MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTION SERVICES – JESSUP CORRECTIONAL FACILITY MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PROGRAM INSPECTION REPORT

Pre-Inspection Conference Call Date: July 19, 2023
Field Inspection Date: July 27, 2023

Report Date: September 13, 2023

Unique Project Identifier: 3E23WN102A

U.S. Environmental Protection Agency, Region III
Enforcement and Compliance Assurance Division
NPDES Section
Four Penn Center
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103

Report Prepared by:

Taylor Fontaine — September 13, 2023

Taylor Fontaine — Date
PG Environmental

EPA Region III Official:

MARK ZOLANDZ Digitally signed by MARK ZOLANDZ Date: 2023.09.19 13:23:56 -04'00'

Mark Zolandz — Date
Section Chief, NPDES Section 1,
Enforcement and Compliance Assurance Division

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Table 1. Summary of Permit Requirements and Inspection Observations

Program Element	Observations
Overall Program Management	Observation 1: The Maryland Department of Public Safety and Correction Services – Jessup Correctional Facility (Facility) did not submit completed Annual MS4 Progress Reports to Maryland Department of the Environment (MDE) for all years, 2019, 2020, 2021, and 2022, under the current Permit.
Illicit Discharge Detection and Elimination (IDDE)	Observation 2: The Facility did not provide an MS4 map that includes all Permit-required components. Observation 3: The Facility did not provide a policy or other agency directive to prohibit illicit discharges into the MS4. Observation 4: The Facility did not provide standard operating procedures (SOPs) for implementing the IDDE system to MDE. Observation 5: The Facility had no records of dry weather outfall screenings.
Post-Construction Stormwater Management (PCSM)	Observation 6: The Facility had no records of best management practices (BMPs) maintenance in accordance with MDE requirements outlined on approved plans. Observation 7: The Facility had no records of PCSM training to stormwater program staff and/or stormwater maintenance staff. Observation 8: The Facility had not updated their BMP database, last submitted to MDE in FY20.
Pollution Prevention / Good Housekeeping (PPGH)	Observation 9: The Facility had no records of annual stormwater-related training for stormwater program staff and/or stormwater maintenance staff. Observation 10: The Facility had no records of implementing a good housekeeping plan for permittee owned/operated properties.
Chesapeake Bay Restoration and Meeting Total Maximum Daily Loads	Observation 11: The Facility did not provide to MDE, a Baseline Impervious Area Assessment and Restoration Target Calculation. Observation 12: The Facility did not provide to MDE, an Impervious Area Restoration Work Plan and Restoration Activity Schedule.

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Appendix B: Photo Log

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INTRODUCTION

On July 19, 2023, and July 27, 2023, EPA Region III representatives and EPA contractors, PG Environmental, (hereinafter, EPA Inspection Team) performed a compliance inspection of the Maryland Department of Public Safety and Correctional Services (DPSCS) – Jessup Correctional Facility's (hereinafter, DPSCS, or the Facility) Municipal Separate Storm Sewer System (MS4). The inspection was conducted to assess the Facility's compliance with the requirements of the Commonwealth of Maryland's *National Pollutant Discharge Elimination System (NPDES) General Permit to Discharge Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s)* (NPDES Permit No. MDR055501; hereinafter, the "Permit"). A copy of the Permit is provided in Appendix A.

The purpose of this inspection was to obtain information to assist EPA Region III in assessing Jessup Correction Facility's compliance with the requirements of the Permit, as well as the implementation status of its MS4 program. The presentation of observations in this report does not constitute a formal compliance determination or notice of violation.

The inspection focused on overall program management and the following Permit components:

- Illicit Discharge Detection and Elimination (IDDE);
- Post-Construction Stormwater Management (PCSM);
- Pollution Prevention / Good Housekeeping (PPGH); and
- Chesapeake Bay Restoration and Meeting Total Maximum Daily Loads

The EPA Inspection Team obtained information through a records review and interviews with Facility staff. Interviews were conducted during the pre-inspection conference call (Conference Call) and during the field inspection. The following primary representatives participated in the inspection:

Facility Representatives:	John Gauthier – Division of Capital Construction and Facilities Maintenance Administrator Scott Hobbs – Division of Capital Construction and Facilities Maintenance Civil Engineer James Stanley – Jessup Correctional Facility Maintenance Administrator Brendon Smith – CGL; maintenance contractor Mike Mymo – CGL; maintenance contractor
EPA Representative:	Chuck Schadel – EPA Region III Ingrid Hopkins – EPA Region III
State Representatives:	Deborah Cappuccitti – Maryland Department of Environment (MDE) Devon Kosisky – MDE
EPA Contractors:	Taylor Fontaine – PG Environmental Mariah Papac – PG Environmental

PRE-INSPECTION CONFERENCE CALL

On July 19, 2023, the EPA Inspection Team conducted a Conference Call with John Gauthier, the Division of Capital Construction and Facilities Maintenance Administrator. The Conference Call focused on overall program management, the three (3) minimum control measures identified above, and the Chesapeake Bay Restoration and Meeting Total Maximum Daily Loads.

