REGION 3
PHILADELPHIA, PA 19103

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 03/06/2024
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Construction Stormwater
Site/Facility Name: Moorefield Station Apartments
Permittee(s): Aventon Construction North LLC
Site/Facility Operator: Aventon Construction North LLC
Site/Facility Address: Charitable Street
Ashburn, VA 20148
Latitude: 38.9978 **Longitude:** -77.4947
County/Parish: Loudon
Permit Number: VAR10T303
NAICS Code: 237310 and 236220 **SIC:** 1611 and 1542
DSB ID: ECAD-5429

Site/Facility Representative(s): **Point of Contact**

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I. Introduction

On March 6, 2024, an inspection team composed of staff from the U.S. Environmental Protection Agency ("EPA") Region III (hereinafter, "EPA Inspection Team") conducted a construction stormwater inspection of the VSMP-2023-000131 - Moorefield Station Apartments 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 Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VAR10T303 (hereinafter, the "Permit") and applicable State and Federal regulations.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the site at est. 2:00 PM for the inspection. Site staff were present upon the EPA Inspection Team's arrival that granted access to the site for the purpose of an inspection, however no site managers were available and the site staff were unwilling to identify themselves or participate in the inspection. Table 1 outlines the individuals that participated in the inspection.

Table 1: Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Region III Inspectors and Contractors			
Aaron Thomson	EPA Inspector	215-814-2116	Thomson.aaron@epa.gov
Monica Crosby	EPA Inspector	410-305-3029	Crosby.monica@epa.gov
Site/Facility Representatives			
N/A	Rep 1 Company	Rep 1 Phone	Rep 1 Email
State or County Representatives			
April Rhodes	VDEQ	571-866-6091	April.Rhodes@deq.virginia.gov
Margaret King	VDEQ	804-698-4000	Margaret.king@deq.virginia.gov

B. Weather and Precipitation Conditions

During the inspection, weather was rainy. 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]
WEATHER FORECAST OFFICE STERLING, VA USC00448084	03/01/24	0.1
WEATHER FORECAST OFFICE STERLING, VA USC00448084	03/02/24	0.49
WEATHER FORECAST OFFICE STERLING, VA USC00448084	03/03/24	0

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

WEATHER FORECAST OFFICE STERLING, VA USC00448084	03/04/24	0.11
WEATHER FORECAST OFFICE STERLING, VA USC00448084	03/05/24	0
WEATHER FORECAST OFFICE STERLING, VA USC00448084	03/06/24	0.24

C. Summary of the Site/Facility

The Moorefield Station Apartments project is additional residential and infrastructure construction to the already existing Moorefield Station Apartments. The Permit Registration (Section 4 of SWPP, Attachment 1) indicates that the site has a total area of 13.6 acres, with an estimated disturbance of 13.6 acres. The site is being constructed on Charitable Road, across the street from existing Moorefield Station Apartments.

II. Site Activity

As part of the inspection process, the EPA Inspection Team visually observed the site conditions. The observations from the inspection are described in detail below in the Observations section. Photographs captured during the inspection were taken by Aaron Thomson and are provided in Attachment 2, Photograph Log. Some photos may be omitted to avoid redundancy but can be made available upon request.

The site is currently in Phase I. At the time of the inspection, land disturbance had begun, and property fencing was being erected with silt fencing following its construction.

The EPA Inspection Team walked the perimeter of the site, starting at the middle west construction entrance, which was equipped with a vehicle grate (Photograph 1). The EPA inspection continued along the permitter (Photograph 2) towards the southern west construction entrance, where a Porta Potty was observed (Photograph 3). The southwestern construction entrance included what appeared to be a recently closed construction entrance (Photograph 4) and a currently-in-use construction entrance (Photograph 5), both of which had observable sediment on the road outside of the site. No wash rack was observed at the middle or southwestern entrances. The EPA Inspection Team observed a waterway access inlet near the southwestern construction entrance (Photograph 6) which was equipped with a silt fence on two sides and a stormwater inlet (Photograph 7) which had no silt fencing.

