


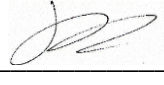


**U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
CLEAN WATER ACT  
COMPLIANCE INSPECTION REPORT**

**for**

**Name of Site:** The Parks at Walter Reed  
**Site Address:** 6900 Georgia Avenue NW, Washington D.C., 20012  
**Mailing Address:** 6900 Georgia Avenue NW, Washington D.C., 20012

Report Prepared on: April 28, 2022 By: , PG  
*Date Signature*

Report Final as of: May 4, 2022 By: , EPA  
*Date Signature*

**General Information**

**Type of Inspection:** Construction Stormwater  
**Owner:** TPWR Developer, LLC  
**Operator:** CBG Building Company  
**Permittee:** CBG Building Company (DCR10007L)  
Bowman (DCR100090)  
**NOI Submittal Date:** February 25, 2020 (DCR10007L)  
July 21, 2021 (DCR100090)  
**Date of CGP Coverage:** Unknown  
**NPDES ID:** DCR10007L (Plaza)  
DCR100090 (Parcels A-F-G)  
**Project Start Date:** March 19, 2020  
**Estimated Project End Date:** End of 2023  
**Area to be Disturbed (acres):** 2 (for the Plaza, per DCR10007L NOI)  
4.25 (for Parcels A-F-G, per DCR100090 NOI)  
**Receiving Water and/or MS4:** Washington, D.C. MS4

**On-Site Inspection Overview**

On March 23, 2022, U.S. Environmental Protection Agency (EPA) contractors from PG Environmental and Eastern Research Group, Inc. (ERG) and a representative from EPA Headquarters (hereinafter, EPA Inspection Team) conducted a construction stormwater inspection of the Parks at Walter Reed construction site (hereinafter, site). Staff from the Washington, DC Department of Energy and Environment (DOEE) was present for the inspection.

**Inspection Date:** March 23, 2022    **Entry Time:** 11:45 AM (EDT)    **Exit Time:** 1:50 PM (EDT)

**Unique Project Identification (UPI):** 3E22WN073A

**I. INTRODUCTION**

On March 23, 2022, U.S. Environmental Protection Agency (EPA) contractors from PG Environmental and Eastern Research Group, Inc. (ERG) and a representative from EPA Headquarters (hereinafter, EPA Inspection Team) conducted a construction stormwater inspection of the Parks at Walter Reed construction site (hereinafter, site). Staff from the Washington, DC Department of Energy and Environment (DOEE) was present for the inspection. The primary purpose of the inspection was to observe compliance with EPA’s 2017 National Pollutant Discharge Elimination System (NPDES) Construction General Permit (hereinafter CGP or Permit). A copy of the Permit is provided in Appendix A. Photographs taken during the inspection by Mr. Jake Albright of PG Environmental and Ms. Kelly Davis of ERG are provided in Appendix B, and supporting documentation is provided in Appendix C.

**Description of Construction Site**

The overall development consists of construction of multiple multifamily buildings and townhomes, office buildings, new roads, a parking garage, and a plaza area. The entire multi-phase project encompasses approximately 60-65 acres, of which about 25 acres appeared to be within the construction limits at the time of the inspection; much of that area was disturbed. According to site representatives, the project is broken into several smaller sections, each of which had a separate building permit issued by DOEE (see Figure 1).