FIELD INSPECTION PROCESS

On July 27, 2023, the EPA Inspection Team conducted field inspections of seven (7) operations subject to MS4 program requirement and oversight: two (2) wet ponds, one included a vegetated swale; one (1) wetland basin; one (1) infiltration basin; one (1) MS4 outfall; one (1) high priority maintenance facility; and one (1) construction site.

Inspection observations based on both the Conference Call and the field inspections are documented in the sections below.

FIELD INSPECTION OPENING CONFERENCE

The EPA Inspection Team arrived at the DPSCS administrative building in Jessup, Maryland at 9:00 AM (EDT) on July 27, 2023, which served as the meeting place for the field inspection. Taylor Fontaine of PG Environmental displayed his EPA-issued Clean Water Act inspector credential to the Facility representatives at the outset of the field inspection. Chuck Schadel and Ingrid Hopkins displayed their EPA credentials and explained that the purpose of the field inspection was to make observations to complement the Conference Call portion of the Facility MS4 program inspection conducted July 19, 2023.

The weather during the field inspection on July 27, 2023 was sunny with temperatures averaging approximately 95 degrees Fahrenheit. National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the inspection and five (5) days prior are provided in the table below.

Table 2. Total Precipitation Preceding and During Inspection

Station Name	Date	Precipitation Amount (inches)[1]
SEVERN 2.0 W, MD US US1MDAA0004	July 22, 2023	0.00
SEVERN 2.0 W, MD US US1MDAA0004	July 23, 2023	0.00
SEVERN 2.0 W, MD US US1MDAA0004	July 24, 2023	1.6
SEVERN 2.0 W, MD US US1MDAA0004	July 25, 2023	0.00
SEVERN 2.0 W, MD US US1MDAA0004	Jul7 26, 2023	0.00
SEVERN 2.0 W, MD US US1MDAA0004	July 27, 2023	0.00

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

JESSUP CORRECTIONAL FACILITY BACKGROUND

The Facility is authorized to discharge stormwater through its MS4 under the current NPDES Permit implemented November 1, 2018, until its expiration on October 31, 2023.

The Division of Capital Construction and Facilities Maintenance (hereinafter, DCCFM) administers the Facility's MS4 system. Facility representatives explained that no staff members are currently dedicated to implementing the MS4 permit requirements (i.e., annual report writing, IDDE and PCSM inspections, and impervious area management). However, staff and a consultant perform reactionary activities with regards to stormwater issues and the MS4.

- Facility staff perform general landscaping and outdoor maintenance regularly; however, their current outdoor maintenance regarding stormwater is solely reactionary;
- A third-party contractor, CGL Companies, performs reactionary general maintenance, that may relate to stormwater, when Jessup Correctional Facility issues a work order; and
- MDE approves stormwater pollution prevention plans and regularly inspects the applicable ongoing construction projects (disturbing one acre or more) on the Facility.

The Facility's MS4 covers approximately 790 acres and with a population of 6,340 people. The primary receiving water for the Facility's MS4 is Dorsey Run. Dorsey Run flows along the west edge of the Facility.

INFORMATION OBTAINED RELATIVE TO PERMIT REQUIREMENTS

The EPA Inspection Team obtained documentation and other supporting information to evaluate compliance with the Permit prior to, during, and after the pre-inspection conference call and field inspections. Observations regarding the Facility's implementation of Permit requirements are presented in this report.

On July 7, 2023, the EPA Inspection Team provided the Facility with an inspection notification and a records request that listed documents for review for the inspection, with specific items to be provided prior to the inspection. The Facility did not submit documents in response to the EPA Inspection Team's records request prior to the inspection.

On June 13, 2023, MDE provided documents electronically to the EPA Inspection Team utilizing a shared folder. The EPA Inspection Team reviewed the documentation provided by MDE for compliance with the Permit. Referenced documentation used as supporting information is provided in Appendix C, Exhibit Log.

On July 28, 2023, after the field inspections, the EPA Inspection team emailed the Facility an additional list of requested documents. As of the date of this report, the Facility has not provided records from either records request.

The following sections of this report describe the Facility's approach to implementing minimum control measures, the relevant Permit requirements, and observations made during the inspection process.

EVALUATION AND ASSESSMENT, RECORDKEEPING, REPORTING AND PROGRAM REVIEW

Throughout the current Permit term, the Permittee has not submitted Permit-required documentation to MDE for approval, refer to Observation 1 below for a list of the missing documentation. The Permittee was contacted by MDE on the following dates regarding document submittal for Permit compliance. The Permittee only responded on 11/07/2019, 8/03/2022, and 10/31/2022 (refer to Appendix C, Exhibit 1):

- 11/07/2019
- 2/06/2020
- 8/03/2020
- 2/03/2021
- 9/13/2021 – Non-Compliance Letter
- 7/06/2022 – Non-Compliance Letter
- 10/31/2022
- 12/16/2022
- 5/31/2023 – Non-Compliance Letter

Permit Part VI.B states, "The permittee must keep records for at least three years after the termination of this general permit. In addition to the information required in the Annual MS4 Progress Reports specified below, permittees must submit any additional supporting documentation at the request of MDE. The permittee must make its MS4 program information, including records, available to the public during regular business hours."

