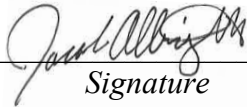




**U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
CLEAN WATER ACT  
COMPLIANCE INSPECTION REPORT**

**for**

**Name of Site:** The Town Homes at Michigan Park  
**Site Address:** 1200 Varnum Street NE, Washington D.C., 20017  
**Mailing Address:** 1200 Varnum Street NE, Washington D.C., 20017

Report Prepared on: April 12, 2022 By: , PG  
*Date Signature*

Report Final as of: \_\_\_\_\_ By: \_\_\_\_\_, EPA  
*Date Signature*

**General Information**

**Type of Inspection:** Construction Stormwater  
**Owner:** EYA Construction LLC  
**Operator:** EYA Construction LLC  
**Permittee:** EYA Construction LLC  
**NOI Submittal Date:** Unknown  
**Date of CGP Coverage:** Unknown  
**NPDES ID:** Unknown  
**Project Start Date:** May 2021  
**Estimated Project End Date:** December 2022 (estimated)  
**Area to be Disturbed (acres):** 8 (approximately)  
**Receiving Water and/or MS4:** Washington, D.C. MS4

**On-Site Inspection Overview**

On March 23, 2022, U.S. Environmental Protection Agency (EPA) contractors from PG Environmental and Eastern Research Group, Inc. (ERG) and a representative from EPA Headquarters (hereinafter, EPA Inspection Team) conducted a construction stormwater inspection of the above referenced construction site (hereinafter, site). Staff from the Washington, DC Department of Energy and Environment (DOEE) was present for the inspection.

**Inspection Date:** March 23, 2022    **Entry Time:** 9:15 AM (EDT)    **Exit Time:** 11:00 AM (EDT)

**Unique Project Identifier (UPI):** 3E22WN019A

## **I. INTRODUCTION**

On March 23, 2022, U.S. Environmental Protection Agency (EPA) contractors from PG Environmental and Eastern Research Group, Inc. (ERG) and a representative from EPA Headquarters (hereinafter, EPA Inspection Team) conducted a construction stormwater inspection of the above referenced construction site (hereinafter, site). Staff from the Washington, DC Department of Energy and Environment (DOEE) was present for the inspection. The primary purpose of the inspection was to observe compliance with EPA’s 2017 National Pollutant Discharge Elimination System (NPDES) Construction General Permit (hereinafter CGP or Permit). A copy of the Permit is provided in Appendix A. Photographs taken during the inspection by Mr. Jake Albright of PG Environmental and Ms. Kelly Davis of ERG are provided in Appendix B, and supporting documentation is provided in Appendix C.

### **Description of Construction Site**

The site is located at 1200 Varnum Road NE in Washington, D.C. and encompasses approximately 8 acres (all disturbed). The project consists of construction of residential townhomes. At the time of the inspection, the site was undergoing grading, utility installation, and vertical construction of the townhomes. The project started in May of 2021 and site representatives forecasted completion by the end of 2022. The site was accessed by a construction entrance on 12<sup>th</sup> Street NE. Runoff from the site discharged to the Washington, D.C. Municipal Separate Storm Sewer System (MS4). Curb inlets were observed located offsite along 12<sup>th</sup> Street NE, Allison Street NE, and Sargent Road NE. EYA Construction is the site developer. Wetland Studies and Solutions, Inc. performs SWPPP updates and site inspections. Delmarva Site Development, Inc. maintains the stormwater controls on the site.

## **II. INSPECTION PROCESS**

### **Inspection Opening Conference**

Mr. Jake Albright with PG Environmental presented his Clean Water Act inspector credential to the site representatives upon arrival at the site. The EPA Inspection Team explained that the purpose of the inspection was to observe compliance with the CGP. The EPA Inspection Team informed the Permittee that any information 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. Table 1 describes the individuals that participated in the inspection.

