s). 82-83 Detail Concrete Washout Structure).

Part III.A.3 of the Permit states: “Except as noted below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction

activity in that portion of the site has permanently ceased or 4 days for sites required to use enhanced BMP's."

Observation 4:

- The EPA Inspection Team observed slope(s) and other areas of the project that have erosion and lacked stabilization (IMG_0023-IMG_0025, IMG_0029, IMG_0030, IMG_0034-IMG_0040, IMG_0070, IMG_0072-IMG_0073, IMG_0080, IMG_0091, IMG_0107, IMG_0108 and IMG_0122).
- The EPA Inspection Team observed sediment basins throughout the project that lacked stabilization (IMG_0082-IMG_0083, IMG_0094, IMG_0109-IMG_0111, and IMG_0118).

Part II.H3.b.8 of the Permit states: "A natural vegetative buffer shall be provided adjacent to receiving streams or other waters on or near the project site. Vegetative buffers shall be a minimum of 50 feet.."

Observation 5:

- The EPA Inspection Team observed multiple area(s) that were denuded along abutments adjacent to waterways (IMG_0112 and IMG_0119).

Part III.A.2.a of the Permit states: "The permittee shall implement spill and leak prevention practices in accordance with the approved plan and respond promptly when incidents occur. The necessary equipment to implement a cleanup shall be available on-site to personnel, including spill kits."

Observation 6:

- The EPA Inspection Team observed multiple buckets of pipe joint organic material situated on the ground with apparent fluid leaking from the buckets (IMG_0056-IMG_0057).

Part I.G. Prohibited Discharges section of the permit states: "The following discharges are not authorized by this permit.

- Sediment laden stormwater that has not gone through an appropriate best management control..."

Part III.C.1 of the Permit states: "When an inspection indicates the BMPs are ineffective at protecting waters of the state, the permittee shall immediately implement additional controls.....

-Permittees who find that the approved BMPs are ineffective at protecting receiving waters and who are unable to identify or employ BMPs capable of preventing sediment laden runoff from leaving the project site shall immediately cease further land disturbance until such time that the unauthorized discharge ceases. "

“No sediment-laden water shall be allowed to leave the site without going through an appropriate BMP.”

Observation 7:

- The EPA Inspection Team observed multiple drop inlets which appeared to have sediment entering the structures with inadequate BMPs and/or without proper BMPs installed (IMG_0049, IMG_0051, IMG_0053, IMG_0077, IMG_0088, IMG_0101, and IMG_0103).

Part II.H.5 Record Keeping of the Permit states: “The permittee shall retain all records required by this permit for a period of 3 years from the date permit coverage is terminated.”

Section 15 Employee Training of the SWPPP states: “Storm Water Pollution Prevention Plan (SWPPP) training is to be provided to all on-site personnel directly involved with construction activities at all levels of responsibility. This employee training program goal is to reiterate the components and goals of the SWPPP. Training will be quarterly unless deemed necessary to be conducted more frequently. Attendance will be documented at each quarterly training exercise with a sign in sheet of attendees along with training material to be kept in Appendix G of the SWPPP.

- The purpose of the SWPPP training is to make employees aware of the project specific erosion and sediment control plans, requirements, and features...”

Observation 8:

- The EPA Inspection Team sent an email to Kokosing Construction asking for training documents related to Erosion and Sediment Control and other documentation on May 20, 2024. Kokosing Construction replied back to the EPA on May 30, 2024 with the requested documents. It appears that Kokosing did not send any training documents for personnel related to Erosion and Sediment Control.

IV. Records Review

Prior to the inspection, the EPA Inspection team reviewed the permit, SWPPP and past inspection reports. At the closing conference, the EPA Inspection Team reviewed documentation including the Stormwater Pollution Prevention Plan (“SWPPP”) map and SWPPP binders. The EPA Inspection Team requested photos of NPDES placards for both the construction site and the land leased by Kokosing Construction, training documents related to Erosion and Sediment Control, documents from Kokosing Construction, Groundwater Protection Plan (“GPP”), and updates from the engineer regarding the infiltration basins onsite.

V. Closing Conference

After the site walk, the EPA Inspection Team met with Kokosing Construction and WVDEP representatives for a closing conference. The EPA Inspection Team shared preliminary observations with the site representatives. The EPA Inspection Team reiterated to the site representatives that all preliminary observations discussed were not compliance determinations. Any and all preliminary observations shared were subject to further investigation by EPA upon the additional review of records and documentation. Additional observations may be contained in this inspection report that were not identified at the time of the closing conference after EPA reviewed additional materials following the inspection.

The inspection concluded at 3:49 PM (EST).

VI. List of Attachments

Attachment 1: 2024 NPDES Water Pollution Control Permit for Stormwater Associated with Construction Activities

Attachment 2: Photograph Log

Attachment 3: Stormwater Pollution Prevention Plan (SWPP) – Jefferson Road Upgrade Project

Attachment 4: Groundwater Protection Plan (GPP)

Attachment 5: Construction Plans