



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/Facility Name: Art Place at Fort Totten
Permittee(s): The Morris and Gwendolyn Cafritz Foundation
Site/Facility Operator: L.F. Jennings
Site/Facility Address: 5300 South Dakota Ave NE
 Washington, DC 20011
Latitude: 38.954447°N **Longitude:** 77.000556°W
County/Parish: District of Columbia
Permit Number: DCR100083
NAICS Code: 236220 **SIC:** 1542
DSB ID: ECAD-5464

Site/Facility Representative(s):	Point of Contact
Seth Boehner, Site Superintendent	<input checked="" type="checkbox"/>
Phone: 571-395-0196 Email: sboehner@lfjennings.com	
Terry Watts	<input checked="" type="checkbox"/>
Phone: 571-722-9242 Email: terry.watts@lfjennings.net	

EPA Inspectors:
 Shane McAleer
 Phone: 215-814-5616 Email: mcaleer.shane@epa.gov
 Johannah Jacobson
 Phone: 215-814-2318 Email: jacobson.johannah@epa.gov

State/Local Inspectors:
 Alecia Jenkins, DOEE
 Phone: 202-420-3867 Email: alecia.jenkins@dc.gov

Report Preparer	<hr/>	
Signature/Date	Shane McAleer, Inspector (3ED33)	Date
	U.S. EPA Region 3	

Supervisor	<hr/>	
Signature/Date	Michael Greenwald, Acting NPDES Section 1 Chief	Date
	(3ED32)	

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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 and a representative of the Department of Energy and Environment (“DOEE”) (hereinafter, “EPA Inspection Team”) conducted a construction stormwater inspection of the Art Place at Fort Totten construction site (hereinafter, “the site”). The purpose of the inspection was to observe compliance with the Clean Water Act (CWA) and to verify compliance with the site’s National Pollutant Discharge Elimination System (NPDES) Construction General Permit for Stormwater Discharges from Construction Activities, Permit No. DCR100083 (hereinafter, the “Permit”) and applicable State and Federal regulations.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the site at est. 9:00 AM for the inspection. Inspectors met with the following site representatives:

Table 1: Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Region 3 Inspectors and Contractors			
Shane McAleer	EPA Inspector	215-814-5616	mcaleer.shane@epa.gov
Johannah Jacobson	EPA Inspector in Training	215-814-2138	jacobson.johannah@epa.gov
Site/Facility Representatives			
Seth Boehner	L. F. Jennings	571-395-0196	sboehner@lfjennings.com
Owen Walbert	L. F. Jennings	-	owen.walbert@lfjennings.net
Terry Watts	L. F. Jennings	571-722-9242	terry.watts@lfjennings.net
Scott Euchie	L. F. Jennings	-	-
State or County Representatives			
Alecia Jenkins	DOEE	202-420-3867	alecia.jenkins@dc.gov

The EPA Inspection Team displayed their credentials to Mr. Seth Boehner of L.F. Jennings, the site operator (“the operator”) 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 1. During the opening conference, the EPA Inspection Team reviewed Permit documentation included in the site stormwater pollution prevention plan (SWPPP) binder, including the SWPPP map. The EPA Inspection Team informed the operator 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 the Table 2 below:

Table 2. Precipitation Data

Station Name	Date	Precipitation Amount (inches) ¹
WASHINGTON 3.1 NNE, DC US	4/26/2024	0.00
WASHINGTON 2.0 SSW, DC US	4/27/2024	0.00
WASHINGTON 3.1 NNE, DC US	4/28/2024	0.05
WASHINGTON 3.1 NNE, DC US	4/29/2024	0.00
WASHINGTON 3.1 NNE, DC US	4/30/2024	0.00
WASHINGTON 3.1 NNE, DC US	5/1/2024	0.05

C. Summary of the Site

The Art Place at Fort Totten construction project is an active construction site located at 5300 South Dakota Ave NE, Washington DC 20011. The site is currently being developed as a mixed-use facility featuring residential and commercial spaces. According to the site Notice of intent (NOI, see Attachment 5), the area of disturbance is approximately 5.5 acres. The site is bordered by Kennedy Street NE to the north, an alleyway and an adjacent residential property to the west, Ingraham Street NE to the south, and South Dakota Ave NE to the east. The site's coverage under the Permit became effective on April 27, 2022, and is set to expire on February 16, 2027.