**Table 1. Inspection Participants**

Name	Title/Affiliation	Contact Information
<b>Inspectors:</b>		
Jake Albright	Inspector – PG Environmental (U.S. EPA Contractor)	Phone: (703) 956-1957 Email: <a href="mailto:jake.albright@pgenv.com">jake.albright@pgenv.com</a>
Kelly Davis	Inspector – ERG (U.S. EPA Contractor)	Phone: (703) 633-1646 Email: <a href="mailto:Kelly.davis@erg.com">Kelly.davis@erg.com</a>
John Kosco	PE, CPESC – U.S. EPA Headquarters, OECA	Phone: (202) 564-1858 Email: <a href="mailto:kosco.john@epa.gov">kosco.john@epa.gov</a>
<b>DOEE Representative:</b>		
Khalil Wood	Inspector – DOEE	Phone: (202) 465-5757 Email: <a href="mailto:khalil.wood@dc.gov">khalil.wood@dc.gov</a>
<b>Site Representatives:</b>		
Kyle Wagner	Construction Superintendent/ EYA Construction LLC	Phone: (703) 801-4934 Email: <a href="mailto:kwagner@eya.com">kwagner@eya.com</a>
Dan Boumel	Production Manager/ EYA Construction LLC	--
Daniel Delcid	Superintendent Assistant/ EYA Construction LLC	--

**Weather and Precipitation:**

The weather during the inspection was overcast with temperatures averaging approximately 50 degrees Fahrenheit. 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.

**Table 2. Precipitation Preceding Inspection of The Town Homes at Michigan Park**

Station Name	Date	Precipitation Amount (inches) <sup>1</sup>
WASHINGTON 2.6 NE, DC US US1DCDC0026	March 18, 2022	0.81
WASHINGTON 2.6 NE, DC US US1DCDC0026	March 19, 2022	0.00
WASHINGTON 2.6 NE, DC US US1DCDC0026	March 20, 2022	Trace
WASHINGTON 2.6 NE, DC US US1DCDC0026	March 21, 2022	Trace
WASHINGTON 2.6 NE, DC US US1DCDC0026	March 22, 2022	0.00
WASHINGTON 2.6 NE, DC US US1DCDC0026	March 23, 2022	0.00

**Records Review**

During the inspection, the EPA Inspection Team obtained and reviewed documentation regarding compliance with the Permit and implementation of the Permittee’s Stormwater Pollution Prevention Plan (SWPPP). The EPA Inspection Team reviewed the SWPPP, inspection reports, and erosion and sediment control (E&S) plans during the onsite inspection. The site’s Notice of Intent (NOI) for coverage under the CGP was requested, but not available for review onsite. Additionally, the NOI was requested, but not provided, following the inspection.

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

### III. PERMIT REQUIREMENTS AND OBSERVATIONS

During the inspection, the EPA Inspection Team observed E&S best management practices (BMPs), areas of disturbance, stormwater discharge points, material handling and storage areas, construction entrances/exits, and stormwater drainage/conveyance areas. The observations detailed below were made pursuant to provisions of the 2017 CGP.

#### **Inspection Observations**

**Permit Part 7.2.1** requires permittees to, in the SWPPP, “Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.”

**Permit Part 7.2.2** requires permittees to, in the SWPPP, “Identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities, including which members are responsible for conducting inspections.”

**Permit Part 7.2.4** requires permittees to, in the SWPPP, “Include documentation that the required personnel were, or will be, trained in accordance with Part 6.”

**Permit Part 7.2.7** requires permittees to, in the SWPPP, “Describe the procedures you will follow for maintaining your stormwater controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.4, Part 4, and Part 5 of this permit. Also include:

- a. The inspection schedule you will follow, which is based on whether your site is subject to Part 4.2 or Part 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Part 4.4;”

**Permit Part 7.2.10** requires permittees to, “...sign and date your SWPPP in accordance with Appendix I, Part I.11.”

**Permit Part 7.2.11** requires permittees to, “...include the following documents as part of your SWPPP:

- a. A copy of your NOI submitted to EPA along with any correspondence exchanged between you and EPA related to coverage under this permit;
- b. A copy of the acknowledgment letter you receive from NeT assigning your NPDES ID (i.e., permit tracking number);
- c. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).”

**Permit Part 7.4.1** requires permittees to, “modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

- a. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5...”

**Permit Part 7.4.2** 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 7.2.10 above) and a brief summary of all changes.”

**Observation 1.** The EPA Inspection Team was unable to verify that the site had obtained coverage under the CGP. The onsite SWPPP did not contain a copy of the NOI, and the EPA Inspection Team was also not able to verify permit coverage in EPA’s electronic NOI (eNOI) database. As previously stated, the NOI was requested again following the inspection, but not provided.