The EPA Inspection Team continued along the southern side of the site perimeter, observing silt fencing that was loose or not yet fully installed (Photograph 8) and chain link fencing being installed alongside silt fence installation (Photographs 9, 10, 11). The EPA Inspection Team continued along the perimeter, observing a southern water basin (Photograph 13) an eastern water basin (Photographs 14, 15), and a northwest water basin (Photograph 16). The EPA Inspection Team observed a waterways access inlet near the northwest water basin that was equipped with silt fencing on two sides (Photograph 17) and an additional waterways access

inlet, also near the northwest basin, equipped with silt fencing on three sides (Photograph 18). This concluded the EPA Inspection Team's tour of the site.

The site is currently in Phase I. At the time of the inspection, land disturbance had begun, and property fencing was being erected with silt fencing following its construction.

III. Observations

SWPPP

Part II. A.1 of the Permit requires a stormwater pollution prevention plan (SWPPP) to be developed prior to the submission of a registration statement and implemented for the construction activity, including any support activity, covered by this general permit.

Part II.B of the Permit outlines the requirements of the SWPPP.

Observation #1:

The SWPPP was present onsite at the time of the inspection and provided electronically thereafter. The SWPPP is dated January 2024, and is included as Attachment 1. The Site's Notice of Permit Coverage, which is included in Attachment 1, Section 2, states the Site is covered under the 2019 VPDES Construction General Permit.

SWPPP Availability

Part II.E of the permit states,

"1. Operators with day-to-day operational control over SWPPP implementation shall have a copy of the SWPPP available at a central location on-site for use by those identified as having responsibilities under the SWPPP whenever they are on the construction site.

2. The operator shall make the SWPPP and all amendments, modifications, and updates available upon request to the department, the VSMP authority, the EPA, the VESCP authority, local government officials, or the operator of a municipal separate storm sewer system receiving discharges from the construction activity. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the SWPPP's location shall be posted near the main entrance of the construction site.

3. The operator shall make the SWPPP available for public review in an electronic format or in hard copy. Information for public access to the SWPPP shall be posted and maintained in accordance with Part II D. If not provided electronically, public access to the SWPPP may be arranged upon request at a time and at a publicly accessible location convenient to the operator or his designee but shall be no less than once per month and shall be during normal business hours. Information not required to be contained within the SWPPP by this general permit is not required to be released."

Observation #2:

At the time of the inspection, the Site had their SWPPP located in a lockbox, adjacent to the middle west construction entrance.

SWPPP Modifications and Corrective Actions

Part II. C of the Permit states,

"1. The operator shall amend the SWPPP whenever there is a change in the design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to surface waters and that has not been previously addressed in the SWPPP.

2. The SWPPP shall be amended if, during inspections or investigations by the operator's qualified personnel, or by local, state, or federal officials, it is determined that the existing control measures are ineffective in minimizing pollutants in discharges from the construction activity. Revisions to the SWPPP shall include additional or modified control measures designed and implemented to correct problems identified. If approval by the VESCP authority, VSMP authority, or department is necessary for the control measure, revisions to the SWPPP shall be completed no later than seven calendar days following approval. Implementation of these additional or modified control measures shall be accomplished as described in Part II H."

Observation #3:

After the inspection, the EPA Inspection Team reviewed the site's Land Disturbance and SWPPP Modification log (Attachment 1, Section 12) as well as the Site's most recent Best Management Practice (BMP) map (Attachment 1, Section 7), and a log documenting all changes made to the BMP map (Attachment 1, Section 7), each of which were supplied via email at the request of the EPA Inspection Team.

Sediment Track Out

Part II.B.2 of the Permit requires the site to develop an erosion and sediment ("E&S") control plan *"designed and approved in accordance with the Virginia Erosion and Sediment Control Regulations (9VAC25-840), an "agreement in lieu of a plan" as defined in 9VAC25-840-10 from the VESCP authority, or an erosion and sediment control plan prepared in accordance with annual standards and specifications approved by the department."* This E&S Plan shall be implemented to, among other things, *"minimize sediment discharges from the site in a manner that addresses (i) the amount, frequency, intensity, and duration of precipitation; (ii) the nature of resulting stormwater runoff; and (iii) soil characteristics, including the range of soil particle sizes present on the site…"*

Part II.A.2 of the SWPPP states, *"The SWPPP requirements of the Permit are fulfilled by incorporating by reference other plans developed for this construction activity. The construction*

plans developed for this project, Plan STPL-2023-0013 has been approved by Loudoun County, VA. Further details of the referenced plans can be found in the Erosion and Sediment Control Plan and Stormwater Management Plan subsections below. All plans incorporated by reference into the SWPPP are enforceable under the Permit."

