



REGION 3

PHILADELPHIA, PA 19103

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 03/20/2024
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Construction Stormwater
Site/Facility Name: Howard Road/The Bridge District
Permittee(s): Wiles Mensch
Site/Facility Operator: HITT Contracting Inc.
Site/Facility Address: 632 Howard Rd SE, Washington, DC 20020 (Howard Road)
 Latitude/Longitude: 38.8652, -77.0006
 633 Howard Rd SE, Washington, DC 20020 (The Bridge District)
 Latitude/Longitude: 38.8639, -76.9994
Permit Number(s): DCR1000B4 (Howard Road)
 Effective Date: 9/29/2022
 Expiration Date: 2/16/2027
 DCR1000CI (The Bridge District)
 Effective Date: 10/04/2023
 Expiration Date: 02/16/2027
Unique Project #(s): ECAD-5394 (Howard Road), ECAD-5395 (The Bridge District)

Site/Facility Representative(s):	Point of Contact
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I. Introduction

On March 20, 2024, an inspection team composed of representatives from the U.S. Environmental Protection Agency (“EPA”) Region 3 and a representative from the Washington Department of Energy and Environment (“DOEE”) (hereinafter, the “EPA Inspection Team”) conducted a compliance evaluation inspection (“CEI”) of the Howard Road and The Bridge District construction sites (hereinafter, “the sites”). The purpose of the inspection was to verify compliance with the Clean Water Act, National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) for Stormwater Discharges from Construction Activities for Permit Nos. DCR1000B4 and DCR1000CI (the “Permits”), and other applicable regulations.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the sites at approximately 8:45 a.m. for the inspection. Inspectors met with the following representatives:

Table 1: Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Region III Inspectors and Contractors			
Dominic Cotton	USEPA Region 3	215-814-2046	cotton.dominic@epa.gov
Pete Gold	USEPA Region 3	215-814-5236	gold.peter@epa.gov
Johannah Jacobson	USEPA Region 3	215-814-2318	jacobson.johannah@epa.gov
State/Local Inspectors			
Robert Burnett	DC DOEE	202-578-6237	robert.burnett@dc.gov
Site/Facility Representatives			
Alexander D’Costa	HITT	703-479-0147	adcosta@hitt-gc.com
Eric Masciantonio	HITT	571-233-9797	emasci@hitt-gc.com
Jeremy Zelinger	HITT	703-559-0178	jzelinger@hitt-gc.com
Joel Causey	Redbrick LMD	202-629-7131	joelcause@redbricklmd.com
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Jeremy Feath	Redbrick LMD	814-935-9413	jfeath@redbricklmd.com

Dominic Cotton, Pete Gold, and Robert Burnett displayed their credentials to the sites representatives at the outset of the inspection, and explained the purpose of the inspection was to observe compliance with the site’s Permits. A copy of the CGP is provided in Attachment 1. The EPA Inspection Team informed the sites representatives that any information that the sites 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 61° partly cloudy with gusts of wind. The 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
Washington 2.2 ESE, DC US US1DCDC0040	3/15/2024	0.00
Washington 2.2 ESE, DC US US1DCDC0040	3/16/2024	0.03
Washington 2.2 ESE, DC US US1DCDC0040	3/17/2024	0.00
Washington 2.2 ESE, DC US US1DCDC0040	3/18/2024	0.00
Washington 2.2 ESE, DC US US1DCDC0040	3/19/2024	0.00
Washington 2.2 ESE, DC US US1DCDC0040	3/20/2024	0.00

II. Site Activity

Howard Road and The Bridge District construction sites are situated in Southeast DC along the Anacostia River adjacent to the Frederick Douglas Bridge. These inspections were part of a group of inspections within a larger construction site. The location, once developed, will be a community comprised of retail buildings and mixed-housing units. The construction site is approximately 7.25 acres (915,000 sq. ft.) and comprised of 8 parcels. According to site representative Joel Causey, the 8 parcels are owned by Redbrick LMD while HITT is the general contractor for the construction project. Working with HITT on site is Schuster Concrete Ready Mix-Bridge, a subcontractor of HITT, Clark Construction (who is responsible for utilities and water sanitary systems), and PepCo (who is responsible for dry utilities).