**Observation 2.** The SWPPP binder maintained onsite did not contain the following Permit-required elements:

1. A list of operators engaged in construction activities at the site.
2. A list and description of the stormwater team.
3. Documentation that all required personnel were trained on permit requirements.
4. A description of the inspection schedule the operator will follow.
5. The SWPPP certification.
6. A copy of the acknowledgment letter received from NeT.
7. An updated SWPPP modification log. During the inspection, the EPA Inspection Team observed stormwater controls that were not represented in the SWPPP map that would require a SWPPP modification and a record of the modification. See Observation 3 below for more details.

The SWPPP information maintained onsite was in a binder put together by Wetland Studies and Solutions, which was dated November 2021. After the inspection, on March 23, 2022, site representatives sent the EPA Inspection Team additional SWPPP information via email, documented as developed by Vika Capitol and dated October 26, 2020 (refer to Appendix C, Exhibit 1). This material contained mostly boilerplate and placeholder language from EPA’s 2017 CGP SWPPP template as well as numerous blanks. It did not include any of the missing information listed above.

**Permit Part 7.2.4** requires permittees to, “Include a legible map, or series of maps, showing 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 water of the U.S. crossings;
  - v. Designated points where vehicles will exit onto paved roads;
  - vi. Locations of structures and other impervious surfaces upon completion of construction; and
  - vii. Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c)...

- i. Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit...”

**Observation 3.** The EPA Inspection Team observed the site map maintained onsite did not reflect actual locations of all stormwater controls (refer to Appendix C, Exhibit 2). Additionally, modifications to the SWPPP and its implementation were not documented. The EPA Inspection Team observed the following stormwater controls shown on the site map to be missing or not implemented during the inspection:

1. A silt fence was prescribed to be installed at a location on the north perimeter downgradient of a partially covered stockpile, but none was observed at the time of the inspection (refer to Appendix B, Photograph 1).
2. A stabilized construction entrance with crushed aggregate rock was prescribed to be installed at the site’s entrance/exit along 12<sup>th</sup> Street NE. At the time of the inspection, the stabilized construction entrance was not installed, and the site entrance was paved (refer to Appendix B, Photographs 2 through 4).
3. A filter sock was prescribed to be installed at the southwest corner of the site downgradient of unstabilized soil, but none were observed at the time of the inspection (refer to Appendix B, Photographs 5 and 6).
4. A silt fence was prescribed to be installed at a location on the east perimeter of the site upgradient of the curb inlet on Sargent Road NE, but none was observed at the time of the inspection (refer to Appendix B, Photographs 7 through 10).
5. Inlet protection measures were prescribed to be installed around the curb inlet on Sargent Road NE, but none were observed at the time of the inspection (refer to Appendix B, Photograph 10).

**Permit Part 1.5** requires the permittee to, “post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site... At a minimum, the notice must include:

- a. The NPDES ID (i.e., permit tracking number assigned to your NOI);
- b. A contact name and phone number for obtaining additional construction site information;
- c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: “If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [include the appropriate CGP Regional Office contact information found at <https://www.epa.gov/npdes/contact-us-stormwater#regional>];” and
- d. The following statement ‘If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the EPA through the following website: <https://www.epa.gov/enforcement/report-environmental-violations>.’”

**Observation 4.** The EPA Inspection Team observed the following Permit-required elements were not posted on a sign or other notice of permit coverage at the site:

1. The NPDES ID.
2. A URL for the SWPPP or a statement to request a copy of the SWPPP from the EPA Regional Office if desired.
3. A statement to contact EPA if indicators of stormwater pollutants in the discharge or receiving waterbody are observed.

The EPA Inspection Team observed a sign near the corner of 12<sup>th</sup> Street NE and Allison Street NE that stated, “To report erosion, runoff, or stormwater pollution from this construction site, 1200 Varnum, contact Department of Energy and Environment.” The sign also listed a DOEE contact number, contact email, and name of an electronic notification application (refer to [Appendix B, Photograph 11](#)).

**Permit Part 4.7.3** requires the permittee to, “keep a copy of all inspection reports at the site or at an easily accessible location, so that it can be made available at the time of an on-site inspection or upon request by EPA.”

**Observation 5.** At the time of the inspection, the onsite SWPPP did not include site inspection reports for the time period before October 5, 2021 (refer to [Appendix C, Exhibit 3](#) for an example). Site representatives stated that the project began in May 2021; however, the record of land disturbing activities included in the SWPPP was blank and the EPA Inspection Team could not verify the start date/groundbreaking through provided documentation (refer to [Appendix C, Exhibit 4](#)). Site representatives also stated that inspection reports for activities occurring prior to October 5, 2021 might be kept by Wetland Studies and Solutions. The EPA Inspection Team requested inspection reports for the period before October 5, 2021 following the inspection, but they had not been provided at the time the report was written.

**Permit Part 2.2.4** requires permittees to,

- a. “Use appropriate stabilization techniques<sup>15</sup> at all points that exit onto paved roads...
- b. Implement additional track-out controls<sup>17</sup> as necessary to ensure that sediment removal occurs prior to vehicle exit; and
- c. 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...”

15: Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

17: Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.

**Observation 6.** The EPA Inspection Team observed sediment tracked out onto 12<sup>th</sup> Street NE (refer to [Appendix B, Photographs 2 through 4](#)). The entrance at 12<sup>th</sup> Street NE was paved; however, stabilization techniques were installed at the locations in the interior of the site where disturbed areas met the pavement. Site representatives stated that the streets inside the project limits are swept twice a week and that 12<sup>th</sup> Street NE would be swept after the inspection, ahead of a predicted rainstorm. The EPA Inspection Team also observed sediment tracked out onto Sargent Road NE (refer to [Appendix B, Photograph 10](#)). It was unclear if Sargent Road would be swept ahead of the predicted rainstorm.

**Permit Part 2.2.10** requires the permittee to, “Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from your site to a water of the U.S., provided you have authority to access the storm drain inlet...”

**Observation 7.** The EPA Inspection Team observed three (3) filter socks protecting offsite curb inlets on Allison Street NE and 12<sup>th</sup> Street NE that needed maintenance (refer to Appendix B, Photographs 12, and 14 through 16). Specifically, the filter socks appeared to be worn and tattered at the time of the inspection. Site representatives stated that the filter socks had last been replaced in February 2022. This was not documented in the SWPPP.

**Permit Part 2.2.3** requires the permittee to, “Install sediment controls along any perimeter areas of the site that will receive pollutant discharges.”<sup>14</sup>

- a. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control.”

14: Examples of perimeter controls include filter berms, silt fences, vegetative strips, and temporary diversion dikes.

**Observation 8.** Perimeter controls were not observed at the following locations that appeared would likely receive pollutant discharges (e.g., sediment-laden runoff):

1. Along the north perimeter downgradient of a partially covered stockpile (refer to Appendix B, Photograph 1).
2. Along the southwest corner perimeter downgradient of unstabilized soil (refer to Appendix B, Photographs 5 and 6).
3. Along the east perimeter downgradient of the road that runs through the center of the site. The EPA Inspection Team observed track-out at this location (refer to Appendix B, Photographs 7 through 9). An unprotected curb inlet was located downgradient of the observed track-out on Sargent Road NE (refer to Appendix B, Photograph 10).

**Observation 9.** The EPA Inspection Team observed accumulated sediment above one-half the height of the filter sock along the western perimeter next to the site entrance/exit (refer to Appendix B, Photograph 17).

**Permit Part 2.3.1** states that the permittee must, “For equipment and vehicle fueling and maintenance:

- a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;<sup>37</sup>
- b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;
- c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;
- d. Use drip pans and absorbents under or around leaky vehicles;
- e. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements; and

- f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.”

37: Examples of effective means include:

- Locating activities away from waters of the U.S. and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the U.S.;
- Providing secondary containment (e.g., spill berms, decks, spill containment pallets) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

**Observation 10.** During the inspection, a piece of equipment was refueled onsite, resulting in a fuel spill. The fuel stains were brushed over with dirt, not absorbent material (refer to Appendix B, Photographs 18 through 20). The oil-impacted sediment was not removed. No spill kit was used, and when asked, the staff stated that no spill kit was available in the area or on the equipment. Site representatives stated all contractors should have spill kits in their vehicles and on their equipment.

**Permit Part 2.3.3.a** states that the permittee must, “For building materials and building products<sup>39</sup>, provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these products to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.”

39: Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

**Observation 11.** The EPA Inspection Team observed approximately six (6) uncovered open packages of cement located in the south-central portion of the site near a temporary concrete washout station. The packages were not located within secondary containment. Hardened concrete was observed on the ground adjacent to the temporary concrete washout station (refer to Appendix B, Photograph 21). Site representatives stated that a permanent concrete washout station had previously been utilized onsite, but it recently had been removed and replaced with the temporary station. The temporary concrete washout was not shown on the site map or described in the SWPPP.