



REGION 3

PHILADELPHIA, PA 19103

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 05/01/2024
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Construction Stormwater
Site Name: McMillan Reservoir
Permittee(s): Clark Construction Group, LLC
Site Operator: Clark Construction Group, LLC
Site Address: 2501 1st Street NW
 Washington, D.C., 20001
Latitude: 38.9244 **Longitude:** -77.0106
County/Parish: District of Columbia
Permit Number: DCR1000BN
NAICS Code: 236115 **SIC:** 1521
DSBID #: ECAD-5465

| Site Representative(s): | Point of Contact |
|--|-------------------------------------|
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| | | |
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| | | |
|--------------------------------------|--|--|
| Supervisor Signature/Date | MICHAEL GREENWALD | Digitally signed by MICHAEL GREENWALD Date: 2024.06.10 10:01:58 -04'00' |
| | Michael Greenwald, Acting Section Chief NPDES Enforcement Section 1 (3ED32) | Date |

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I. Introduction

On May 1, 2024, an inspection team composed of staff from the U.S. Environmental Protection Agency (“EPA”) Region 3 (hereinafter, “EPA Inspection Team”) conducted a Construction Stormwater Inspection of the McMillan Reservoir site (hereinafter, “the site”) located at 2501 1st Street NW, Washington, D.C. 20001. The purpose of the inspection was to observe compliance with the Clean Water Act (CWA) and to verify compliance with the site’s coverage under EPA’s National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) Permit No. DCR1000BN (hereinafter, the “Permit”) and applicable State and Federal regulations. The permit became effective on October 28, 2022 and shall expire on February 16, 2027.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the site at est. 8:45 AM for the inspection. Inspectors met with the following site representatives:

Table 1. Inspection Attendee List

| Name | Affiliation | Telephone | Email |
|--|-------------------------------|------------------|--------------------------------------|
| EPA Region 3 Inspectors | | | |
| Angela Weisel | Lead EPA Inspector | 215-814-2124 | Weisel.angela@epa.gov |
| Samuel Magro | EPA Inspector | 215-814-3158 | Magro.samuel@epa.gov |
| Site Representatives | | | |
| Ross Jespersen | Clark Construction Group, LLC | 240-319-2357 | Ross.jespersen@clarkconstruction.com |
| Evan Winnike | Clark Construction Group, LLC | 202-839-0097 | Evan.winnike@clarkconstruction.com |
| Derek Wilson | Clark Construction Group, LLC | 240-278-9980 | Derek.wilson@clarkconstruction.com |
| State or County Representatives | | | |
| Izanami Navarro | DC DOEE | 202-604-5894 | Izanami.navarro@dc.gov |

The EPA Inspection Team displayed their credentials to the site representative at the outset of the inspection, and explained the purpose of the inspection was to observe compliance with its Permit. A copy of the Permit is provided in Attachment A. The EPA Inspection Team informed the site representative 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, weather was sunny. 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) |
|--------------------------------------|-----------|-------------------------------|
| WASHINGTON 2.6 NE, DC US, S1DCDC0026 | 4/26/2024 | 0 |
| WASHINGTON 2.6 NE, DC US, S1DCDC0026 | 4/27/2024 | 0 |
| WASHINGTON 2.6 NE, DC US, S1DCDC0026 | 4/28/2024 | 0.05 |
| WASHINGTON 2.6 NE, DC US, S1DCDC0026 | 4/29/2024 | 0 |
| WASHINGTON 2.6 NE, DC US, S1DCDC0026 | 4/30/2024 | 0 |
| WASHINGTON 2.6 NE, DC US, S1DCDC0026 | 5/1/2024 | 0.06 |

II. Site Activity and Walkthrough

The site is a construction stormwater site located at 2501 1st Street, NW, Washington, D.C., 20001. The site is owned and operated by Clark Construction Group, LLC (“Clark”). The project consists of a community center, public plaza, public playground, public field, and reconstruction of the south service court on a previously abandoned water filtration facility site. The construction activities taking place on this portion of the site are for utility installation and the construction of roadways and bioretention facilities. The total estimated area to be disturbed is 17 acres.

The site consists of 7 different Parcels consisting of different uses. Parcels 1 and 3 will consist of commercial, medical facilities and/or hospitals. Parcels 2 and 4 will consist of mixed-use facilities such as retail stores, garages, or apartments. Parcel 5 will consist of townhomes. Parcel 6 has already been constructed and is the community center/area constructed by Gilbane Construction (neighboring construction site). Parcel 7 is the roadway or “North Service Corridor” that divides the two construction sites. Parcel 7 is a public DC entity and is managed partially by Gilbane.

The EPA Inspection Team began the walk-through on the Parcel 7 roadway that divides the two construction sites (refer to Attachment B, Photograph 003). Stone stockpiles, and an uncovered dumpster were observed on Parcel 7 (refer to Attachment B, Photographs 006 and 007). The EPA Inspection Team then observed Parcel 1 where stabilization seeding has been applied (refer to Attachment B, Photograph 005).

The northeast construction entrance is located off of N. Capitol St. on Parcel 4. Conditions of the construction entrance were observed at the time of the inspection (refer to Attachment B,

Photographs 010 through 013). Site representatives stated that street sweeping is conducted as needed. Construction debris was observed in this area (refer to Attachment B, Photograph 014). A water tote and hose used for washing wheels was also observed (refer to Attachment B, Photograph 008, 009, 015).

An overview of Parcel 4 can be observed in Photograph 016 and 017. The EPA Inspection Team observed the sediment trap that was used for dewatering on Parcel 4 as well (refer to Attachment B, Photographs 018 and 019).