Howard Road is located on Parcels 1 and 2, which contains the Sandlot Picnic Area, parking lot, and a Redbrick Trailer. A fence separates Parcels 1 and 2 from the HITT Construction Trailer and Laydown yard.

The Bridge District is located on Parcels 3 and 4.

Schuster Concrete Ready Mix-Bridge District Portable-2 is located on Parcel 5. Clark Construction is situated on Parcel 6, while PepCo is on Parcel 7.

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

Parcels 2, 5, 6, and 7 are currently being utilized as construction storage/equipment laydown yards. Parcel 8 did not have any construction activity occurring at the time of the inspection.

At the time of the inspection, the Howard Road site was being used as a laydown yard for construction equipment, and where the HITT office trailer is housed. A crane was being utilized on this site to build the building on the Bridge District site.

Construction for the Bridge District site started around October 2022 and it is projected to be completed by August 2025. When completed the site will be a mixed-housing building comprised of 750+ housing units with affordable living quarters for residents within the DC Metro area. At the time of the inspection, the multi-housing units on this site were being constructed. The multi-housing unit is composed of two below ground level parking garages with ground level and living quarters atop. Within the lower-level garage (basement), lies a sump pump. According to HITT representative Jeremy Zelinger, whenever water encounters the construction site (building), the majority of the storm water is directed to the sump pumps. The HITT representative also explained the site dewatering systems consists of a network of hoses traversing through the construction site that allows storm water to enter pits underground that are connected to a manifold which feeds into sump pumps. The water exits the sump pumps via pump hose, then enters the frac tanks where it is conditioned (treated). When the captured water is inside the frac tanks, the water is treated with multiple chemical and charcoal filters prior to being placed back into shared storm sewer structures located on Howard Rd SE. The curb inlet, like all the other storm drain units on Howard Rd. SE, are connected to the DC MS4 that discharges to an outfall along the Anacostia River.

All floor drains, on the lower level, within the Bridge District building are connected to the same manifold and discharges accordingly. According to HITT representative, there is at least one ground water pump used at the site location. Also, inside the lower-level garage, there is a pump hose used for concrete pouring.

HITT representatives stated that self-inspections are conducted after every rain event and self-inspections are conducted daily for Erosion and Sediment Control. Site representatives stated street sweeping is conducted on an as needed basis.

III. Observations

The inspection observations were made pursuant to the requirements of the Permits. The observations from the inspection are described in detail below. Photographs were taken during the inspection by Pete Gold and are provided in Attachment B (Photograph Log). Unused photographs are available upon request.

Permit Coverage:

Permit Requirement:

Part 1.1.2.a of the 2022 CGP describes when an operator would need to seek permit coverage and states, “Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale (as defined in Appendix A) that will ultimately disturb one or more acres of land.”

Observation 1:

The EPA Inspection Team was able to obtain Notices of Intent (NOIs) for Parcels 1 through 5 via EPA’s Permit Search Tool. There were no NOIs in the Permit Search Tool for Parcels 6 and 7. The EPA Inspection Team spoke with DC DOEE representatives on April 3, 2024. DC DOEE did not have records of permit coverage for Parcels 6 and 7.

Erosion and Sediment Controls:

Permit Requirement:

Part 2.2.3 of the 2022 CGP states “Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas.”

Part 2.2.3.c of the 2022 CGP states “After installation, to ensure that perimeter controls continue to work effectively....

- i. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control; and
- ii. After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem.”

Part 2.1.4 of the 2022 CGP states, “Ensure all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

- a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.
- b. If at any time you find that a stormwater control needs routine maintenance (i.e., minor repairs or other upkeep performed to ensure the site’s stormwater controls remain in effective operating condition, not including significant repairs or the need to install a new or replacement control), you must immediately initiate the needed work, and complete such work by the close of the next business day. If it is infeasible to complete the routine maintenance by the close of the next business day, you must document why this is the case and why the repair or other upkeep to be performed should still be considered routine maintenance in your inspection report under Part 4.7.1c and complete such work no later than seven (7) calendar days from the time of discovery of the condition requiring maintenance.

Observation 2:

The EPA Inspection Team observed several areas at the sites where perimeter controls appeared to need maintenance or may not have been installed as per the specification sheet (DOEE DWG 301.1 in the Erosion and Sediment Control Plan (E&S Plan)). Attachment E contains the E&S Plans.