Permit Part VI.C.1 states, "The required information specified in the MS4 Progress Report in Appendix D must be completed as described in this section. The reporting period must be based on State fiscal year, i.e., July 1 – June 30. MS4 Progress Reports are due no later than October 31 of each year with the first report due October 31, 2019."

Permit Part VI.C.2 states, "Annually, the permittee must submit a report to MDE that evaluates progress toward meeting the twenty percent impervious area restoration requirement specified in Part V above. Restoration activity described in the MS4 Progress Report must be completed and include:

a. An impervious area baseline analysis in accordance with Part V.A and the guidance in Appendix B, Section III. This analysis must be submitted with the first year MS4 Progress Report for MDE review and approval;

b. The Impervious Area Restoration Work Plan (Table 1 or other format) must be submitted with the first year MS4 Progress Report and in annual updates. The work plan must include a narrative discussing progress made toward restoration efforts and a description of adaptive management strategies necessary to keep proposed implementation efforts on track;

c. An updated Restoration Activity Schedule in accordance with Table 2 must be submitted annually. By the end of the permit term, a complete list of projects required to meet the twenty percent restoration requirement must be specified in Table 2. The projected implementation year must be no later than 2025; and

d. An updated Urban BMP database in accordance with Appendix B, Tables B.1.a, b, and c in electronic format and a brief narrative discussing progress made toward completing the database and performing routine maintenance and inspections."

Observation 1: The Facility did not submit completed Annual MS4 Progress Reports (hereinafter, progress reports) to MDE for all years, 2019, 2020, 2021, and 2022, under the current Permit. The progress report submitted for Permit Year 2 was incomplete (refer to Appendix C, Exhibit 2). The Permit Year 2 progress report was missing most information relevant to MCM #3, MCM #5, and MCM #6. The Permit Year 2 progress report promised more information to be delivered to MDE in January 2021 (refer to Appendix C, Exhibit 2). The additional information was never submitted. In addition to the three progress reports, the Facility did not submit the following documents for Permit Years 1, 2, 3, and 4:

- Permit Year 1:
  - A Baseline Impervious Area Assessment including restoration target calculations;
  - A Restoration Work Plan;
  - A Restoration Activity Schedule.
- Permit Year 2:
  - A completed progress report;
  - A Baseline Impervious Area Assessment including restoration target calculations;
  - A Restoration Work Plan;
  - A Restoration Activity Schedule.
  - An updated Impervious Area Restoration Work Plan;
  - An updated/complete Urban BMP database;
  - An MS4 map of the storm drain system for the facilities covered under the permit;
  - An illicit discharge standard operating procedure consistent with permit requirements and guidance;
  - Outfall screenings and inspection documentation consistent with permit requirements.
- Permit Year 3:
  - A progress report;
  - A Baseline Impervious Area Assessment including restoration target calculations;
  - A Restoration Work Plan;
  - A Restoration Activity Schedule.
  - An updated Impervious Area Restoration Work Plan.
  - An updated/complete Urban BMP database

  - An MS4 map of the storm drain system for the facilities covered under the permit.
  - An illicit discharge standard operating procedure consistent with permit requirements and guidance
  - Outfall screenings and inspection documentation consistent with permit requirements.
- Permit Year 4:
  - A progress report;
  - A Baseline Impervious Area Assessment including restoration target calculations;
  - A Restoration Work Plan;
  - A Restoration Activity Schedule.
  - An updated Impervious Area Restoration Work Plan.
  - An updated/complete Urban BMP database
  - An MS4 map of the storm drain system for the facilities covered under the permit.
  - An illicit discharge standard operating procedure consistent with permit requirements and guidance
  - Outfall screenings and inspection documentation consistent with permit requirements.

MINIMUM CONTROL MEASURE C: ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

As stated above the DCCFM administers the MS4 program. However, the Facility representative stated no DCCFM staff were actively working on IDDE permit requirements. No preventative practices, such as MS4 map creation and updates, policy prohibiting illicit discharge creation, standard operating procedure (SOP) creation, and IDDE screenings, are performed.

Permit Part IV.C.1 states the Permittee must, "Develop and maintain an updated map of the MS4 that identifies all stormwater conveyances, outfalls, stormwater best management practices (BMPs), and waters of the U.S. receiving stormwater discharges;"

Observation 2: At the time of inspection, the Facility had not developed an MS4 map. In the Permit Year 2 progress report, the Facility reported that there is no specific map of the MS4 (refer to Appendix C, Exhibit 2). The Facility had not fulfilled the MDE requests in the 9/13/2021 non-compliance letter (refer to Appendix C, Exhibit 3), "to demonstrate compliance with the minimum control measures," which included the creation of an MS4 map. The non-compliance letter was preceded by an email request on 2/06/2021 and reiterated in the non-compliance letters issued on 7/06/2022 and 5/31/2023 (refer to Appendix C, Exhibit 1 and 4).