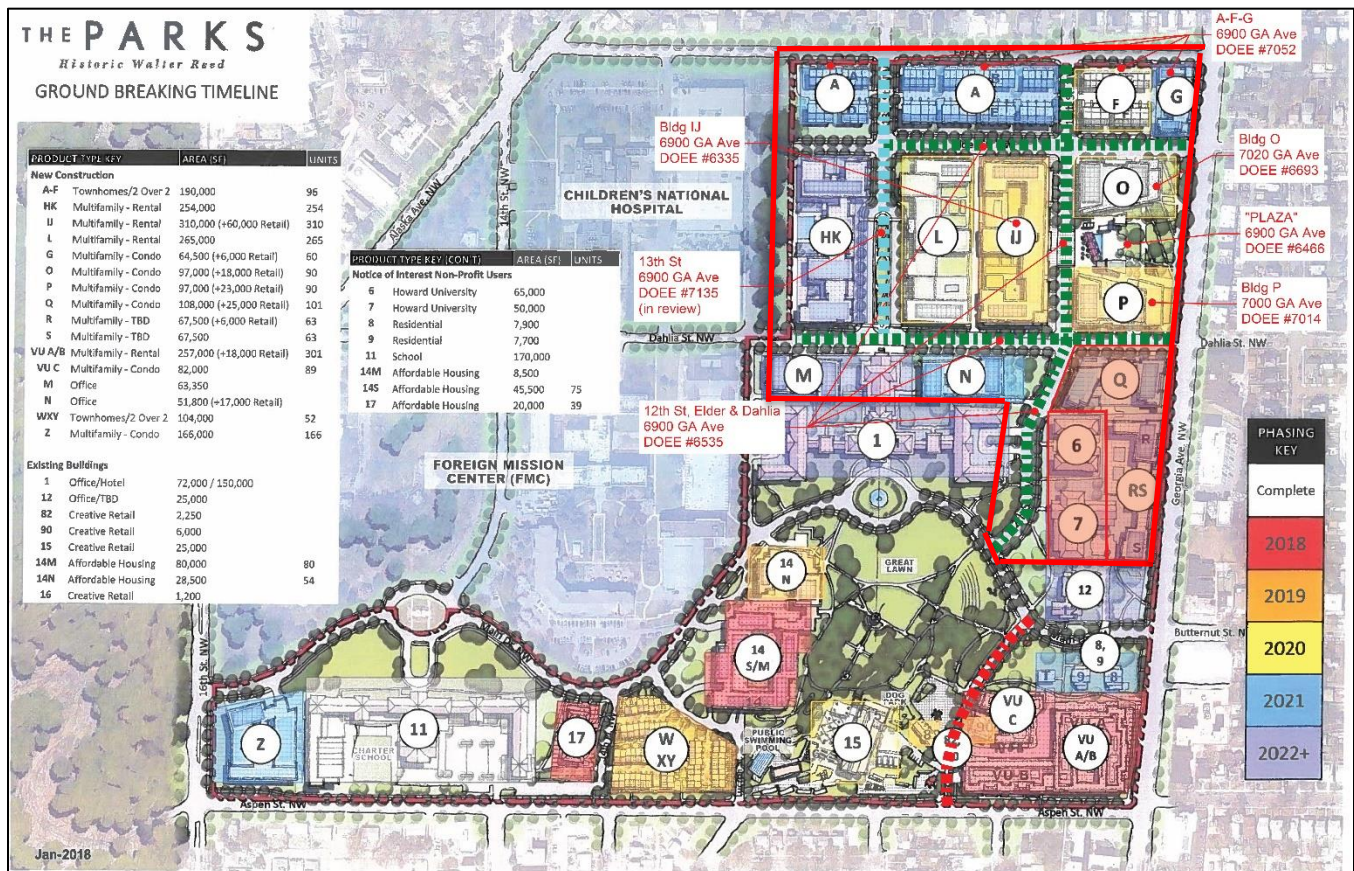


Figure 1. Overview of the entire site. The red line encompasses the approximate areas of the site under construction, most of which was disturbed, at the time of the inspection.

The EPA inspection focused primarily on the Building IJ (DOEE #6335), plaza (DOEE #6466), and roadway (DOEE #6535) portions of the project; however, the EPA Inspection Team walked the entirety of the site to document ongoing construction activity of the entire development. At the time of the inspection, the project was undergoing demolition of some parcels (e.g., HK and L), site grading, road construction, utility installation, and vertical construction of multiple buildings (e.g., Buildings IJ, O, and P) in the northern and eastern portions of the site (see Figure 1). The area for Parcels A-F-G (DOEE #7052) had been cleared, but vertical construction had not started.