Part II.B.2 of the SWPPP states, *"Erosion and Sediment Control Plan: The incorporated erosion and sediment control plan has been designed and approved in accordance with the Virginia Erosion and Sediment Control Regulations (9VAC25-840) as presented in the Virginia Erosion and Sediment Control Handbook, Third Edition and, where applicable, current Loudoun County requirements. The plans for this project contain detailed information regarding erosion and sediment controls used in this project. Specifically, E&S control measures can be found on the plans; Sheets #06-100-#06-701 (also located within Section 8). The permit requires that the plans describe the maintenance responsibilities required for the E&S controls used, specifically to:"*

The Phase 1 – Initial Clearing and Grading section of the Erosion and Sediment Control Narrative (Attachment 1, Section 8) states, *"1. Install temporary construction entrances with wash rack as shown on plan. Mud and Debris shall be washed from all construction vehicles and equipment before leaving the site. A sediment trapping device is required and should be installed with the construction entrance."*

Observations #4-5:

4. The EPA Inspection Team was unable to locate a wash rack at any construction entrance.
5. Sediment was observed outside of the Site's perimeter, along the southern west construction entrance (Photograph 5).

Self-Inspections and Corrective Actions

Permit Part G.2.a states,

"*For construction activities that discharge to a surface water identified in Part II B 5 and B 6 as impaired or having an approved TMDL or Part I B 7 as exceptional, the following inspection schedule requirements apply:*

(1) Inspections shall be conducted at a frequency of (i) at least once every four business days or (ii) at least once every five business days and no later than 24 hours following a measurable storm event. In the event that a measurable storm event occurs when there are more than 24 hours between business days, the inspection shall be conducted on the next business day; and
(2) Representative inspections as authorized in Part II G 2 d shall not be allowed."

Permit Part G.4 outlines the items that are to be included in the site's inspection reports.

Observation #6:

According to the site's Notice of Coverage (Attachment 1, Section 2), land-disturbing activity discharges to Lenah Run - Broad Run, a surface water that is identified as potentially impaired. An impaired waters/TMDL statement is included in Section 9 of Attachment 1 and states that the receiving waters for this project are not impaired.

IV. Records Review

During the opening conference, the EPA Inspection Team was unable to review documentation requested as no representatives of the site had access to documentation at the time of the inspection.

After the inspection, EPA contacted site representatives Dan Fisk and Corey Johnstone, of Wetland Studies and Solutions, Inc. on April 2nd and requested copies of the site's NOI/permit application letter, authorization letter, SWPPP, Stormwater Management Plan, Self-Inspection reports and any documentation of any corrective measures taken.

On April 4th Mr. Johnstone provided a copy of the site's SWPPP (Attachment 1) which included:

Authorization Letter: Section 2 of SWPP

General VPDES Permit: Section 3 of the SWPP

NOI/Application Letter: Section 4 of SWPP

Stormwater Management Plan: Section 8 of SWPP

Self-Inspection Reports: Section 14 of the Attached SWPP

Mr. Johnstone also provided the following statement regarding corrective actions "Corrective measures are listed on the backside of the subsequent inspection to when the issue was resolved rather than a single document within the SWPPP. The job initiated on February 15th, 2024 and no deficiencies or corrective actions were required as grading and perimeter control installation was active from start date to EPA inspection."

V. Closing Conference

No site representatives were present at the time of the inspection.

The inspection concluded at 4:00PM.

VI. List of Attachments

Attachment 1: Moorefield Station Apartments COMBINED SWPPP

Attachment 2: Photo Log