



**U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III
CLEAN WATER ACT
COMPLIANCE INSPECTION REPORT**

for

**Name of Facility: ORCHARD BUSINESS PARK PHASE II, LOT 3
500 East Canal Road Extended
York, PA 17406**

Report Prepared on: 3/31/21 By: Charles Schadel, EPA
Date Signature

Report Final as of: March 31, 2021 By: Stacie Pratt, EPA
Date Signature

General Information:

Type of Inspection:	Construction Stormwater
Permittee:	Kinsley Equities II, LP
NPDES Permit No:	PAC670385
NPDES Permit Effective Date:	February 6, 2020
NPDES Permit Expiration Date:	December 7, 2024
SIC Code:	5015
Total Disturbed Area (acres):	19.22
Receiving Water and/or MS4:	A tributary to the Little Conewago Creek and Susquehanna River
Latitude & Longitude	N 40.052917; W -76.753415
Unique Project Identifier (UPI):	3E21WN022A

Site Inspection Overview:

On February 10, 2021 U.S. Environmental Protection Agency (“EPA”) staff conducted a construction stormwater inspection of the above referenced construction site (“Site”). The Site is a commercial warehouse/business development owned and operated by Kinsley Equities II, LP.

Entry Time: approximately 10:00 AM (EDT)

Exit Time: 10:35 AM (EDT)

The following personnel were present during the inspection:

Name	Title/Affiliation	Telephone
Inspectors:		
Chuck Schadel	Enforcement Officer/ USEPA Region 3	215. 814. 5761
Facility Representatives:		
Chad Marks	Building Foreman / Kinsley Construction	717. 324. 1883
Observer:		
Byron Trout	Consultant / GLB&A	717. 741. 4621 x16

Credential Presentation:

Mr. Chuck Schadel, USEPA Region 3, presented credentials to Mr. Chad Marks, Building Foreman of Kinsley Construction, at the Site. Mr. Schadel explained that the purpose of the inspection was to observe compliance with Pennsylvania Department of Environment Protection’s (PA DEP’s) General Permit for Discharges of Stormwater Associated with Construction Activity (“Permit”). This permit and authorization are provided in Appendix A.1 and A.2.

Weather and Precipitation:

Partly overcast skies were experienced during the inspection. National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the inspection and 5 days prior are provided in the table below. Data was provided by a NOAA weather station, approximately 6 miles away from the Site.

Precipitation Preceding Inspection

Station Name	Date	Precipitation Amount (inches) ¹
MOUNT WOLF 1.0 SE, PA US US1PAYR0020	Feb 5, 2021	0.04
MOUNT WOLF 1.0 SE, PA US US1PAYR0020	Feb 6, 2021	0.00
MOUNT WOLF 1.0 SE, PA US US1PAYR0020	Feb 7, 2021	0.06
MOUNT WOLF 1.0 SE, PA US US1PAYR0020	Feb 8, 2021	0.15
MOUNT WOLF 1.0 SE, PA US US1PAYR0020	Feb 9, 2021	0.00
MOUNT WOLF 1.0 SE, PA US US1PAYR0020	Feb 10, 2021	Trace

Records:

The “MINOR AMENDMENT - EROSION & SEDIMENTATION CONTROL PLAN for Orchard Business Park Phase II – Lot 3”, sheets ES-1, ES-2 and ES-6 (“E&S Plans”) approved by PADEP on 12/26/19 are provided in Appendix B. The Kinsley visual site-inspection reports (Appendix C) were requested (from November 2020 to present). Kinsley Construction provided records from August 2020 to the date of the inspection. The hydrologic connection to surface water is provided in Appendix D.

Photographs were taken during the inspection by Mr. Chuck Schadel, USEPA Region 3 and are provided in Appendix E.

Permit Requirements and Observations:

During the inspection, the Inspector observed that no construction activity was taking place because the site was covered in snow. In addition, the inspector was informed by Mr. Chad Marks that the site was very close to completion. At the time of the inspection, it appeared that the only work being conducted involved minor incomplete work for the building (e.g., electrical work, painting, window sealing). The inspector was able to observe the areas along two stormwater management structures. These structures are erosion & sediment Best Management Practices (BMPs) and are designed to manage stormwater runoff from the construction site.

Stabilization Requirements:

Permit, PART C - OTHER CONDITIONS, II. EROSION AND SEDIMENT CONTROL PLANS, B. reads:

An E&S Plan shall be prepared and implemented in accordance with the requirements of 25 Pa. Code Chapter 102 and by a person trained and experienced in E&S control methods and techniques applicable to the size and scope of the project being designed. Each E&S Plan must be submitted to and approved by DEP or CCD. The BMPs shall be designed to minimize the potential for accelerated erosion and sedimentation in order to protect, maintain, reclaim, and restore water quality and the existing and designated uses of the waters of this Commonwealth. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (DEP ID No. 363-2134-008), as amended and updated. Approved E&S Plans and BMPs, and approved revisions thereto, which meet the requirements of 25 Pa. Code Chapters 93, 96 (relating to water quality standards implementation), and 102, are conditions of this General Permit and are incorporated by reference.

The E&S Plans required by the Permit are titled: “MINOR AMENDMENT - EROSION & SEDIMENTATION CONTROL PLAN for Orchard Business Park Phase II – Lot 3” and were approved on by PADEP on 12/26/19. Sheet ES-2, under heading STABILIZATION SPECIFICATIONS reads:

Notes

1. Upon temporary cessation of an earth disturbance activity or any stage or phase of an activity where a cessation of earth disturbance activities will exceed 4 days, the site shall be immediately seeded, mulched, or otherwise protected from accelerated erosion and sedimentation pending future earth disturbance activities.

Observations:

Observation 1 - It was observed that soil surfaces along Storm Water Management (SWM –3) (storm water management structure, assigned the number 3) appeared not to be stabilized at the time of inspection (refer to Photos 1-3). Mr. Marks indicated that stabilization of the soil surfaces was delayed due to the weather (snowfall).

Observation 2 - The areas along SWM-2 appeared stabilized at the time of inspection (refer to photos 5-7).

Both stormwater management structures appeared located and configured in accordance with the approved E&S Plans (refer to sheet ES-6).

Visual Site-Inspection Reports Requirements:

Approved E&S Plan Notes, Sheet ES-2 -SOIL EROSION AND SEDIMENTATION CONTROL NOTES reads:

11. *The permittee and co-permittee must ensure that visual site inspection are conducted weekly, and after each measurable precipitation event by qualified personnel, trained and experienced in erosion and sediment control, to ascertain that the erosion and sediment controls (E&S) BMP's are operational and effective in preventing pollution to the waters of the commonwealth, a written report of each inspection shall be kept. and include,*
- 1) *a summary of the site conditions, E&S BMP', and compliance; and*
 - 2) *the date, time and the name of the person conducting the inspection.*

Observations:

Observation 3 - The visual site-inspection reports from Kinsley for Orchard Business Park for the past 6 months are provided in Appendix C. It appears that ten visual site-inspection reports were not completed from August 2020 - January 2021. Most of the missing reports are from winter months.

Closing Conference:

A brief closing discussion with Mr. Chad Marks of Kinsley Construction was held at the conclusion of the inspection, during which Mr. Schadel discussed preliminary observations.

List of Appendices:

APPENDIX A.1 - NPDES PERMIT AUTHORIZATION
APPENDIX A.2 - NPDES PERMIT
APPENDIX B - E&S PLAN SHEETS
APPENDIX C - SELF-INSPECTION REPORTS
APPENDIX D - HYDROLOGIC CONNECTION
APPENDIX E - PHOTO LOG