



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): 05/25/2021
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Construction Stormwater
Site Name: Beebe Healthcare Rehoboth Health Campus S-18-88
Permittee(s): Beebe Medical Center, Inc.
Site Operator: Whiting Turner & DelDOT
Site Address: Warrington Road, Rehoboth, DE 19971
Latitude: 38.723299
Longitude: -75.140197
County/Parish: Sussex
General Permit No.: DE0051268
Site Specific Permit No. DEC005968
NAICS Code: 236220
SIC: 1542
Unique Project #: 3E21WN117A

Site Representative(s):	Point of Contact
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List of Attachments

- Attachment 1:** Permit
Attachment 2: Photographs
Attachment 3: Whiting Turner Sediment and Stormwater Plan
Attachment 4: DelDOT Sediment and Stormwater Plan
Attachment 5: Exhibits (listed below)
 Exhibit 1 – NOI
 Exhibit 2 – Interim Response Documents provided by Whiting Turner
 Exhibit 3 – Last three sets of CCR Reports provided by Whiting Turner and DelDOT

I. Introduction

On May 25, 2021, 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 Beebe Healthcare Rehoboth Health Campus S-18-88 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. DEC005968 (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			
Shane McAleer	EPA Region III	(215) 814-5616	McAleer.Shane@epa.gov
Mike Greenwald	EPA Region III	(215) 814-2398	Greenwald.Michael@epa.gov
Site Representatives			
Paul Horning	Whiting Turner	(302) 293-1383	Paul.Horning@whiting-turner.com
Joe Lenker	Whiting Turner	-	Joe.Lenker@whiting-turner.com
Jackie Black	Whiting Turner	-	-
Christopher DePanici	Whiting-Turner	-	-
Adam Marvin	AECOM	-	adam.marvin@aecom.com
State or County Representatives			
Mary Hamilton	DNREC	-	Mary.Hamilton@delaware.gov
Kevin Lafferty	DNREC	-	-
Mark Walter	Sussex County	-	Mark.Walter@sussexconservation.org

Mike Greenwald and Shane McAleer displayed their credentials to the 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 1](#). The EPA Inspection Team informed the site representatives that any information that the site representatives 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 clear. The closest 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 2.4 SSE, DE US US1DESS0047	5/20/21	0.0
LEWES 2.4 SSE, DE US US1DESS0047	5/21/21	0.0
LEWES 2.4 SSE, DE US US1DESS0047	5/22/21	0.0
LEWES 2.4 SSE, DE US US1DESS0047	5/23/21	0.0
LEWES 2.4 SSE, DE US US1DESS0047	5/24/21	0.0
LEWES 2.4 SSE, DE US US1DESS0047	5/25/21	0.0

C. Summary of the Site

The Beebe Healthcare Rehoboth Health Campus S-18-88 is an expansion of the existing Rehoboth Health Campus. The Notice of Intent (NOI) indicates that the site has a total acreage of 18 acres, with an estimated disturbed acreage of 25.75 acres. A copy of the NOI is included in Attachment 5, Exhibit 1. The site is being constructed at the intersection of John J. Williams Highway and Warrington Road. A service roadway referred to as Healthy Way Road has been constructed to provide access to the building, with an entrance extending northeast to the existing health campus, and an entrance southwest connecting to Warrington Road.

II. Site Activity

The site controls are being managed by two different operators: Whiting Turner and DelDOT.

The EPA Inspection team observed site controls pertaining to Whiting Turner's area of the site, including: an Infiltration Basin along the southwestern portion of the site (in proximity to Warrington Road); site controls along the northern perimeter of the site (in proximity to John J. Williams Highway); concrete washout and stockpiles along the norther portion of the site; and site controls along the northeastern portion of the site.

The EPA Inspection Team observed site controls pertaining to DelDOT's area of the site, including: site controls along Healthy Way Road, and a stockpile and Infiltration Basin northeast of the site in proximity to Lexus Way.

Site representatives explained that separate sets of Sediment and Stormwater Management Plans (also referred to as "the Plans") are being maintained by Whiting Turner and DelDOT for their respective site areas. Both operators are conducting site self-inspections of their respective areas, and as such two sets of site self-inspection reports were provided.

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

III. Observations

The inspection observations below are made pursuant to the requirements of the Permit. Photographs were taken during the inspection by Mike Greenwald and are provided in Attachment 2.

Sediment and Stormwater Management Plans and Current Site Conditions

Permit Requirement:

Section E.1 of the Permit states, “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...”

Section E.1.a 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...”

In response to EPA’s Records Request, Whiting Turner provided a copy of their Sediment and Stormwater Management Plan (hereafter “Whiting Turner’s Plan”) dated 1/14/2019, which has been attached as Attachment 3.

Sheet C-502 of Whiting Turner’s Plan (dated 1/14/2019) shows the configuration of controls at the site.

Sheet C-503 of Whiting Turner’s Plan (dated 1/14/2019) shows an Infiltration Basin (hereinafter, “Infiltration Basin #1”) specifications with three labeled Forebays.

In response to EPA’s Records Request, DelDOT provided a copy of their Sediment and Stormwater Management Plan (hereafter “DelDOT’s Plan”) with various dated documents (the most latest being 3/29/2019), which has been attached as Attachment 4.

Sheet C-614 of DelDOT’s Plan (dated 3/29/2019) shows the south side of Healthy Way Road, with silt fence along the Limit of Disturbance (LOD). An updated sheet C-614 was provided by DelDOT in an interim response provided by Whiting Turner on June 11, 2021, which notes controls having been modified on 10/27/2020. See Attachment 5, Exhibit 2 for the relevant interim response documents.

Sheet C-615 of DelDOT’s Plan (dated 3/29/2019) shows the area north of the site, which shows an area designated as Proposed Stormwater Management Area.

Observation 1. Whiting Turner’s Plan dated 1/14/2019 and DelDOT’s Plan dated 3/29/2019 did not appear to be revised to reflect current site controls and activity. This included:

- Sheet C-502 of Whiting Turner’s Plan shows silt fence along the southern and northern sides of Healthy Way Road. This sheet did not

appear to match Sheet C-614 of DelDOT's plans, which show silt fence removed on 10/27/20. The EPA Inspection Team observed that these areas of the site did not have silt fence. See photographs P1000438, P1000439, and P1000440. The EPA Inspection Team did note that the southern side of Healthy Way Road appeared to have straw mulching, and CCR reported dated May 19, 2021 and May 14, 2021 provided by Whiting Turner indicated silt fence was removed for landscaping and grading. See Attachment 5, Exhibit 3 for the last three sets of CCR reports provided by Whiting Turner and DelDOT.

- Sheet C-502 of Whiting Turner's Plan shows a stabilized construction entrance where Healthy Way Road intersects Warrington Road. This roadway however had been completed. See photograph P1000445.
- Sheet C-502 and Sheet C-503 of Whiting Turner's Plan show details for Forebay 2 and Forebay 3. The EPA Inspection Team observed controls and outlets that were not present on Whiting Turner's Plan, including a rock channel and outlet structure in Forebay 2 (see photograph P1000460, P1000461, and P1000463) and a rock channel and outlet structure in Forebay 3 (see photograph P1000453). The EPA Inspection Team did note that these outlets appeared to be detailed on Sheet C-607 of DelDOT's Plan.
- Sheet C-502 of Whiting Turner's Plan shows silt fence surrounding the outside of the Infiltration Basin #1, above the side slopes. The EPA Inspection Team observed this silt fence to be installed at the base of the slopes. See photographs P1000448, P1000449, P1000457, P1000458, P1000461, and P1000464.
- Sheet C-615 of DelDOT's Plan does not show a stockpile. The EPA Inspection Team observed a stockpile in this area. See photograph P1000511.

Silt Fence Installation and Maintenance

Permit Requirement:

Section E.1 of the Permit states, "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..."

Section D.1 (Erosion and Sediment Control Requirements) of the Permit states, "Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants..."

Section D.1.2 of the Permit states, “Install sediment controls along any perimeter areas of the site that will receive pollutant discharges.”

Sheet C-502 of Whiting Turner’s Plan (dated 1/14/2019) shows the configuration of controls at the site, including silt fence along Healthy Way Road.

Observation 2. The EPA Inspection Team observed that numerous areas of the site did not appear to have silt fence installed or silt fence appeared to be in need of maintenance. These areas included:

- Sheet C-502 of Whiting Turner’s Plan shows silt fence extending to the northwest corner perimeter of the site. The EPA Inspection Team observed that silt fence did not appear to be present in this area. See photograph P1000475.
- Sheet C-502 of Whiting Turner’s Plan shows silt fence extend along the northeastern perimeter of the site. The EPA Inspection Team observed that silt fence wasn’t fully installed along the eastern perimeter. See photographs P1000501 and P1000506. Whiting Turner indicated in their June 11, 2021 interim response that silt fence had been replaced in this area.
- Areas along the southwest side of Infiltration Basin #1 appeared to have downed silt fence. See photographs P1000457 and P1000458.
- An area of silt fence appeared to be punctured along the southwest side of Infiltration Basin #1, with a disturbed slope in proximity due to animal activity. See photograph P1000465. Whiting Turner indicated in their June 11, 2021 interim response that these disturbed areas had been addressed.

Stock Pile Control Installation and Maintenance

Permit Requirement:

Section E.1 of the Permit states, “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...”

Section D.1 (Erosion and Sediment Control Requirements) of the Permit states, “Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants...”