Permit Part IV.C.2 states the Permittee must, "Establish a policy or other agency directive that prohibits illicit discharges into the MS4;"

Observation 3: At the time of the inspection, the Facility had not developed a policy or other agency directive to prohibit illicit discharges into the MS4. During the field inspection the Facility representatives stated no proactive MS4 IDDE requirements were addressed by DCCFM staff. Facility representatives stated all Facility MS4 efforts are reactionary to notifications of non-compliance from MDE. However, the Facility had not fulfilled the MDE requests "to demonstrate compliance with the minimum control measures" in the 9/13/2021 non-compliance letter (refer to Appendix C, Exhibit 3). This request was reiterated in the non-compliance letters issued on 7/06/2022 and 5/31/2023 (refer to Appendix C, Exhibit 4).

Permit Part IV.C.4 states the Permittee must, "Develop and implement written standard operating procedures (SOPs) that specify the following:

a. An inspection checklist describing how outfalls are screened for dry weather flows (See Appendix B, Figure B.2 for an example of an outfall screening checklist);
b. Frequency of outfall inspections; Screening efforts for State and Federal properties may be tiered based on property size. For small properties (i.e., less than 100 acres), all outfalls must be screened each year. Medium size properties (i.e., 100-2,000 acres) must screen 50% of total outfalls. Large properties (i.e., mor then 2,000 acres) must screen 20% per year, up to 100 outfalls.
c. Procedures for identifying the source, and eliminating spills, illegal dumping, and other suspected illicit discharges;
d. Identification of priority areas for illicit discharge screening based on pollution potential;
e. Permittee policy to ensure illicit discharges are eliminated;
f. Procedures to inform employees, businesses, and the general public of the issues relating to illegal discharges and improper waste disposal; and
g. Coordination with adjacent MS4 operator(s)."

Permit Part IV.C.5 states the Permittee must, "Submit SOPs to MDE for review and approval within two years of permit issuance. MDE will review for consistency with guidance in Appendix B, Section II;"

Observation 4: At the time of inspection, the Facility had not developed and submitted SOPs to MDE for implementing the IDDE program. SOPs not developed and not submitted include:

- outfall screenings,
- outfall inspections, and
- identifying and responding to an illicit discharge.

In the Permit Year 2 progress report, the Facility indicated that the SOP would be completed and submitted by January 2021 (refer to Appendix C, Exhibit 2). The SOP was not submitted to MDE. During the field inspection, the Facility representatives stated they had not developed SOPs. MDE requested the illicit discharge SOPs from the Facility in the 9/13/2021 non-compliance letter (refer to Appendix C, Exhibit 3).

This request was reiterated in the non-compliance letters issued on 7/6/2022 and 5/31/2023 (refer to Appendix C, Exhibit 4). The EPA inspection team requested the illicit discharge SOPs on 8/28/2023 with no response from the facility.

Permit Part IV.C.6 states the Permittee must, "Document results of illicit discharge screening efforts, including a description of how screening locations were prioritized and any necessary follow-up investigations and remediation measures implemented to address any suspected discharge. Submit to MDE in accordance with reporting requirements; and"

Permit Part IV.C.7 states the Permittee must, "Maintain complete records of IDDE program investigations and make available to MDE during field reviews of the permittee's MS4 program."

Observation 5: At the time of the inspection, the Facility had not conducted or documented illicit discharge screening efforts. Facility representatives stated no proactive MS4 IDDE requirements were being addressed by the DCCFM staff. The Facility had not fulfilled the MDE requests "to demonstrate compliance with the minimum control measures" in the 9/13/2021 non-compliance letter (refer to Appendix C, Exhibit 3). The non-compliance letter was preceded by an email request on 2/06/2021 and reiterated in the non-compliance letters issued on 7/06/2022 and 5/31/2023 (refer to Appendix C, Exhibit 1 and 4). The EPA Inspection Team requested records of outfall screening from the past three years on 8/28/2023 with no response from the facility.

MINIMUM CONTROL MEASURE E: POST-CONSTRUCTION STORMWATER MANAGEMENT (PCSM)

The DCCFM administers the Facility's PCSM program. However, the Facility representative stated no DCCFM staff were actively working on PCSM permit requirements. Facility representatives stated CDL, the Facility's maintenance contractor, is responsible for responding to general maintenance work orders that could include PCSM related maintenance. Facility representatives explained that BMP maintenance is only completed if a BMP fails. In the Permit Year 2 progress report, the Facility indicated that an architectural and engineering (A/E) firm would complete the Urban BMP Database and all other items related to PCSMs (refer to Appendix C, Exhibit 2).

On 7/20/2023 and 7/28/2023, the EPA Inspection Team requested a copy of the Facility's most up to date BMP database, as-built plans for all structural BMPs, records of written inspections for completed structural BMPs for the past 3 years, and a list of BMP design plans submitted to MDE for approval (refer to Appendix C, Exhibit 5). No response to this request was received from the Facility.

Permit Part IV.E.3 states, "All permittees must: Maintain stormwater program implementation information and provide updates in accordance with the MS4 Progress Report that include:

a. Total number of plans submitted to MDE for review and approval;
b. Total number of as-built plans submitted to MDE and approved;
c. Verification that BMPs are maintained in accordance with MDE requirements outline on approved plans."

