



**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
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Construction Stormwater
Site/Facility Name: T2018040301 Georgetown East Gateway Improvements
Permittee(s): Delaware Department of Transportation (DelDOT)
Site/Facility Operator: DelDOT
Site/Facility Address: Market St/Airport Rd Georgetown, DE 19947
Latitude: 38.699400
Longitude: -75.368600
County/Parish: Sussex
General Permit No.: DE0051268
Site Specific Permit No.: DEC006156
NAICS Code: 237310
SIC: 1611
Unique Project #: 3E21WN138A

Site/Facility Representative(s): Nathan Zimmerman, DelDOT
Email: Nathan.Zimmerman@delaware.gov
Point of Contact ☒

EPA Inspectors:
Amanda Pruzinsky, EPA Region III
Phone: (215) 814-5456 Email: Pruzinsky.Amanda@epa.gov
Peter Gold, EPA Region III
Phone: (215) 814-5236 Email: Gold.Peter@epa.gov

State/Local Inspectors:
Mary Hamilton, Delaware Department of Natural Resources and Environmental Control (DNREC)
Phone: (302) 739-9921 Email: Mary.Hamilton@delaware.gov

Report Preparer
Signature/Date Amanda Pruzinsky, Enforcement Officer
NPDES Enforcement Section (3ED32)

Supervisor
Signature/Date Mark Zolandz, Acting Chief
NPDES Enforcement Section (3ED32)

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List of Attachments

Attachment A:	Photograph Log
Attachment B:	DE NPDES Construction General Permit DE0051268
Attachment C:	Notice of Intent
Attachment D:	Approved Sediment and Stormwater Management and Erosion and Sediment Control Plans
Attachment E:	Self Inspection Reports
Attachment F:	DelDOT Corrective Action after EPA Inspection

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 CWA NPDES Stormwater Construction Inspection of the T2018040301 Georgetown East Gateway Improvements 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 Site Specific No. DEC006156 (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 III Inspectors and Contractors			
Amanda Pruzinsky	EPA Region III	(215) 814-5456	Pruzinsky.Amanda@epa.gov
Peter Gold	EPA Region III	(215) 814-5236	Gold.Peter@epa.gov
Site/Facility Representatives			
Nathan Zimmerman	DelDOT	-	Nathan.Zimmerman@delaware.gov
Ting Guo	DelDOT	(302) 760-2603	Ting.Guo@delaware.gov
Stephen Wright	DelDOT	-	-
Zach Messick	DelDOT	-	-
Nathanael Torrijos	DelDOT	-	-
David Webster	DelDOT	-	-
Dan McGettigan	DelDOT	-	-
Adam Marvin	DelDOT	-	-
State or Local Representatives			
Mary Hamilton	DNREC	(302) 739-9921	Mary.Hamilton@delaware.gov

Amanda Pruzinsky and Peter Gold displayed their credentials to Nathan Zimmerman and the other site representatives 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 B. The EPA Inspection Team informed Nathan Zimmerman and the other site representatives that any information that the Facility 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; no precipitation. 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
GEORGETOWN DELAWARE COASTAL AIRPORT, DE US USW00013764	5/22/2021	0
GEORGETOWN DELAWARE COASTAL AIRPORT, DE US USW00013764	5/23/2021	0
GEORGETOWN DELAWARE COASTAL AIRPORT, DE US USW00013764	5/24/2021	T*
GEORGETOWN DELAWARE COASTAL AIRPORT, DE US USW00013764	5/25/2021	T*
GEORGETOWN DELAWARE COASTAL AIRPORT, DE US USW00013764	5/26/2021	0.10
GEORGETOWN DELAWARE COASTAL AIRPORT, DE US USW00013764	5/27/2021	0

*T values in the Precipitation category above indicate a "trace" value was recorded.

C. Summary of the Site/Facility

The total area of the site is 22.80 acres with 22.80 acres being identified for disturbance. The site road construction/improvements along Market St and Airport Rd in Georgetown, DE.