The site was accessed through two stabilized construction entrances along Georgia Avenue NW on the eastern perimeter. Much of the runoff from the northern portion of the site around Building IJ was directed to a dewatering pit in the lower level of the subsurface garage. Runoff from the Building IJ area was collected, pumped through a filter and returned to the pit for multiple cycles prior to being discharged to the Washington, D.C. Municipal Separate Storm Sewer System (MS4). Other runoff onsite was collected in sediment ponds and low spots throughout the site. A tire wash rack and runoff from the immediate surrounding area in the northeastern portion of the site, near the northern-most entrance (between Buildings G and O in Figure 1), was observed discharging into the curblin located offsite along Georgia Avenue NW. Multiple DC MS4 catch basins were located in the curblin.

The site was being developed by TPWR Developer, LLC (a joint venture between Hines, Urban Atlantic, and Triden) with Clark Building Group as the general contractor for the Building IJ, plaza, and roadways part of the project. Strittmatter was the site contractor responsible for installing and maintaining erosion and sediment controls. Wetland Studies and Solutions was maintaining the Stormwater Pollution Prevention Plan (SWPPP) and conducting erosion and sediment control inspections at the time of the EPA inspection. Clark Building Group was also performing periodic independent site inspections at the time of the inspection.

## II. INSPECTION PROCESS

### Inspection Opening Conference

Mr. Jake Albright with PG Environmental presented his Clean Water Act credential to the site representatives upon arrival at the site. The EPA Inspection Team explained that the purpose of the inspection was to observe compliance with the CGP. The EPA Inspection Team informed the Permittee that any information 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. Table 1 describes the individuals that participated in the inspection.

**Table 1. Inspection Participants**

Name	Title/Affiliation	Contact Information
<b>Inspectors:</b>		
Jake Albright	Inspector – PG Environmental (U.S. EPA Contractor)	Phone: (703) 956-1957 Email: jake.albright@pgenv.com
Kelly Davis	Inspector – ERG (U.S. EPA Contractor)	Phone: (703) 633-1646 Email: Kelly.davis@erg.com
John Kosco	PE, CPESC - U. S. EPA Headquarters, OECA	Phone: (202) 564-1858 Email: kosco.john@epa.gov

<b>DOEE Representative:</b>		
Brent Levy	Inspector – DOEE	Phone: (202) 329-7138 Email: brent.levy@dc.gov
<b>Site Representatives:</b>		
Andy Crane	Construction Manager, Hines Interests Limited Partnership (part of TPWR Developer, LLC)	Phone: (202) 425-2248 Email: Andy.Crane@hines.com
Bryan Langan	Superintendent, Clark Building Group	Phone: (301) 787-1935 Email: bryan.langan@cbgbc.com
Kevin Ober	Superintendent, Clark Building Group	--

### Weather and Precipitation:

During the inspection, it was overcast with periods of moderate to heavy rain, and temperatures averaging approximately 55 degrees Fahrenheit. National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the inspection and 5 days prior are provided in Table 2.

**Table 2. Precipitation Preceding Inspection of The Parks at Walter Reed**

Station Name	Date	Precipitation Amount (inches) <sup>1</sup>
TAKOMA PARK 0.6 NNW, MD US (US1MDMG0042)	March 18, 2022	0.19
TAKOMA PARK 0.6 NNW, MD US (US1MDMG0042)	March 19, 2022	0
TAKOMA PARK 0.6 NNW, MD US (US1MDMG0042)	March 20, 2022	0
TAKOMA PARK 0.6 NNW, MD US (US1MDMG0042)	March 21, 2022	0
TAKOMA PARK 0.6 NNW, MD US (US1MDMG0042)	March 22, 2022	0
TAKOMA PARK 0.6 NNW, MD US (US1MDMG0042)	March 23, 2022	0*

\*The closest weather station to the site reported 0 inches for March 23, 2022; however, as noted above, the EPA Inspection Team experienced periods of moderate to heavy rain during the inspection on March 23.

### Records Review

During the inspection, the EPA Inspection Team obtained and reviewed documentation regarding compliance with the Permit and implementation of the SWPPP. The EPA Inspection Team reviewed the SWPPP, Notice of Intent (NOI), inspection reports, erosion and sediment control (E&S) plans, E&S self-inspection reports, and total suspended solids (TSS) monitoring results for dewatering activities during the inspection as well as obtained electronic copies of the information following the inspection.