These areas included locations at the Howard Road site, including:

- Super silt fence alongside a bike path appeared to be downed (Photographs P3200012 through P3200015).
- Super silt fence in proximity to Cedar Tree Academy school of the site appeared to be downed (Photograph P3200026).
- Super silt fence alongside a perimeter of the site appeared to be downed (Photograph P3200030).
- Super silt fence in proximity to Cedar Tree Academy appeared to have a gap and the super silt fence posts did not appear to be spaced to specifications (Photograph P3200031).
- Super silt fence alongside Howard Road SE appeared to have torn fabric and appeared to be undermined (Photograph P3200032).
- There did not appear to be perimeter controls installed completely along the fence line at the construction entrance of Howard Road (Photograph P3200038).

These areas included locations at the Bridge District site, including:

- Several sections of super silt fence along the perimeter of the site appeared to be downed or have spacing between fence posts that did not appear to be spaced to specifications (Photographs P3200050-P3200056).

These areas included locations at the Parcel 7 site, including:

- Super silt fence along the perimeter of the area appeared to be downed or uninstalled in several locations (Photographs P3200086-P3200089).
- An area adjacent to WMATA road had super silt fence that appeared to be downed (Photographs P3200093 and P3200095).
- Perimeter controls appeared to be overburdened by stockpiles (Photographs P3200096 and P3200098).
- Super silt fence appeared to be toppled (Photograph P3200100, P3200111, and P3200103).
- Super silt fence appeared to have material stored on top (Photograph P3200106).
- Super silt fence alongside the perimeter of WMATA road appeared to be downed and appeared to not be installed in some locations (Photographs P3200110, P3200111, and P3200115).

Permit Requirement:

Part 2.2.4.c of the 2022 CGP requires the operator to “Implement additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit.”

Observation 3:

During the inspection, the EPA Inspection Team observed multiple stabilized construction entrances (SCEs) that did not appear to meet the 50-foot minimum as shown in the specification sheet (DOEE DWG NO 202.1 of the E&S Plan). The SCEs and the wash racks appeared to be clogged with sediment. The EPA Inspection Team observed apparent track out onto Howard Rd. SE

For the SCE at Howard Road SE, see Photographs P3200003 and P3200039.

For the SCE at Parcel 6, see Photograph P3200066.

For the SCE at Parcel 7, see Photographs P3200104-P3200106.

Permit Requirement:

Part 2.2.5 of the 2022 CGP states “Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:

- b. “Install a sediment barrier along all downgradient perimeter areas of stockpiled soil or land clearing debris piles;”
- c. “For piles that will be unused for 14 or more days, provide cover 2.2.14) or appropriate temporary stabilization (consistent with Part 2.2.14).”

Observation 4:

During the inspection, the EPA Inspection Team observed several stockpiles with no observed perimeter controls, or damaged perimeter controls around them. HITT representatives were unaware the last time the stockpiles were used once placed onsite. The EPA Inspection Team did not observe covers on the stockpiles.

For the stockpiles at Howard Road, see Photograph P3200034.

For the stockpiles at Parcel 7, see Photographs P3200088 and P3200092.

Permit Requirement:

Part 2.2.10.a of the 2022 CGP states ““Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater from your site to a receiving water....”

Part 2.2.10.b of the 2022 CGP states “Clean, or remove and replace, the inlet protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised...”

Observation 5:

During the inspection, the EPA Inspection Team observed several storm drain units with worn gutter buddies protecting curb inlets. The EPA Inspection team also observed inlets with no inlet protection or what appeared to be damaged inlet protection. Specifications for inlet protection can be seen in DOEE DWG NO 307.3 of the E&S Plan.

For the inlets at Bridge District, See Photographs P3200049, P3200059, and P3200060.

For the inlets at Parcel 7, see Photographs P3200088, P3200091, P3200114, and P3200116.

Pollution Prevention:

Permit Requirement:

Part 2.3.3.c.ii.(c) of the 2022 CGP states in regards to containers of 55-gallons or “Provide either (1) cover (e.g., temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or (2) secondary containment (e.g., curbing, spill berms, dikes, spill containment pallets, double-wall, above-ground storage tank);...” Part (d) requires the facility to “Have a spill kit available on site that is in good working condition...”

Part 2.3.3.c.iii of the 2022 CGP states “Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.”