II. Site/Facility Activity

During the inspection, the EPA Inspection Team observed: the active construction part of the site. The construction site is in Georgetown, DE at the intersection of Sand Hill Rd, Market St (Route 9), and Airport Rd. The planned area starting from the intersection is approximately 0.3 miles north along Sand Hill Rd, 0.1 miles east along Route 9, 0.3 miles west along Route 9, 0.2 miles south along Airport Rd. Construction activities include, but are not limited to, pavement rehab and road widening.

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 Peter Gold. Photographs pertaining to the inspection report are attached in Attachment A, with additional photographs being kept on file.

The Notice of Intent for Storm Water Discharges Associated with Construction Activity under a NPDES General Permit was dated received on February 18, 2020 (Attachment C – Notice of Intent).

Permit Part 1.D Effluent Limitations establishes requirements for managing runoff from construction activities.

Permit Part 1.E.1 Sediment and Stormwater Management Plan requires an approval of a Sediment and Stormwater Management Plan (Plans), compliance with the approved Plans, as well as with the Federal effluent limitations at 40 CFR §450.21. “Sediment and Stormwater Management Plan The owner shall develop, fully implement, and maintain at the site, the

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

approved Plan. The plan shall cover all site activities from the date of initiation of construction activity to the date of project completion. Pollution prevention measures, in accordance with the Delaware ESC Handbook standard and specifications for Construction Site Waste Management and Spill Control, shall be incorporated into the Plan for construction activity....”

In response to EPA’s Records Request, DelDOT provided a copy of their Sediment and Stormwater Management Plans and Erosion and Sediment Control Plans (Approved Plans), which has been attached as Attachment D. The Approved Plans have been revised numerous times and site representatives provided the associated revision forms 1-15, which are being kept on file.

III. Observations

Posting of Permit Coverage

Permit Part 1.C.10 Requirement to Post a Notice of Permit Coverage

“A sign or other notice of permit coverage must be posted at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way....”

Observation #1:

At the time of the inspection, the Notice of Permit Coverage was posted with the required information and near a public roadway, but the sign did not use font large enough to be readily viewed from a public right-of-way and the location would likely not be considered safe for public access since it was right next to the road and active construction site, with no shoulder/sidewalk/area to view (Attachment A Photograph Log: DSCN0639). Another similar sign was posted off the roadway as well, but not publicly accessible (Attachment A Photograph Log: DSCN0640).

In their June 4, 2021 response, site representatives provided a photograph of a new posted Notice of Permit Coverage (Attachment F). The location was not specifically identified in any narrative and it looked like it could have similar issues as the signs posted during the inspection stated above.

Permit Part 1.D.1.8

“Protect storm drain inlets.

- a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from the site.
- b. Clean, or remove and replace, the protection measure 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 #2:

At the time of the inspection, EPA observed two inlets and the associated inlet protection covered in what appeared to be sediment or micro seed (Attachment A Photograph Log: DSCN0520, DSCN0560, and DSCN0561).

Waste Management

Permit Part 1.D.4.b.

“Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present of the site to precipitation and stormwater....”

Permit Part 1.D.4.3

“For waste management:

- a. All waste materials shall be collected and stored in securely lidded dumpsters in a location that does not drain to a waterbody.
- b. Waste materials shall be salvaged and/or recycled whenever possible.
- c. The dumpsters shall be emptied a minimum of twice per week, or more if necessary. The licensed trash hauler is responsible for cleaning out dumpsters.
- d. Trash shall be disposed of in accordance with all applicable Delaware laws....”

Observation #3:

At the south end of the Cheer Community Center parking lot northwest corner of Sand Hill Rd and Route 9 intersection, the EPA Inspection Team observed construction materials including uncovered opened bags labeled mortar mix, an unidentified waste pile, an uncovered pile of what appeared to be asphalt (Attachment A Photograph Log: DSCN0517, DSCN0518, and DSCN0641). Construction materials and waste were on the ground at the southwest corner of Route 9 and Airport Rd intersection (Attachment A Photograph Log: DSCN0635 and DSCN0636).

In their June 4, 2021 response, site representatives provided a photograph of the “cold patch material covered (6/1/21),” the “mortar material (6/1/21)” covered, and the “discarded mortar disposed of (6/1/21)” (Attachment F).