### III. PERMIT REQUIREMENTS AND OBSERVATIONS

During the inspection, the EPA Inspection Team observed E&S best management practices (BMPs), areas of disturbance, stormwater discharge points, materials handling and storage areas, construction entrances/exits, and stormwater drainage/conveyance areas. The observations detailed below were made pursuant to provisions of the 2017 CGP.

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



DCR100090; 4.25 disturbed acres according to the NOI; refer to Appendix C, Exhibit 1) and the Plaza (Permit No. DCR10007L; 2 disturbed acres according to the NOI; refer to Appendix C, Exhibit 2). These areas are shown outlined in red in Figure 2.

Site representatives stated they were unaware of any other parcel/building projects that had obtained coverage for their portion of the development. The EPA Inspection Team was unable to verify coverage for any of the other parcels in EPA's eNOI database. Disturbed areas apparently without Permit coverage were observed in the following locations as labelled in Figure 1: O, P, IJ, L, HK, M, and N as well as the three new roads being constructed at the site, 12<sup>th</sup> Street, Dahlia, and Elder (shown as green dotted lines in Figure 1).

**Permit Part 1.5** requires the permittee to, “post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site... At a minimum, the notice must include:

- a. The NPDES ID (i.e., permit tracking number assigned to your NOI);
- b. A contact name and phone number for obtaining additional construction site information;
- c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: “If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [include the appropriate CGP Regional Office contact information found at <https://www.epa.gov/npdes/contact-us-stormwater#regional>];” and
- d. The following statement ‘If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the EPA through the following website: <https://www.epa.gov/enforcement/report-environmental-violations>.’”

**Observation 2.** The EPA Inspection Team observed the following Permit-required elements were not posted on a sign or other notice of permit coverage at the site:

- a. The NPDES ID.
- b. A URL for the SWPPP or a statement to request a copy of the SWPPP from the EPA Regional Office if desired.
- c. A statement to contact EPA if indicators of stormwater pollutants in the discharge or receiving waterbody are observed.

Two signs were observed on the perimeter of the site (one for 7000 Georgia Avenue NW and one for 7150 12<sup>th</sup> Street) that stated, “To report erosion, runoff, or stormwater pollution from this construction site, [address of location], contact Department of Energy and Environment.” The signs included a contact number, contact email, and name of a notification application (refer to Appendix B, Photographs 1 and 2).

**Permit Part 2.1** requires permittees to, “design, install, and maintain stormwater controls required in Parts 2.2 and 2.3 to minimize the discharge of pollutants in stormwater from construction activities.”

**Permit Part 2.1.4** requires the permittee to, “Ensure that all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.”

**Observation 3.** Debris and trash were observed in a dewatering tank near the northern entrance to the site (refer to [Appendix B, Photograph 3](#)). Site representatives stated that the dewatering tank removed accumulated water from a sediment basin located in the northeast area adjacent to the stabilized construction entrance (refer to [Appendix B, Photograph 4](#)). Site representatives also stated that the dewatering tank is only utilized on an as-needed basis.

**Permit Part 2.2.3** requires permittees to, “Install sediment controls along any perimeter areas of the site that will receive pollutant discharges.”

**Observation 4.** At the time of the inspection, sediment-laden runoff from tire washing activities and ongoing precipitation at the northern-most construction entrance, near Elder Street, was observed discharging from the site, entering the curb and gutter, and flowing south along Georgia Avenue NW (refer to [Appendix B, Photographs 5 through 14](#)). The tire wash rack at the entrance was full of water at the time of the inspection and the perimeter was not protected by silt fence in the flow path of the discharge, immediately south of the construction entrance (refer to [Appendix B, Photograph 11](#)). Additionally, a filter sock located on the eastern perimeter of the site, near the northern-most construction entrance, was not positioned directly against the perimeter, allowing sediment-laden runoff to flow past (refer to [Appendix B, Photograph 10](#)).