Observation 6:

The EPA Inspection Team observed multiple potential oil spills and/or organic chemical spills throughout areas of the construction site.

For the potential spills at Howard Road, see Photograph P3200033.

For the potential spills at Bridge District, see Photograph P3200062.

For the potential spills at Parcel 6, see Photographs P3200072 and P3200080.

Observation 7:

During the inspection, the EPA Inspection Team observed several 55-gallon (unlabeled) drums not in use that were not under a roof or within secondary containment.

For the drums at Parcel 6, see Photographs P3200077 and P3200079.

Observation 8:

The EPA Inspection Team did not observe spill kits around areas that have the potential for leaks or spills.

Permit Requirement:

Part 2.3.4.b.i.(b) of the 2022 CGP addresses concrete washout and states “Do not allow liquid wastes to be disposed through infiltration or to otherwise be disposed of on the ground...”

Observation 9:

The EPA Inspection Team observed several areas with potential hardened concrete washout material, slurry, and used concrete liners on the ground.

For the areas observed with this material at Howard Road, see Photographs P3200005, P3200006, and P3200035.

For the areas observed with this material at Bridge District, see Photographs P3200040, P3200042, and P3200073-P3200076.

Good Housekeeping:

Permit Requirement:

Part 2.3.3.e.i of the 2022 CGP addresses construction and domestic wastes and states operators to “Provide waste containers (e.g. dumpster, trash receptacle) of sufficient size and number to contain construction and domestic wastes.”

—Observations 10:

The EPA Inspection Team observed loose construction and domestic waste throughout the construction sites.

For the material at Howard Road, see Photographs P3200020 and P3200029.

For the material at Parcel 7, see Photograph P3200085.

Stormwater Pollution Prevention Plan (SWPPP):

Permit Requirement:

Part 7.2 of the 2022 CGP states “At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit...”

Part 7.2.4.b.iii of the 2022 CGP states “Locations where sediment, soil, or other construction materials will be stockpiled.”

Part 7.2.6.i of the 2022 CGP states “A description of the specific control(s) to be implemented to meet these requirements.”

Part 7.3 of the 2022 CGP states “You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a State, Tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).92”

Observation 11:

During records review, the EPA Inspection Team reviewed, what appeared to be, the construction sites SWPPP. The SWPPP binder did not contain all contents related to construction activities such as a SWPPP for the entire construction site, site map, training documents, corrective action plans, Erosion and Sediment Control plans, and Stormwater Management Plans.

Observation 12:

During records review, the location of sediment or gravel stockpiles did not appear to be on the Site Map of the SWPPP document. The location of the stockpiles can be viewed in Photographs P3200034, P3200091, and P3200092.

Observation 13:

During records review, the location of the frac tanks and dewatering procedure was not included on the Site Map of the SWPPP document (Photographs P3200068, P3200082, and P3200116).

Inspections:

Permit Requirement:

Part 4.2. of the 2022 CGP states “At a minimum, you must conduct a site inspection.....”

Part 4.2.1 states “At least once every seven (7) calendar days; or”

Part 4.2.2 states “Once every 14 calendar days and within 24 hours of the occurrence.” Part (a) states “A storm event that produces 0.25 inches or more of wain within a 24-hour period.”

—Observation 14:

During the inspection, a HITT representative stated the permitted Howard Road site was not routinely inspected. The Inspection Team observed Parcels 6 & 7, where construction material and stockpiles are staged. These areas did not appear to be routinely inspected either.

IV. Records Review

During the closing conference, the EPA Inspection Team reviewed documentation including the SWPPP, Site Maps, Building Civil Permits, and Parcel Allocation Map were sent to the EPA Inspection Team and received on April 3, 2024. A copy of the Permit is provided under Attachment 1.

V. Closing Conference

After the site walk, the EPA Inspection Team met with the HITT and Redbrick 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 1:30 PM (EST).

VI. List of Attachments

Attachment 1: 2022 NPDES Construction General Permit (CGP) for Stormwater Discharges from Construction Activities

Attachment 2: Photograph Log

Attachment 3: Bridge District – Parcel Allocation Map

Attachment 4: Plans for Parcels 1 & 2

Attachment 5: Plans for Parcel 5

Attachment 6: Erosion and Sediment Control Drawings for Parcels 3 & 4