Observation 6: At the time of the inspection, the Facility had not ensured that BMPs were maintained in accordance with MDE requirements outlined on approved plans. DCCFM staff only perform reactionary maintenance as stated by Facility representatives. Specifically, the Facility had not provided documentation or verification that their BMPs were being maintained according to MDE-approved plans. MDE requested the Permit Year 2 progress report promised information in the 9/13/2021 non-compliance letter (refer to Appendix C, Exhibit 3). The non-compliance letter was preceded by an email request on 2/06/2021 and reiterated in the non-compliance letters issued on 7/06/2022 and 5/31/2023 (refer to Appendix C, Exhibit 1 and 4).

As of the date of this report, the Facility had not submitted information ensuring BMP maintenance in accordance with MDE requirements to MDE or the EPA Inspection Team.

Permit Part IV.E.4 states the Permittee must, "Provide training to stormwater program staff and to staff responsible for proper BMP design, performance, inspection, and routine maintenance. Report the number of trainings offered, topics covered, and number of attendees;"

Observation 7: At the time of the inspection, the Facility had not provided training on BMP design, performance, inspection, and routine maintenance to stormwater program staff and/or stormwater maintenance staff. During the field inspection closing conference, Facility representatives stated the Facility staff do not receive formal stormwater related training.

Permit Part IV.E.5 states the Permittee must, "Maintain and submit an Urban BMP database in accordance with the database structure in Appendix B, Tables B.1.a, b, and c. This information shall be submitted to MDE with annual reports."

Permit Appendix B, Section III.A.2 states, "All municipalities and State and federal agencies are required to develop and maintain an Urban BMP database in accordance with Tables B.1.a, b, and c. The database identifies all existing stormwater BMPs along with design, construction, and inspection information. This database and accompanying field inspections must be used to verify the level of water quality treatment provided for an existing BMP."

Observation 8: At the time of the inspection, the Facility had not updated their best management practices (BMPs) database submitted in Permit Year 2. The EPA Inspection Team requested a copy of the Facility's most up to date BMP database on 7/20/2023 and 7/28/2023. On 6/13/2023, MDE provided the EPA Inspection Team with a copy of the Facility's BMP database dated 10/31/2020 (refer to Appendix C, Exhibit 5). MDE requested the Permit Year 2 progress report promised information, which included an updated BMP database, in the 9/13/2021 non-compliance letter (refer to Appendix C, Exhibit 3). The non-compliance letter was preceded by an email request on 2/06/2021 and reiterated in the non-compliance letters issued on 7/06/2022 and 5/31/2023 (refer to Appendix C, Exhibit 1 and 4).

MINIMUM CONTROL MEASURE F: POLLUTION PREVENTION AND GOOD HOUSEKEEPING (PPGH)

The DCCFM administers the Facility's PPGH program. At the time of the inspection there were no practices implemented specific to PPGH permit requirements. Fuel, salt, and maintenance equipment are stored at the Jessup Correctional Institution (JCI) Storage Area and Maintenance Building. Facility vehicles can be fueled on site at the JCI Storage Area and Maintenance Buildings, and offsite at the police barracks. The Facility representatives stated that vehicle maintenance is performed by a contractor offsite.

Permit Part IV.F.1 states the Permittee must, "Ensure that appropriate staff and contractors receive training at least annually. The training must be designed to reduce or eliminate the discharge of pollutants during property operations. Training may include in-person, online, toolbox talks, on-the-job, or other formats, and permittees may build on existing training activities to fulfill this requirement. Topics must include spill prevention and response, proper disposal of waste, and periodic visual inspections to detect and correct potential discharges at properties owned or operated by the permittee;"

> **Observation 9:** At the time of the inspection, the Facility had not provided appropriate staff with annual training on how to reduce or eliminate pollutant discharges during property operations. During the field inspection closing conference, Facility representatives stated that there is no formal stormwater training in place for appropriate staff. MDE requested the Facility report on "training to reduce or eliminate the discharge of pollutants during property operations" in the non-compliance letter issued 9/13/2021 (refer to Appendix C, Exhibit 3). This request was reiterated in the non-compliance letters issued on 7/6/2022 and 5/31/2023 (refer to Appendix C, Exhibit 4). The EPA Inspection Team requested records of stormwater-related training for staff.

Permit Part IV.F.2 states the Permittee must, "Develop, implement, and maintain a good housekeeping plan for permittee owned or operated properties where any of the following activities is performed: maintenance of vehicles or heavy equipment, and handling of any of the following materials: deicers, anti-icers, fertilizers, pesticides, road maintenance materials such as gravel and sand, or hazardous materials. A standard plan may be created to address multiple properties where similar activities are conducted, provided the below items are addressed. The plan must include:

a. A description of site activities;
b. A list of potential pollutants including their sources and locations on the site. The plan must consider conveyance of stormwater entering, flowing across, and leaving the site;
c. Written good housekeeping procedures designed to prevent discharge of pollutants off site that include regular visual inspections to detect potential discharges;
d. Written procedures for corrective actions to address any release, spill, or leak on site; and
e. Documentation of any discharge, release, leak, or spill, including date, findings, and response actions."