The curb inlets on Georgia Avenue NW were equipped with filter socks and were connected to the DC MS4. Refer to Observation 7 for additional details about the condition of the controls.

It was unclear whether the construction entrance and location of the discharge was located within one of the permitted areas (i.e., either part of the plaza project or Parcels A-F-G).

**Observation 5.** The EPA Inspection Team observed the south perimeter of the active portion of the site, located near the southern end of what will be the newly constructed 12<sup>th</sup> Street, was lacking perimeter controls. The location was downgradient of a partially covered stockpile (refer to [Appendix B, Photographs 15 and 16](#)). The area did not appear to be within any of the permitted locations.

The EPA Inspection Team also observed a location along the southwest perimeter of the active portion of the site lacking perimeter controls. A small pond of sediment-laden water was located adjacent to the location (refer to [Appendix B, Photograph 17](#)).

**Permit Part 2.2.4** requires permittees to,

- b. “Use appropriate stabilization techniques<sup>15</sup> at all points that exit onto paved roads...
- c. Implement additional track-out controls<sup>17</sup> as necessary to ensure that sediment removal occurs prior to vehicle exit; and
- d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the U.S...

15: Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

17: Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.”

**Observation 6.** The EPA Inspection Team observed the northern-most stabilized construction entrance, near Elder Street, was filled with sediment at the time of the inspection, and sediment track-out was observed from the stabilized construction entrance onto Georgia Avenue NW (refer to [Appendix B, Photographs 18 and 19](#)). The EPA Inspection Team also observed a portion of the southern-most stabilized construction entrance was filled with sediment, requiring maintenance (refer to [Appendix B, Photographs 20 and 21](#)); however, track-out was not observed on Georgia Avenue NW at this location.

**Permit Part 2.2.10** requires the permittee to,

- a. “Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from your site to a water of the U.S., provided you have authority to access the storm drain inlet;<sup>23</sup> 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...

23: Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.”

**Observation 7.** The curb inlets along Georgia Avenue NW were protected by filter socks; however, at least one of the filter socks appeared worn, requiring maintenance or replacement (refer to [Appendix B, Photograph 12](#)).

**Observation 8.** A storm drain inlet was observed in the area labeled “M” in Figure 1 that required maintenance. The inlet was protected by gravel and filter fabric but was covered with sediment (refer to [Appendix B, Photographs 22 and 23](#)). Site representatives stated that the storm drain inlet led a dewatering sump in the basement of the adjacent building that discharged to the storm sewer.

**Observation 9.** The EPA Inspection Team observed an unprotected storm drain inlet, located at the southern end of what will be the newly constructed 12<sup>th</sup> Street, downgradient of a partially covered stockpile with exposed soil and adjacent to a portable toilet. The portable toilet was not installed on a containment pan (refer to [Appendix B, Photographs 15 and 16](#)).

**Permit Part 2.3.1** states that the permittee must, “For equipment and vehicle fueling and maintenance:

- a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;<sup>37</sup>...
- c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;...
- f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge...

37: Examples of effective means include:

- Locating activities away from waters of the U.S. and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the U.S.;
- Providing secondary containment (e.g., spill berms, decks, spill containment pallets) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.”

**Observation 10.** The EPA Inspection Team observed a stain at a fueling location in the northern area of the site (within the “A-F-G” area). The stain was in front of an uncovered 300-gallon fuel tank located in secondary containment (refer to [Appendix B, Photographs 24 through 26](#)). Site representatives stated that a spill kit was available onsite; however, it could not be located during the inspection. The EPA Inspection Team observed another fueling location adjacent to the northern stabilized construction entrance. The fueling location appeared to be good condition with no evidence of spills (refer to [Appendix B, Photograph 27](#)).

**Permit Part 7.1** states, “All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.<sup>52, 53</sup> The SWPPP must be kept up-to-date throughout coverage under this permit.

If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit’s requirements are addressed prior to submitting an NOI for coverage under this permit.”

