



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 05/27/2021 To or Blank Last day or Space
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Construction Stormwater
Site/Facility Name: Tower Hill
Permittee(s): Joshua Mastrangelo
Site/Facility Operator: Carl M. Freeman Associates, Inc.
Site/Facility Address: New and Lynn Rd
Lewes, DE 19958 **County/Parish:** Sussex
Latitude: 38.763606 **Longitude:** -75.170581
Permit Number: DEC006229 / DE0051268
NAICS Code: 236115 **SIC:** 1521
Unique Project #: 3E21WN122A
Site/Facility Representative(s): **Point of Contact**
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7/9/2021

Signature/Date X CHUCK SCHADEL

Signed by: CHARLES SCHADEL

Supervisor Peter Gold (3ED32)

7/10/2021

Signature/Date X Peter Gold

Signed by: PETER GOLD

Unique Project#: 3E21WN122A

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List of Attachments

Attachment A – NPDES Permit
Attachment B – Notice Of Intent
Attachment C – Approved Plans
Attachment D – Photo Log
Attachment E – Self Inspection Reports
Attachment F – Requested Documents

I. Introduction

On May 27, 2021, an inspection team composed of staff from the U.S. Environmental Protection Agency (“EPA”) Region III (hereinafter, “EPA Inspection Team”) conducted a Stormwater Inspection of the Tower Hill 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) Permit No. **DE0051268** (Attachment A), hereinafter, the “Permit”, and applicable State and Federal regulations.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the site at approximately 11:30 AM (EDT) for the inspection. Inspectors met with the site representatives. Chuck Schadel displayed his credentials to Rich Rishel at the outset of the inspection, and explained the purpose of the inspection was to review compliance with the Permit (Attachment A).

B. Weather and Precipitation Conditions

During the inspection, weather was sunny and dry. 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
LEWES 3.9 SW, DE US US1DESS0044	5/22/2021	0.00
LEWES 3.9 SW, DE US US1DESS0044	5/23/2021	0.00
LEWES 3.9 SW, DE US US1DESS0044	5/24/2021	0.00
LEWES 3.9 SW, DE US US1DESS0044	5/25/2021	0.00
LEWES 3.9 SW, DE US US1DESS0044	5/26/2021	0.00
LEWES 3.9 SW, DE US US1DESS0044	5/27/2021	0.28

C. Summary of the Site/Facility

The total area of the site is 134.29 acres with 65.40 acres being identified for disturbance. The site is owned by Josh Mastrangelo and is being developed into a residential housing development. The development is identified as a subdivision for 292 homes.

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

II. Site/Facility Activity

During the inspection, the EPA Inspection Team inspected the active construction part of the site. The inspection observations were made pursuant to the requirements of the Permit. The observations from the inspection are described in detail below in the Observations section. Photographs were taken during the inspection by Chuck Schadel and are provided in Attachment D.

The permittee submitted a Notice of Intent (NOI) to DNREC for NPDES permit coverage on March 18, 2020 (Attachment B - NOI).

The Permit (Attachment A), section D. EFFLUENT LIMITATIONS, establishes requirements for managing runoff from construction activities.

The Permit, section E: MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS requires an approval of a Sediment and Stormwater Management Plan, compliance with the approved Plans, as well as with the Federal effluent limitations at 40 CFR §450.21.

The Plans for the Tower Hill construction site were approved on August 11, 2020 and are provided in Attachment C – Approved Sediment & Stormwater Management Plans (Approved Plans). Per Sheet No.:105 of the Approved Plans, the controls identified in the Approved Plans are required to be implemented and maintained throughout the entire construction project.

III. Observations

The baseline requirement for all sediment controls at the site is listed in the Approved Plans,

ESC DETAILS AND SPECIFICATIONS:

General Notes:

1. All temporary erosion and sediment control devices are to be provided as indicated on this plan, with location adjustments to be made in the field as necessary, and to be maintained at the end of each working day until project completion. the minimum area practical shall be disturbed for the minimum amount of time possible.

And...

Comply with the Approved Plans, Sheet No.:105; SEDIMENT AND STORMWATER NOTES:

L) The contractor shall at all times protect against sediment or debris laden runoff or wind from leaving the site. perimeter controls shall be checked daily and adjusted or repaired to fully contain and control sediment from leaving the site. accumulated sediment shall be removed when it has reached half of the effective capacity of the control. in addition, the contractor may need to adjust or alter measures in times of adverse weather conditions, or as directed by the agency construction site reviewer.