II. Site Activity

After the opening conference, the EPA performed a site walk. During the site walk, the EPA Inspection Team observed: the site perimeter, the site interior, and the existing stormwater controls on the interior of the site and along the site boundaries. The EPA Inspection Team was escorted by representatives from the construction site operator L.F Jennings ("site operator" or "operator"). The inspection observations were made pursuant to the requirements of the Permit and are described in detail below and in the Observations section. Photographs were taken during the inspection by Johannah Jacobson, and are provided in Attachment 2. Some photos may be omitted from the photograph log to avoid redundancy but can be made available upon request.

III. Observations

The EPA Inspection Team walked the perimeter of the site, beginning on the northwestern portion of the site. A permit wall NPDES permit coverage was observed on the western portion of the site (Photos 1 and 2 of Attachment 2).

Permit requirement: Section 2.2.3 of the 2022 CGP states, "*Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas.*"

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

SWPPP Requirement: Section 4.2 of the SWPPP states, *“Sediment controls are to be installed along the perimeter areas of the site that will receive stormwater from earth-disturbing activities. Controls are to be maintained to be in working order.”*

Observation #1: A portion of the northern boundary of the site was observed to be completed with a curb (Photo 4). According to the operator, the finished curb acts as a sediment barrier, however, along the rest of the northern site boundary the curb had not yet been constructed and no erosion and sediment controls were observed along the site boundary (Photos 5 and 6).

Corrective Action: As a result of this observation, the operator installed additional silt fencing along the northern perimeter. Photographic evidence of the corrective actions, dated 5/3/24, was submitted by the operator after the inspection (see Attachment 4, Photo C).

The eastern site boundary was observed to be lined with silt fencing (Photos 7 and 8). Curb inlets were observed along South Dakota Ave NE and Ingraham Street NE.

Permit requirement: Section 2.1.4 of the 2022 CGP states, *“Ensure all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.”*

Observation #2: A curb inlet along South Dakota Ave NE did not have inlet protection installed. Silt fence was in disrepair at this area. (Photos 9 and 10).

Corrective Action: Prior to the conclusion of the inspection, the operator installed inlet protection on this inlet along South Dakota Ave NE and Ingraham Street NE (Photos 11 and 12). As a result of this observation, the operator repaired or replaced the silt fence at this location (see Attachment 4, Photo E).

A stabilized construction entrance was observed along Ingraham Street NE, but according to the operator, the entrance is no longer in use (Photo 13). An inlet with inlet protection installed was observed adjacent to the stabilized construction entrance (Photo 14). A majority of the southern perimeter along Ingraham Street NE was stabilized with vegetation and curbing (Photo 15).

Permit requirement: Section 2.1.4 of the 2022 CGP states, *“Ensure all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.”*

Observation #3: Several disturbed areas along Ingraham Street NE were observed to have no stabilization between the site and the roadway (Photo 16 and 17). According to the operator, these areas were formerly utility access locations.

Corrective Action: As a result of this observation, the operator installed silt fence at these areas along Ingraham Street NE (See Attachment 4, Photos F and G).

The main construction entrance was observed on the northern boundary of the site along Kennedy Street NE (Photo 3). According to the operator, this paved construction entrance is the only entrance currently in use.

Permit requirement: Section 2.2.4.d. of the 2022 CGP states *“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 stormwater conveyance, storm drain inlet, or water of the U.S.”*

Observation #4: During the inspection, a padlocked entrance gate was observed at the southern boundary of the site, which connects via a paved alleyway to Ingraham Street NE (Photo 18). The operator stated that this was a former construction entrance that is still occasionally used by site personnel for their personal vehicles access. Sediment erosion, migration and track-out was observed at this location, which extended along the alleyway and into Ingraham Street NE (Photos 18, 19, 20, and 30).