Permit Part IV.F.3 states the Permittee must, "Quantify and report pollution prevention efforts related to the following activities:

a. Number of miles swept and pounds of material collected from street sweeping and inlet cleaning programs, as applicable;
b. Good housekeeping methods for pesticide application such as integrated pest management plans or alternative techniques;
c. Good housekeeping methods for fertilizer application such as chemical storage, landscaping with low maintenance/native species, and application procedures;
d. Good housekeeping methods for snow and ice control such as use of pretreatment, truck calibration and storage, and salt dome storage and containment; and
e. Other good housekeeping methods performed by the permittee not listed above.

Permit Part IV.F.4 states "All permittees must: Submit in the NOI a list of properties owned or operated by the permittee where the activities listed in this MCM are performed and indicate which are covered under the Maryland General Permit for Stormwater Discharges Associated with Industrial Activity. Provide an update in annual reports if the status of industrial activity permit coverage changes for any property."

Observation 10: At the time of the inspection, the Facility had not developed, implemented, or maintained a good housekeeping plan, including reporting quantified pollution prevention efforts, for Facility owned/operated properties. Further, in the Permit Year 2 progress report, the Facility reported not retaining a good housekeeping plan (GHP) (refer to Appendix C, Exhibit 2). The EPA Inspection Team requested a GHP for Facility-owned/operated properties on 7/20/2023 and 7/28/2023. MDE requested a GHP in the non-compliance letter issued 9/13/2021 (refer to Appendix C, Exhibit 3). This request was reiterated in the non-compliance letters issued on 7/6/2022 and 5/31/2023 (refer to Appendix C, Exhibit 4).

CHESAPEAKE BAY RESTORATION AND MEETING TOTAL MAXIMUM DAILY LOADS

The Permit requires Permittees to develop a Baseline Impervious Area Assessment. The Assessment is used to calculate the twenty percent impervious restoration requirement to meet Chesapeake Bay and local Total Maximum Daily Load (TMDLs). Additionally, the Permit requires the Permittee to develop an Impervious Area Restoration Work Plan that includes a long-term strategy of program development, funding, project identification, and construction scheduling. Further, the Permit requires the development of a Restoration Activity Schedule that identifies retrofit and redevelopment that was implemented between January 1, 2006, and the beginning of the Permit term and lists any projects planned for future implementation.

Permit Part V.B states, "Permittees must submit a work plan with the first year MS4 Progress Report to describe the activities and milestones that will be performed over the permit term to show progress toward the twenty percent impervious area restoration requirement. This will form the basis of a long term plan; however, the plan may be adjusted and refined as part of the adaptive management process over the course of the permit term.

A work plan, recommended in the format of Table 1 below, must be submitted to MDE annually to describe progress and any modifications necessary to remain on track with restoration requirements. A suggested work plan is provided in Table 1. Permittees may use the work plan or develop a custom plan that addresses the unique circumstances of individual permittees for MDE review and approval."

> **Observation 11:** At the time of the inspection, the Facility had not developed and submitted to MDE a Baseline Impervious Area Assessment and Restoration Target Calculation. In the Permit Year 2 progress report, the Facility reported that a site survey was completed on October 15, 2020, by the A/E firm and the Impervious Area Baseline Assessment would be submitted in January 2021 (refer to Appendix C, Exhibit 2). The EPA Inspection Team requested the "latest updated plan for" the impervious restoration requirements. Additionally, MDE requested a Baseline Impervious Area Assessment and Restoration Target Calculation in the non-compliance letter issued 9/13/2021 (refer to Appendix C, Exhibit 3). This request was reiterated in the non-compliance letters issued on 7/6/2022 and 5/31/2023 (refer to Appendix C, Exhibit 4).

Permit Part V.C states, "Permittees are required to develop a Restoration Activity Schedule (Table 2) and provide annual updates on the status of projects in the planning, construction, and final phase of implementation. A brief narrative must accompany Table 2 and describe the progress of planned restoration activities. Table 2 below provides an example of how to submit the required information. The table outlines a schedule for various BMPs under different stages of implementation during the permit term. The impervious acre baseline is indicated as 100 acres and noted in year one. With the implementation of each BMP, the balance toward achieving the restoration requirement is recalculated in the Impervious Acre Restoration Target and Balance ("Imperv Acre Target and Balance") column.

This plan must be continuously refined and updated over the duration of the permit term. By the end of the permit term, a complete list of projects required to meet the twenty percent restoration requirement must be provided. The projected implementation year must be no later than 2025.

Observation 12: At the time of the inspection, the Facility had not developed and submitted to MDE an Impervious Area Restoration Work Plan and Restoration Activity Schedule. Prior to the inspection, the EPA Inspection Team requested the "latest updated plan for" the impervious restoration requirements. Additionally, MDE requested an Impervious Area Restoration Work Plan and Restoration Activity Schedule in the non-compliance letter issued 9/13/2021 (refer to Appendix C, Exhibit 3). This request was reiterated in the non-compliance letters issued on 7/6/2022 and 5/31/2023 (refer to Appendix C, Exhibit 4).

FIELD OBSERVATIONS

MINIMUM CONTROL MEASURE E: POST-CONSTRUCTION STORMWATER MANAGEMENT (PCSM) (FIELD INSPECTIONS)

Maryland Correction Institution – Women (MCIW) Wetland Basin
Address/Location: 39.13142°, -76.77863° (South of Brock Bridge Rd.)
Relevant Minimum Control Measure (MCM): Post Construction
Entry Time: 10:00 AM (EDT) July 27, 2023
Exit Time: 10:15 AM (EDT)

Description: The MCIW Wetland Basin is located northeast of the MCIW facility. It receives stormwater from the MCIW Facility and Brock Bridge Road. The stormwater is discharged to Dorsey Run.