The EPA Inspection Team continued towards the center of the site where a potable water tank and waste tank were observed (refer to Attachment B, Photograph 020). Site representatives stated that the tanks were used for the porta potties and were a closed loop system. Waste is hauled out by United Site Services as needed. The propane tank storage was also observed (refer to Attachment B, Photograph 021).

A rock stockpile used for wet utilities fill was observed on Parcel 5 (refer to Attachment B, Photograph 022). A grout batch plant was also observed, along with a material storage area on Parcel 5 (refer to Attachment B, Photograph 023 and 025 through 030). The EPA Inspection Team continued parallel to N. Capitol St. to observe an older construction entrance that was no longer in use (refer to Attachment B, Photograph 024).

The EPA Inspection Team observed the construction of bioretention ponds and the curb inlets that drain to the bioretention ponds (refer to Attachment B, Photographs 032 through 036). The Team then continued along the fence line of Parcel 5, parallel to 1st St. (refer to Attachment B, Photographs 037 through 040).

At the time of the inspection, Parcel 2 consisted of temporary sedimentation basins that are dewatered as needed (refer to Attachment B, Photographs 004 and 041). Parcel 3 consisted of material storage and rock stockpiles that will be used for utility fill-in (refer to Attachment B, Photographs 042 through 044).

Photographs of the signage at the construction entrance were requested and received on June 5, 2024 (refer to Attachment B, Photographs 045 and 046).

The observations from the inspection are described in detail below in the Observations section. Photographs were taken during the inspection by Samuel Magro of EPA, and are provided in Attachment B, Photograph Log. Documents used to support the observations in this report are included in Attachment C, Exhibit Log.

III.Observations

The inspection observations below are made pursuant to the requirements of the Permit.

General Stormwater Control Design, Installation, and Maintenance

Part 2.2.4 of the permit requires permittees to, “*Minimize sediment track-out.*” This requires permittees to:

- a. *“Restrict vehicle use to properly designated exit points;*
- b. *Use appropriate stabilization techniques at all points that exit onto paved roads;*
 - i. *Exception: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls are implemented to minimize sediment track-out;*
- c. *Implement additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit; and*
- d. *Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any constructed or natural site drainage feature, storm drain inlet, or receiving water.”*

Observation 1: At the time of the inspection, sediment track-out was observed at the NE construction entrance off of N. Capitol St. (refer to Attachment B, Photograph 013).

Observation 2: At the time of the inspection, the NE construction entrance appeared to be in need of routine maintenance (refer to Attachment B, Photographs 010 through 012).

Corrective Actions

Part 5.1 of the permit requires permittees to, “*take corrective action to address any of the following conditions identified at your site:*

5.1.1 A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4c, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part 2.1.4); or

5.1.2 A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or...”

Part 5.4.1 of the permit requires a corrective action log be kept:

- a. *“Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.*
- b. *Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.”*

Observation 3: At the time of the inspection, it was unclear what corrective actions were completed as no corrective action log was provided by the facility.

Stormwater Pollution Prevention Plan (SWPPP)

Part 7.2.4 of the permit requires a site map to show the *“following features of the site:*

- a. *Boundaries of the property;*
- b. *Locations where construction activities will occur, including:*
 - i. *Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;*
 - ii. *Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));*
 - iii. *Locations where sediment, soil, or other construction materials will be stockpiled;*
 - iv. *Any receiving water crossings;*
 - v. *Designated points where vehicles will exit onto paved roads;*
 - vi. *Locations of structures and other impervious surfaces upon completion of*
 - vii. *construction; and*
 - viii. *Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).*
- c. *Locations of any receiving waters within the site and all receiving waters within one mile downstream of the site’s discharge point(s). Also identify if any of these receiving waters are listed as impaired or are identified as a Tier 2, Tier 2.5, or Tier 3 water;*
- d. *Any areas of Federally listed critical habitat within the action area of the site as defined in Appendix A;*
- e. *Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);*
- f. *Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;*
- g. *Stormwater and authorized non-stormwater discharge locations, including:*
 - i. *Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets, including a notation of whether the inlet conveys stormwater to a sediment basin, sediment trap, or similarly effective control;*
 - ii. *Locations where stormwater or authorized non-stormwater will be discharged directly to receiving waters (i.e., not via a storm drain inlet); and*

- iii. *Locations where turbidity benchmark monitoring will take place to comply with Part 3.3, if applicable to your site.*
- h. *Locations of all potential pollutant-generating activities identified in Part 7.2.3g;*
- i. *Designated areas where construction wastes that are covered by the exception in Part 2.3.3e.ii because they are not pollutant-generating will be stored;*
- j. *Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and*
- k. *Locations where polymers, flocculants, or other treatment chemicals will be used and stored.”*

Observation 4: The facility provided a “SWPPP” map to depict current conditions and stormwater management controls at the site (refer to Attachment C). The map provided did not include all features of the site as required in the permit.

Part 7.4.2 of the permit requires permittees to *“maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.9 above) and a brief summary of all changes.”*

Observation 5: At the time of the inspection, the facility did not provide a SWPPP modification log.

IV. Records Review

The EPA Inspection Team reviewed documentation including the Site “SWPPP” and most recent self-inspection reports. Documents were sent to the EPA Inspection Team after the inspection and received on May 10, 2024. A copy of these attachments is provided under Attachment C, Exhibit Log.

V. Closing Conference

After the facility walk, the EPA Inspection Team met with the site representatives for a closing conference. The EPA Inspection Team shared preliminary observations with the 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 10:30 AM.

VI. List of Attachments

Attachment A: Construction General Permit

Attachment B: Photograph Log

Attachment C: Exhibit Log

Exhibit 1: Site SWPPP

Exhibit 2: Self- Inspection Reports