Corrective Action: As a result of this observation, the operator swept and cleaned the pavement on the alleyway connecting to Ingraham Street NE, and installed a permanent lock on the gate so vehicles are not able to access the site at this location (See Attachment 4, Photos A and B).

A diesel fuel tank was observed on the western portion of the site.

Permit requirement: Section 2.3.3 c. iii. of the 2022 CGP states, *“Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.”*

Observation #5: The diesel tank was observed to be within secondary containment, but staining was observed on the ground near the base of the secondary containment (Photos 21 and 22). Absorbant pads were observed on top of the staining. Additionally, the SWPPP did not indicate that the diesel tank was a potential source of pollution, though the diesel tank is located on the SWPPP Map.

Several inlets were observed throughout the interior of site (Photos 23, 24, 25, and 26). The inlets were stabilized with super silt fencing and filters.

Permit requirement: Section 2.2.10 of the 2022 CGP states, *“Protect storm drain inlets. ...b. Clean, or remove and replace, the inlet protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the*

inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.”

Observation #6: A small amount of accumulated sediment was observed on one inlet on the northern portion of the site (Photo 25 and 26).

Partially constructed concrete bioretention chambers were observed on the northern portion of the site. According to the operator, stormwater from the constructed green roof drains via roof leaders to these chambers.

Permit requirement: Section 2.1.4 of the 2022 CGP states, *“Ensure all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.”*

Observation #6: There was staining on the walls of the partially constructed concrete bioretention chambers and slight foaming was observed in the stormwater in the chambers (Photos 27 and 28).

According to the operator, the southern portion of the site was seeded and stabilized as construction is paused in that portion of the site (Photo 29).

Several offsite inlets along Ingraham Street NE and South Dakota Ave NE were observed to have inlet protection installed (Photo 31)

Permit requirement: Section 2.1.4 of the 2022 CGP states, *“Ensure all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.”*

Observation #7: During the inspection, offsite inlet protection was observed to be removed from one inlet (Photo 32). The operator stated that occasionally the inlet protection is removed by local citizens that park their vehicles at these locations offsite, and the inlet protection is put back in place by site personnel when this is observed to occur.

IV. Records Review

After the inspection, EPA requested the following records from L.F. Jennings on May 8, 2024:

- A copy of the NPDES Construction Stormwater permit and NOI
- Facility SWPPP, including an updated SWPPP map
- Facility self-inspections for the past four months
- Oil Water Separator clean out records for the past year
- Corrective Action Log for the last three years (if one exists)

The following documents were sent to the EPA Inspection Team and received on May 13, 2024:

- Construction General Permit Corrective Action Logs for June 29, 2020 – May 2, 2024
- E&S Corrective Action photographs, dated May 3, 2024

- Facility SWPPP and map
- SWPPP Inspection forms for February 2, 2024 – May 6, 2024
- Oil Water Separator maintenance dates
- Screenshot of the NeT NPDES ePermitting Tool showing permit coverage (the NOI)

The Permit, SWPPP Map, Operator Corrective Action photographs, and NOI are included as Attachments to this report. The remaining items are available upon request.

V. Closing Conference

After the site walk, the EPA Inspection Team met with the site representatives for a closing conference. The EPA Inspection Team shared preliminary observations with the facility. Along with the observations noted above, the EPA Inspection Team noted the following:

Permit requirement: Part 7.2 of the Permit outlines the required SWPPP contents, *“At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit... Site Map. Include a legible map, or series of maps, showing the following features of the site:...”*

Observation #8: The SWPPP map presented by the operator to the EPA Inspection Team during the opening and closing conference was not updated with all the stormwater controls, best management practices (BMPs) and site features observed during the site walk.

Corrective Action: As a result of this observation, the operator submitted an updated SWPPP map (See Attachment 3).

During the closing conference, the EPA Inspection Team reiterated to the facility 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 12:30 PM.

VI. List of Attachments

- Attachment 1: NPDES Permit
- Attachment 2: Photograph Log
- Attachment 3: SWPPP Map
- Attachment 4: Operator Corrective Action Photos dated 5/3/24
- Attachment 5: Notice of Intent