Materials Storage Management

Requirement:

Manage material storage in accordance with the Approved Plans, Sheet No.: 111, Detail DE ESC-3.6.1, first row, first Standard Detail & Specification.

Observation #1:

Management practices for the storage tank appeared to be functioning. The storage area appeared to have berms surrounding the tank, with an intact heavy plastic sheet under the tank and wrapped over the berms. The entire fueling area was surrounded by concrete barriers and located away from construction activity. Some brownish liquid (approximately a quart) was present on the plastic sheeting, within the bermed area. There were no indications of loss of fuel outside the bermed area.

Dewatering of Groundwater

Requirement:

Dewater in accordance with the Approved Plans, Sheet No.:105; SEDIMENT AND STORMWATER NOTES:

- F) At any time a dewatering operation is used, it shall be previously approved by the agency construction site reviewer for a non-erosive point of discharge, and a dewatering permit should be approved by the DNREC well permitting branch.

Observation #2:

Dewatering was taking place that appeared to be causing erosion (photos DSCN1707, 1709, 1709-1711, 1713, 1715). No controls were present along the path of the dewatering flow. The flow appeared to have created an erosion scar approximately at least two feet wide and at least 6 inches deep.

Protect Against Sediment Laden Runoff

Requirement:

Vegetative stabilization in accordance with the Approved Plans, Sheet No.: 110, Detail DE ESC-3.4.3, first row, Standard Detail & Specification.

Observation #3:

Photos DSCN1718, 1719, 1721, 1723, 1730 and 1732 show efforts to stabilize ground surfaces through seeding. It appeared that some grass, although it sparse, had grown on the slopes of the sediment control ponds.

Site Stabilization

Requirement:

Stabilization Matting in accordance with the Approved Plans, Sheet No.: 110, Detail DE ESC-3.4.6.1, second row, fourth Standard Detail & Specification.

Observation #4:

Photos DSCN1721, 1724, 1730, 1734, 1736 show matting installed on slopes along stormwater management structures. Staples were used to anchor the matting. The matting appeared uniform and stable, without gaps.

Rip Rap Protection

Requirement:

Riprap Outlet Protection in accordance with the Approved Plans, Sheet No.: 109, Detail DE ESC-3.3.10.2, third row, first Standard Detail & Specification.

Observation #5:

Photos DSCN1730 and 1733 show efforts to maintain stable soil surfaces through the use of outlet protection. The outlet structure appeared stable at the time of inspection.

Stockpile Management:

Requirement:

Manage stockpiles in accordance with the Approved Plans, Soil Stockpile, Sheet No.: 111, Detail DE ESC-3.7.3, bottom row, fourth Standard Detail & Specification. "The stockpile must be protected with an approved perimeter control, such a silt fence, stabilized earthen berm, or compost log(s)..."

Observation #6:

Photo DSCN1735 shows an active stockpile with silt fence in the background perimeter of the stockpile area. Silt fence was not present along the right side of the stockpile.

Inlet Protection:

Requirement:

Install inlet controls in accordance with the Approved Plans, Sheet No.:111, Detail DE ESC-3.1.5.1, first row, first Standard Detail & Specification.

Observation #7:

Photo DSCN1726 – 1729 show controls installed at inlets. The structure and filter fabric appeared stable and intact at the time of inspection.

Weekly Inspections

Requirement:

Weekly inspections must be conducted and documented in accordance with the Permit, Section E. MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS E.2 & E.3

Observation #8:

Based on review of the self inspection reports (Attachment E) provided by the Permittee, the required inspections have been conducted and documented.

IV. Records Review

During the opening conference, the EPA Inspection Team requested documentation identified on the Document Request form (Attachment F). The EPA Inspection Team informed the Permittee that any information the Facility deemed to be confidential business information (CBI) should be identified to EPA representatives and it would be handled according to EPA's CBI procedures. The information requested was provided by the Permittee by email to the EPA Inspection Team on 5/27/21.

The following documents were reviewed:

- Notice of Intent
- Facility Sediment and Stormwater Management Plan
- Sussex County Inspection Reports (2021)
- Facility Self-Inspection Reports (2021)
- NPDES Permit Authorization Letter

V. Closing Conference

At the conclusion of the onsite inspection, the EPA Inspection Team conducted a closing conference with the site representatives and shared preliminary observations.

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 approximately 1:00 PM (EDT).