Concrete Washout

Permit Part 1.D.4.4 a, b, and e

“For equipment maintenance:

- a. If possible, equipment should be taken to off-site commercial facilities for washing and maintenance.
- b. If performed on-site, vehicles shall be washed with high-pressure water spray without detergents in an area contained by an impervious berm...
- e. Washout from concrete trucks shall be disposed of in a designated concrete washout area for hardening and proper disposal....”

Permit Part 1.D.4.5.j.

“Clean up spills

- i. If it is safe to do so, immediately contain and clean up any chemical and/or hazardous material spills.
- ii. Properly dispose of used oil, fluids, lubricants and spill clean-up materials.
- iii. Do not bury spills or wash down with water.”

Observation #4:

The EPA Inspection Team did not observe any concrete washout areas onsite. At the time of the inspection, there was evidence of concrete spills that had not been cleaned up in areas where concrete had been poured (Attachment A Photograph Log: DSCN0583).

In their June 4, 2021 response, site representatives provided photographs of areas where concrete and asphalt debris had been removed (Attachment F).

Stockpile Management

Permit Part 1.D.1.5. “Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil...

- b. Install a sediment barrier (e.g., berms, dikes, fiber rolls, compost logs, silt fences, or sandbags) along all downgradient perimeter areas...
- d. Soil stockpiles must be temporarily or permanently stabilized within 14 calendar days in accordance with the standard and specifications for temporary or permanent stabilization in the most recent version of the Delaware ESC Handbook if the stockpiles are not part of active construction processes....”

Observation #5:

At the time of the inspection, the stockpiles on site did not have perimeter controls and were not stabilized (Attachment A Photograph Log: DSCN0530, DSCN0541, DSCN0543, DSCN0602, DSCN0632). The stockpile locations were not identified in the Approved Plans.

In their June 4, 2021 response, site representatives stated that DelDOT was “currently in discussions with DNREC regarding stockpile locations and seeking a functional equivalency to allow more flexibility for our stockpile placement being that our projects are typically long and linear. [DelDOT has] been proposing language to include in our plans defining and outlining the requirements for stockpile placement.”

Soil Stabilization

Permit Part 1.D.1 “Stabilize exposed portions of the site. Implement and maintain stabilization measures (e.g. seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blanket, hydromulch) that minimize erosion from exposed portion of the site. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on

any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days....”

Observation #6:

At the time of the inspection, there were areas that had not been fully stabilized with evidence of erosion northeast corner of Sand Hill Rd and Route 9 intersection. (Attachment A Photograph Log: DSCN0589, DSCN0590, and DSCN0602). There were unstabilized areas along the banks of sediment basin 1-3 (Attachment A Photograph Log: DSCN0630). There was a partially unstabilized area north of the Cheer Community Center east side of Sand Hill Rd with evidence of sedimentation in the riprap and some erosion above the flared end section of the pipe (Attachment A Photograph Log: DSCN0578 and DSCN0580).

Sediment Basin Clean out and Erosion Control

Permit Part 1.D.1.10.e. Installation of a sediment basin or similar impoundment. “Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets.”

Delaware ESC Handbook Detail No. DE-ESC-3.1.4 Sheet 11

“8. Maintenance

a. Repair all damages caused by soil erosion and construction equipment at or before the end of each working day....”

Observation #7:

The EPA Inspection Team observed erosion and railing along the banks of sediment basin on the south side of Route 9 east of Airport Rd BMP No. 1032 (Attachment A Photograph Log: DSCN0622 and DSCN0624). BMP 1031 Forebay No. 2. showed evidence of erosion above the flared end section of pipe (Attachment A Photograph Log: DSCN0524 and DSCN0525); this location was also noted in weekly self inspection reports for having an insufficiently sized compost filter log first identified on March 11, 2021 and not identified as resolved/closed until April 8, 2021. BMP 1033 Permanent Pool flared end section of pipe did not have riprap installed and there was evidence of erosion around it (Attachment A Photograph Log: DSCN0566 and DSCN0568).

Approved Plans EN-01 Sheet No. 110 “14) The contractor shall be responsible for the maintenance of positive drainage in existing and proposed drainage systems throughout the duration of the project and shall have the responsibility of executing construction, cleaning existing drainage systems and properly disposing sediment such that flow is maintained at all times....”

Observation #8:

BMP No. 1032 flared end section 7 showed sediment accumulation in the pipe (Attachment A Photograph Log: DSCN0629). There was a sediment accumulation in the

riprap and flared end section of pipe north side of Route 9 east of Sand Hill Rd
(Attachment A Photograph Log: DSCN0611).

Approved Plans ES-01 Sheet No. 112 “Sump Pit (SP) Sump pits shall be used for dewatering work area as necessary....”

Approved Plans ES-01 Sheet No. 112 Pipe Outlet Sediment Basin Schedule No. SB 1-3 “Clean-out Elev. (EL) 47.27”

Observation #9:

Sediment basin 1-3 looked to be at a high-water level and there was no marker visible to show where the level was relative to the clean-out elevation (Attachment A Photograph Log: DSCN0630).

Sediment and Stormwater Management Plan

Permit Part 1.E.1 Sediment and Stormwater Management Plan requires an approval of a Sediment and Stormwater Management Plan (Plans), compliance with the approved Plans, as well as with the Federal effluent limitations at 40 CFR §450.21. “Sediment and Stormwater Management Plan The owner shall develop, fully implement, and maintain at the site, the approved Plan. The Plan shall cover all site activities from the date of initiation of construction activity to the date of project completion. Pollution prevention measures, in accordance with the Delaware ESC Handbook standard and specifications for Construction Site Waste Management and Spill Control, shall be incorporated into the Plan for construction activity....”

Permit Part 1.E.1 of the Permit states, “The operator(s) shall keep the Plan current and revise the Plan whenever:

- a. There is a change in the design, construction, operation or maintenance of erosion and sediment control or stormwater management measures on the site; or
- b. The Plan proves to be ineffective in eliminating or significantly minimizing the discharge of pollutants, or in otherwise achieving the general objectives of controlling pollutants in stormwater discharges from construction activity; or
- c. To address any sources or potential sources of pollution identified as a result of a site inspection pursuant to Part 1.E.2 of this CGP....”

In response to EPA’s Records Request, DelDOT provided a copy of their Sediment and Stormwater Management Plans and Erosion and Sediment Control Plans (Approved Plans), which has been attached as Attachment D.

Observation #10:

The EPA Inspection Team observed many locations where riprap was specified in the Approved Plans, but no riprap was present at the time of the inspection particularly locations of flared end sections of pipes (Attachment A Photograph Log: DSCN0566, DSCN0575, DSCN0620, and DSCN0621).

In their June 4, 2021 response, site representatives stated that they “will install the riprap outfalls as weather allows, as discussed due to the rain events we have had plus the coming evening storms disturbing stabilized slopes is not in the best interest of preventing a discharge from leaving the site or causing additional erosion...” In their June 8, 2021 response, site representatives provided a photograph showing that riprap had been installed at the flared end section 11 leading directly into the sediment basin along the south side of Route 9 east of Airport Rd (Attachment F; corresponds to Attachment A Photograph Log: DSCN0621).

IV. Records Review

During the opening conference, the EPA Inspection Team reviewed documentation including: Permit (Attachment B), Notice of Intent (Attachment C), Sediment & Stormwater Management Plans (Attachment D), and Self Inspection Reports from February 1, 2021 to the date of the inspection (Attachment E). The requested documents were sent to the EPA Inspection Team and received on June 4, 2021. Additional information was sent to the EPA Inspection Team and received on June 8, 2021. Records pertaining to the inspection report are attached, with additional records being kept on file.

Corrective Action Deadlines

Permit Part 1.E.7.1 Conditions Triggering Corrective Action.

“Corrective action measures must be taken to address any of the following conditions identified at the site:

- a. A control measure needs repair or replacement;
- b. A control measure necessary to comply with the requirements of the CGP was never installed, or was installed incorrectly,
- c. The discharges are causing an exceedance of applicable water quality standards; or
- d. A prohibited discharge has occurred (see Part 1.B.4).”

Permit Part 1.E.7.2 Corrective Action Deadlines

“For any corrective action triggering conditions in Part 1.E.7.1, the following must occur:

- a. Take necessary steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events;
- b. When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day;
- c. When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, no longer than seven (7) calendar days from the time of discovery.”