**Observation 11.** The SWPPP provided onsite only covered the Building IJ, roadways (Elder, Dahlia, and 12<sup>th</sup>), and plaza portions of the development (refer to [Appendix C, Exhibit 3](#)); Building IJ and the roadways appeared to be unpermitted at the time of the inspection. The SWPPP states that it accounts for approximately 10.9 acres of the development. Onsite representatives were unsure if a SWPPP had been developed for the A-F-G portion of the development (i.e., the portion covered under DCR100090), and they stated they did not believe a SWPPP existed that covered the entire area under construction.

**Permit Part 7.4.1** requires permittees to, “modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

- a. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5...”

**Permit Part 7.4.2** requires permittees to, “maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.10 above) and a brief summary of all changes.”

**Observation 12.** The onsite SWPPP did not include an amendment or modification log (refer to Appendix C, Exhibit 3). There was a table of contents item for “Appendix G – SWPPP Amendment Log”; however, the appendix was not included in the onsite version of the SWPPP. The EPA Inspection Team did observe “Appendix I – Grading and Stabilization Activities Log” in the SWPPP (refer to Appendix C, Exhibit 4), but the appendix was blank (i.e., no entries added). The EPA Inspection Team observed that, at the time of the inspection, the site map and SWPPP did not reflect all site conditions observed during the inspection, but updates had not been made. See Observations 13 and 14 below for additional details.

After the inspection, on March 25, 2022, Mr. Andy Crane of Hines sent the EPA Inspection Team additional documents including the Approval to Discharge Groundwater into the DC MS4 letter (refer to Appendix C, Exhibit 5). The letter included a SWPPP Amendment Log that listed an amendment performed on June 8, 2021, for an inspection frequency language change.

**Permit Part 7.2.8** requires the SWPPP to, “Include documentation that the required personnel were, or will be, trained in accordance with Part 6.”

**Observation 13.** The SWPPP did not include documentation showing that all required personnel were trained on permit requirements. The EPA Inspection Team observed a document in the onsite SWPPP titled, “Appendix J – SWPPP Training Log”, but the document was blank (refer to Appendix C, Exhibit 6).

**Permit Part 7.2.4** requires the SWPPP to, “Include a legible map, or series of maps, showing the following features of the site:

- a. Boundaries of the property;
- b. Locations where construction activities will occur, including:
  - i. Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;
  - ii. Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));
  - iii. Locations where sediment, soil, or other construction materials will be stockpiled;
  - iv. Any water of the U.S. crossings;
  - v. Designated points where vehicles will exit onto paved roads;

- vi. Locations of structures and other impervious surfaces upon completion of construction; and
- vii. Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).
- c. Locations of all waters of the U.S. within and one mile downstream of the site's discharge point. Also identify if any are listed as impaired, or are identified as a Tier 2, Tier 2.5, or Tier 3 water;
- d. Areas of federally listed critical habitat within the site and/or at discharge locations;
- e. Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);
- f. Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;
- g. Stormwater and authorized non-stormwater discharge locations, including:
  - i. Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets;<sup>56</sup> and
  - ii. Locations where stormwater or authorized non-stormwater will be discharged directly to waters of the U.S.
- h. Locations of all potential pollutant-generating activities identified in Part 7.2.3g;
- i. Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and
- j. Locations where polymers, flocculants, or other treatment chemicals will be used and stored...

56: The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.”

- Observation 14.** The EPA Inspection Team observed the site map included in the onsite SWPPP did not contain all Permit-required elements (refer to [Appendix C, Exhibit 7](#)). Additionally, several site engineering plans were reviewed during and after the inspection, which did not include all required elements (refer to Figure 1), including:
- Drainage patterns of stormwater before and after major grading activities.
  - Locations where all stormwater and authorized non-stormwater will be discharged to storm drain inlets. Specifically, the EPA Inspection Team observed one storm drain inlet in the south area of the property that was not identified on the site map (refer to [Appendix B, Photographs 22 and 23](#)).
  - Locations of all potential pollutant-generating activities. Specifically, the EPA Inspection Team observed two fueling locations, one in the northern area of the site (within the “A-F-G” area), and the other adjacent to the northern stabilized construction entrance (refer to [Appendix B, Photographs 24 through 27](#)). