



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): 05/24/2021
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Construction Stormwater
Site Name: T200411209 SR 24 Mulberry Knoll to SR 1
Permittee(s): Delaware Department of Transportation (DelDOT)
Site Operator: DelDOT
Site Address: John J Williams Highway, Rehoboth Beach, DE 19971
Latitude: 38.724000
Longitude: -75.143000
County/Parish: Sussex
General Permit No: DE0051268
Site Specific Permit No. DEC006064
NAICS Code: 237310
SIC: 1611
Unique Project #: 3E21WN116A

Site Representative(s):

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Stephen Vezmar – Century Engineering
Email: svezmar@centuryeng.com

Point of Contact



EPA Inspectors:

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Date

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Date

Unique Project#: 3E21WN116A

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List of Attachments

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

I. Introduction

On May 24, 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 T200411209 SR 24 Mulberry Knoll to SR 1 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. DEC006064 (hereinafter, the “Permit”) and applicable State and Federal regulations.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the site at est. 1:30 PM 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			
Nathan Zimmerman	DelDOT	-	Nathan.Zimmerman@delaware.gov
Stephen Vezmar	Century Engineering	-	svezmar@centuryeng.com
State or County Representatives			
Bonnie Arvay	DNREC	(302) 739-9921	Bonnie.Arvey@delaware.gov

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](#).

B. Weather and Precipitation Conditions

During the inspection, weather was overcast. 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 4.6 SSW, DE US US1DESS0060	5/19/21	0.0
LEWES 4.6 SSW, DE US US1DESS0060	5/20/21	0.0
LEWES 4.6 SSW, DE US US1DESS0060	5/21/21	0.0
LEWES 4.6 SSW, DE US US1DESS0060	5/22/21	0.0
LEWES 4.6 SSW, DE US US1DESS0060	5/23/21	0.0
LEWES 4.6 SSW, DE US US1DESS0060	5/24/21	0.0

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

C. Summary of the Site

The T200411209 SR 24 Mulberry Knoll to SR 1 site is a project to expand SR 24 to a four lane road. The Notice of Intent (NOI) indicates that the site has a total acreage of 12 acres, with an estimated disturbed acreage of 12 acres. A copy of the NOI is included in Attachment 4, Exhibit 1. The site is active along the shoulder of SR24 from Mulberry Knoll Road to Lexus Way.

II. Site Activity

Site representatives indicated that the site is currently in Phase 1A, which is primarily the south side of SR 24. Phase 2 constitutes work on the north side of SR 24.

The site has a staging area at the intersection of Mulberry Road and SR 24 (John J Williams Highway), which had a construction trailer, dumpster, equipment, and material storage piles.

Controls present along the roadway included silt fencing, inlet bags, Infiltration Trench Best Management Practices (BMPs), and street sweeping.

III. Observations

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

Recordkeeping

Permit Requirement:

Section E.3 (Recordkeeping) of the Permit states, “The operator(s) shall retain records of all information required by this CGP for a minimum of three (3) years following acceptance of the NOT . During construction, the operator(s) must maintain at the site weekly reports of all inspections conducted in accordance with Part 1.E.2 of this CGP, which include...”

Observation 1. The EPA Inspection Team was told by site representatives that records were kept offsite at a nearby field office. The EPA Inspection Team noted that site representatives were able to produce all requested records during the inspection.

Signage

Permit Requirement:

Section C.10 (Requirement to Post a Notice of Permit Coverage) of the Permit states, “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 2. The EPA Inspection Team noted that the signage of the site appeared to be difficult to read from the roadway. See photographs DSCN0172 and

DSCN0173. DelDOT, in their 6/4/21 interim response (Attachment 4, Exhibit 2), provided photographs of the signage which had been relocated to a more visible location.

Sediment and Stormwater Management Plan

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 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 Plan (hereafter “DelDOT’s Plan”), which has been attached as Attachment 3. Relevant sheets and revisions have been included.

Sheet CS-02, Section AEC, No. 51 shows the beginning of the plans on SR-21 at Station 429+00.

Observation 3. DelDOT’s Plan did not appear to have the staging area marked on their Plans. This area included a construction entrance (photograph DSCN0096), a stockpile (photograph DSCN0120), materials (photograph DSCN0126), vehicles (photograph DSCN0117), and silt fencing (photographs DSCN0106, DSCN0113, DSCN0116, DSCN0117, and DSCN0126).

Monitoring

Permit Requirement:

Section E.2 (Monitoring) of the Permit states, “For the purposes of this Part, the operator(s) must conduct maintenance inspections of erosion and sediment controls and constructed stormwater management measures at least weekly.”

Observation 4. The EPA Inspection Team reviewed weekly self-inspection reports from 2/4/21 to 5/20/21. The staging area (see Observation 3) did not appear to be inspected as part of DelDOT's required weekly inspections.

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."

Observation 5. The EPA Inspection Team observed that numerous areas of the site appeared to have silt fence in need of maintenance. Various sections of silt fence located at the staging area appeared to be falling down or in need of maintenance. See photographs DSCN0106, DSCN0113, DSCN0116, DSCN0117, and DSCN0126.

The EPA Inspection Team observed silt fence between Warrington Road and Lexus Way that appeared to be falling down or in need of maintenance. See photographs DSCN0207, DSCN0217, and DSCN0223. DelDOT, in their 6/4/21 interim response, provided photographs of the silt fence in this area being reinstalled.

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.”

Observation 6. The EPA Inspection Team observed a stockpile in the staging area. This stockpile was not on DelDOT’s Plan, and did not appear to have controls enclosing it. See photograph DSCN0120.

Construction Entrance 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.1.4 (Minimize sediment track-out) of the Permit states, “a. Restrict vehicle use to properly designated exit points; b. Use appropriate stabilization techniques at all points that exit onto paved roads, sidewalks, or other paved areas that is consistent with the standard and specifications for stabilized construction entrances in the most recent version of the Delaware ESC Handbook; c. Implement additional track-out controls (e.g., use of wheel washing, rumble strips, and rattle plates) as necessary to ensure that sediment removal occurs prior to vehicle exit...”

Observation 7. The EPA Inspection Team observed a construction entrance in the staging area. This construction entrance was not on DelDOT’s Plan. The construction entrance appeared to be sediment laden. See photographs DSCN0096 and DSCN0098.

Spill Prevention

Permit Requirement:

Section D.4.5 (For spill prevention) of the Permit states, “k. Leaks and drips; k.ii. Do not allow oil, grease, fuel or chemicals to drip on the ground...; k.iv. Repair leaky equipment promptly or remove problem vehicles and equipment from the site. Clean up contaminated soil immediately...; k.vi. Clean up all leaks. Promptly dispose of waste and spent clean up materials.”

Observation 8. The EPA Inspection Team observed oil staining on the ground in proximity to vehicles working in proximity to the Infiltration Trench between Mulberry Road and Warrington Road. See photographs DSCN0159, DSCN0160, and DSCN0161. DelDOT, in their 6/4/21 interim

response, provided photographs of the oil stains being cleaned with absorbent materials.

IV. Records Review

During the opening conference, the EPA Inspection Team reviewed documentation, including the NOI and the Construction Sediment and Stormwater Management Plan.

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

On June 4, 2021, the documents were provided by DelDOT.

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 4:30 PM.