Observation 13: The EPA Inspection Team made the following observations at MCIW Wetland Basin:

a. The EPA Inspection Team observed heavy vegetation surrounding the wetland basin (refer to Appendix B, Photograph 1). Facility staff stated that no maintenance was performed on the vegetation surrounding the BMP since its installation.
b. The EPA Inspection Team observed a mature tree growing adjacent to one of the wetland basin inlets (refer to Appendix B, Photographs 2 and 3).
c. The EPA Inspection Team observed cattail growth at the forebay outlet and the wetland basin outlet (refer to Appendix B, Photograph 4).
d. After the field inspection, on July 28, 2023, the EPA Inspection Team requested as-built design plans for the wetland basin. However, these records were not received as of the date of this report.

MINIMUM CONTROL MEASURE C: ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE) (FIELD INSPECTIONS)

MCIW Parking Lot Outfall
Address/Location: 39.13271°, -76.77432°
Relevant Minimum Control Measure (MCM): IDDE
Entry Time: 10:20 AM (EDT) July 27, 2023
Exit Time: 10:30 AM (EDT)

Description: The MCIW Parking Lot Outfall (hereinafter, MCIW Outfall), discharges to a vegetated area northeast of the MCIW facility and appears to receive stormwater from the MCIW parking area.

Observation 14: The EPA Inspection Team made the following observations at the MCIW Outfall:

a. Sediment had accumulated at the MCIW outfall inflow structure directly down gradient of the MCIW parking area (refer to Appendix B, Photograph 5).
b. The EPA Inspection Team observed heavy vegetation at the entrance and exit of the outfall culvert (refer to Appendix B, Photographs 6 and 7).

MINIMUM CONTROL MEASURE E: POST-CONSTRUCTION STORMWATER MANAGEMENT (PCSM) (FIELD INSPECTIONS)

Dorsey Run Correction Facility (DRCF) Swale and Wet Pond
Address/Location: 39.13986°, -76.77578°, (the Swale is east, and the Wet Pond is north of DRCF)
Relevant Minimum Control Measure (MCM): Post Construction
Entry Time: 10:40 AM (EDT) July 27, 2023
Exit Time: 11:20 AM (EDT)

Description: The DRCF Swale and Wet Pond receives stormwater from all the Facility buildings, except the MCIW building. The DRCF Wet Pond, situated at the Facility's low point, was integrated into the stormwater management system in the 1980s. The DRCF Wet Pond was retrofitted with a dam and spillway 2-3 years prior to the inspection.

Observation 15: The EPA Inspection Team made the following observations at the DRCF Swale and Wet Pond:

a. The swale leading to the DRCF Wet Pond had no excessive vegetation or debris (refer to Appendix B, Photograph 8). The swale was being mowed at the time of the inspection.
b. Views of the wet pond and its inflow and spillway structures (refer to Appendix B, Photographs 9-14).
c. The inflow structure associated with the vegetated swale was surrounded by overgrown vegetation. The Facility employees did not know where other DRCF Wet Pond inflow structures were located.
d. After the field inspection on July 28, 2023, the EPA Inspection Team requested as-built design plans for the wet pond. However, these records were not received as of the date of this report.

MINIMUM CONTROL MEASURE F: POLLUTION PREVENTION AND GOOD HOUSEKEEPING (FIELD INSPECTIONS)

JCI Storage Area and Maintenance Buildings
Address/Location: 39.141427°, -76.779071°
Relevant Minimum Control Measure (MCM): PPGH
Entry Time: 11:30 AM (EDT) July 27, 2023
Exit Time: 11:55 AM (EDT)

Description The JCI Storage Area and Maintenance Buildings (hereinafter, JCI Storage Area) are the primary facilities used to store salt, fuel, used oil, batteries, ground maintenance equipment, and general facility items as well as the location of facility fuel station.

Observation 16: The EPA Inspection Team made the following observations at the JCI Storage Area:

a. The salt storage area adjacent to the southern maintenance building was partially covered by the building's awning; however, the salt extended outside the coverage of the awning (refer to Appendix B, Photographs 15-17). The salt was enclosed on two sides; the other sides lacked any containment controls.
b. The EPA Inspection Team observed salt migrating west, towards Dorsey Run. A silt fence was installed down gradient of the storage area at the time of inspection.
c. Used battery storage was located under the awning of the southern maintenance building; however, batteries were placed on the ground in a location that could be exposed to stormwater (refer to Appendix B, Photograph 18).
d. Uncovered underground pipe insulation material was adjacent to the southern maintenance building (refer to Appendix B, Photographs 19 and 20).
e. Spilled solvents were found on the floor of the northern maintenance building with tire tracks leading away from the spill (refer to Appendix B, Photographs 21 and 22). Cardboard was used to control the spill. The EPA Inspection Team did not observe floor drains in the northern maintenance building.
f. The EPA Inspection Team observed floor drains in the southern maintenance building. The maintenance building staff were unaware of where the floor drains inside the southern maintenance building connect to, such as sanitary or storm conveyance (refer to Appendix B, Photograph 23).
g. A stocked spill kit was located next to the 2,000-gallon diesel fuel storage tank and fueling area (refer to Appendix B, Photograph 26).
h. Two used oil tanks of unknown quantity were located adjacent to the southern maintenance building (refer to Appendix B, Photograph 24). An inlet was located directly down gradient of the used oil tanks (refer to Appendix B, Photograph 25). Maintenance building staff had no knowledge of where the inlet discharges. The EPA Inspection Team did not observe a spill kit next to the two used oil tanks; the nearest spill kit was the one mentioned in Observation 7 (refer to Appendix C, Exhibit 6).