Observation #11:

The Self Inspection Reports provided by site representatives on June 4, 2021 were dated weekly every Wednesday February 4, 2021 through May 27, 2021 (Attachment E). The

EPA Inspection Team reviewed the reports and found many items that met the criteria for “Conditions Triggering Corrective Action” that were not addressed under the “Corrective Action Deadlines.” Specifically, 20 issues meeting the criteria for “Conditions Triggering Corrective Action” were not closed within seven (7) calendar days from the time of discovery (Table 3).

Table 3. Summary of Self Inspection Report Conditions Identified Not Corrected Within seven calendar days from the time of discovery

Date Opened	Date Closed	Days Between Opened and Closed	BMP ID	BMP Description	Issue	Closing Notes
12/23/2020	3/4/2021	71	OP		Earth dike and silt fence not installed as per approved plans and red line number eight; Perimeter control not installed per redline 8, however work has been initiated on east side of Sandhill Road.; Earth dike and sf not installed; E & S controls required; WORK ITEM HAS NOT BEEN ADDRESSED; ESC DEVICE STILL REQUIRES CORRECTIVE ACTION; E&S not installed	Contractor is in compliance with revision no. 13.
1/21/2021	2/25/2021	35	CFL206	Compost Filter Log 18in	ACTION: INSTALL APPROPRIATE ESC DEVICES; Not installed; Area is holding a lot of water	CFL installed
1/28/2021	2/11/2021	14	SF7		Sediment accumulation near fence	Sediment has been maintained
2/11/2021	3/4/2021	21	SF4	Silt Fence	Maintenance required	Repairs made to SF.
2/18/2021	4/15/2021	56	OP		Temporary stabilization at southwest corner of Cheer Center parking lot is insufficient ; Temporary stabilization remains insufficient	Area has been stabilized
2/18/2021	3/11/2021	21	OP		Stabilization between Cheer Center parking lot and Clark Drive is insufficient ; Temporary stabilization remains insufficient	Area has been re-stabilized
3/4/2021	4/15/2021	42	OP		Contractor has stabilized around BMP. Bare ground is visible.; Some areas require additional stabilization	Area has been stabilized
3/11/2021	4/8/2021	28	CFL2	Compost Filter Log 18in	CFL is not sufficiently sized	Additional CFL has been added
3/11/2021	4/8/2021	28	DISC50	Drainage Inlet Sediment Control	Appropriate inlet protection needs to be installed; E&S controls required	Inlet protection installed

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Date Opened	Date Closed	Days Between Opened and Closed	BMP ID	BMP Description	Issue	Closing Notes
3/11/2021	4/8/2021	28	DISC51	Drainage Inlet Sediment Control	Appropriate e&s controls required; E&S controls required	Inlet protection installed
3/11/2021	4/8/2021	28	DISC49	Drainage Inlet Sediment Control	Drainage inlet Protection needs to be installed; E&S controls required	Inlet protection installed
3/11/2021	4/8/2021	28	OP		Erosion noted on the bank of SB1; Erosion present along the banks of sediment basin one in multiple locations	Erosion has been repaired
3/11/2021	4/15/2021	35	OP		Temporary stabilization required along bank of SB1 and in adjacent farm field	Area is now active
3/18/2021	4/1/2021	14	DWB2	Dewatering Bag	BMP no longer needed. Remove BMP.; Requires removal	Bag has been removed
3/18/2021	4/8/2021	21	OP		Requires additional E&S controls	Stockpiles have been removed
3/25/2021	4/15/2021	21	OP		Temporary stabilization required	Area is now active
4/1/2021	4/15/2021	14	OP		Temporary stabilization required	Area has been stabilized
4/29/2021	5/20/2021	21	OP		Bank of stormwater facility adjacent to the cheer center requires temporary stabilization; Temporary stabilization required	Bank has been hydroseeded
4/29/2021		28+	CFL10	Compost Filter Log 8in	Compost filter log is not as long as specified on the plans. Area has been disturbed prior to the proper installation of the compost filter log; Additional CFL required	
5/20/2021		7+	OP		Matting not trenched in along roadway. Typical all matted areas on eastbound SR9.; Item remains open	

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. 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 approximately 11:45 AM.