Section D.1.5 of the Permit states, “Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil.” Section D.1.5.b states, “Install a

sediment barrier (e.g., berms, dikes, fiber rolls, compost logs, silt fences, or sandbags) along all down gradient perimeter areas.”

Whiting Turner’s Plan lists the detail for Delaware’s Erosion and Sediment Control Handbook (“ESC Handbook”) pertaining to stockpiles. Sheet C-505 of Whiting Turner’s Plan shows DE-ESC-3.7.3 which notes “install perimeter control per specification”.

Sheet C-505 of Whiting Turner’s Plan identifies their soil stockpile area as being contained by silt fence.

Observation 3. The EPA Inspection Team observed two stockpiles in the northeastern area of the site. Both stockpiles appeared to have silt fence only partially surrounding them. See photographs P1000494, P1000497, P1000498, P1000499, P1000501, and P1000504. Whiting Turner indicated in their June 11, 2021 interim response that silt fence had been installed at these stockpiles however the silt fence still appears to be not fully surrounding the stockpiles.

Sheet C-615 of DelDOT’s Plan (dated 3/29/2019) shows the area north of the site, which shows an area designated as Proposed Stormwater Management Area.

Observation 4. The EPA Inspection Team observed a stockpile northeast of the site, which was noted as DelDOT’s area. The stockpile did not appear on DelDOT’s Plan. The stockpile also did not appear to have any silt fence or other perimeter control downgradient of the slope. See photograph P1000511.

Concrete Washout Installation and Maintenance

Permit Requirement:

Section D.1 (Erosion and Sediment Control Requirements) of the Permit states, “Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants...”

Sheet C-505 of Whiting Turner’s Plan shows DE-ESC-3.6.2 which notes “provide a sign designating the washout area, and for large construction sites, provide signs throughout directing traffic to its destination.

Observation 5. The EPA Inspection Team observed the concrete washout at the site to not have a sign. See photographs P1000488 and P1000489.

Sediment Basin Control Installation and Maintenance

Permit Requirement:

Section D.1 (Erosion and Sediment Control Requirements) of the Permit states, “Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants...”

Section D.1.10 of the Permit (Installation of a sediment basin or similar impoundment) states the following: “Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.”

Observation 6. The EPA Inspection Team observed a rock outlet in Forebay 3 of Infiltration Basin #1 that appeared to be inundated with sediment. See photograph P1000453.

The EPA Inspection Team did note several other rock outlets within Infiltration Basin #1 that appeared to have varying degrees of accumulated sediment. See photographs P1000452, P1000468, P1000469, P1000470, and P1000471. Whiting Turner indicated in their June 11, 2021 interim response that these areas are scheduled for cleaning in August 2021 pending final paving and stabilization.

Sheet C-615 of DelDOT’s Plan show a Proposed Stormwater Management Area. Sheet C-616 of DelDOT’s Plan show this area will be an Infiltration Basin (hereinafter “Infiltration Basin #2”), and contains the sequence of construction for this control, as well as the maintenance plan. The sequence of construction step 3 states the following: “Excavate S.W.M. Infiltration Area to be used as a temporary sediment basin during construction...”. Step 3.3 states, “Install inlet rip-rap and rip-rap forebay per the approve plan. Forebay shall be excavated to final elevation for installation of rock outlet protection and forebay.”

Observation 7. The EPA Inspection Team observed that Infiltration Basin #2 did not appear to be in sequence. The outlet rock and rip-rap forebay did not appear to be constructed. See photographs P1000509 and P1000510.

Inlet Control Installation and Maintenance

Permit Requirement:

Section D.1 (Erosion and Sediment Control Requirements) of the Permit states, “Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants...”

Section D.1.8 (Protect storm drain inlets) of the Permit states the following: “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; and b. Clean, or remove and replace, the 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 8. The EPA Inspection Team observed two inlets without inlet protection along the northeast perimeter of the site. See photograph P1000484 and P1000485. Site representatives from Whiting Turner took action to install inlet protection during the inspection.

IV. Records Review

During the opening conference, the EPA Inspection Team reviewed documentation including: the NOI, the Construction Sediment and Stormwater Management Plan, and the latest site self-inspection which occurred on May 19, 2021.

EPA requested copies of the latest Construction Sediment and Stormwater Management Plan (referred to as the “SWPPP” in the Records Request Form) and site self-inspection reports from February 1, 2021 to May 26, 2021.

On June 2, 2021, the documents were provided to EPA. Two sets of documents were provided. Whiting Turner is managing the controls for the disturbed area northwest of the Healthy Way service road, and they provided relevant site plans and self-inspections for that area. DelDOT is managing the disturbed area along Healthy Way Road and Warrington Road, and they provided a separate set of site plans and self-inspections.

A second submittal was sent to EPA on June 11, 2021 with additional information including revisions to plans and site modifications in response to the inspection.

Records pertaining to the inspection report are attached, with additional records being kept on file.

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 site representatives. 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 12:00 PM.