MINIMUM CONTROL MEASURE D: CONSTRUCTION SITE STORMWATER RUNOFF CONTROL (FIELD INSPECTIONS)

Electrical System Upgrade Active Construction Site
Address/Location: 39.141498°, -76.777057° (North of House Correction Rd.)
Entry Time: 12:00 PM (EDT) July 27, 2023
Exit Time: 12:05 PM (EDT)

Description: This in-field inspection does not constitute a full assessment of this minimum control measure. The active construction site for the electrical system (hereafter, Electric Construction Site) upgrade was chosen due to the observation that a section of the silt fence was removed as the EPA Inspection Team passed by during the field inspection.

Observation 17: The EPA Inspection Team made the following observations at the proposed site for the Electric Construction Site:

a. A portion of the silt fence was removed during active construction upgradient of the DRCF Wet Pond (refer to Appendix B, Photograph 27).
b. Evidence of large construction equipment exiting and entering the construction site from the opening in the silt fence. Large patches of grass were removed, exposing sediment to runoff. Additionally, there were no sediment control devices, i.e., vehicle tracking pad, associated with the temporary silt fence opening (refer to Appendix B, Photographs 28 and 29).
c. The Facility representative confirmed with the contractor that the silt fence was re-installed at the close of each day (refer to Appendix C, Exhibit 7).

MINIMUM CONTROL MEASURE E: POST-CONSTRUCTION STORMWATER MANAGEMENT (PCSM) (FIELD INSPECTIONS)

Maryland Correctional Institution – Jessup (MCIJ) Wet Pond
Address/Location: 39.140913°, -76.770693°, (East of the MCIJ Facility)
Relevant Minimum Control Measure (MCM): Post Construction
Entry Time: 12:10 PM (EDT) July 27, 2023
Exit Time: 12:20 PM (EDT)

Description: The MCIJ Wet Pond receives stormwater runoff from the MCIJ parking area through a series of inlets and storm pipes. The pond outfalls to a vegetated area east of the MCIJ facility.

Observation 18: The EPA Inspection Team made the following observations at the MCIJ Wet Pond:

a. The MCIJ Wet Pond banks were heavily vegetated (refer to Appendix B, Photographs 30 and 31).
b. Sediment had accumulated within one of the stormwater inlets to the wet pond (refer to Appendix B, Photographs 32 and 33).
c. An eroded channel, independent of the outfall's flow path, east of the outfall, was present at the time of the inspection (refer to Appendix B, Photograph 34).
d. Sediment accumulated in the eroded channel, adjacent to the outfall, resulting in standing water (refer to Appendix B, Photograph 35).
e. After the field inspection on July 28, 2023, the EPA Inspection Team requested as-built design plans for the wet pond. However, these records were not received as of the date of this report.

Jessup Correctional Institution (JCI) Infiltration Basin
Address/Location: 39.14680°, -76.77937° (Northeast of the JCI Facility)
Relevant Minimum Control Measure (MCM): Post Construction
Entry Time: 12:30 PM (EDT) July 27, 2023
Exit Time: 12:40 PM (EDT)

Description: The JCI Infiltration Basin receives stormwater runoff from the JCI parking area and House of Correction Road. The JCI Infiltration Basin outfalls to the northwest towards Dorsey Run.

Observation 19: The EPA Inspection Team made the following observations at the JCI Infiltration Basin:

a. Heavy algae growth in the pond (refer to Appendix B, Photographs 36 and 37).
b. Evidence of erosion and areas of exposed sediment were present adjacent to the riprap from the JCI parking area, the riprap along House of Corrections Road, and the inflow pipe on the southwest side of the infiltration basin (refer to Appendix B, Photographs 37 and 38).
c. The EPA Inspection Team observed petroleum product on the ground between House of Correction Road and the JCI Infiltration Basin (refer to Appendix B, Photograph 39).
d. A broken flared end section (FES) associated with the inflow pipe was observed on the southwest side of the infiltration basin (refer to Appendix B, Photographs 40 and 41). The EPA Inspection Team observed undercutting of the channel banks and standing water downstream of the FES due to sediment deposition and accumulation.
e. The EPA Inspection Team was unable to see the outfall structure through the vegetation growth (refer to Appendix B, Photograph 42).
f. After the field inspection on July 28, 2023, the EPA Inspection Team requested as-built design plans for the infiltration basin. However, these records were not received as of the date of this report.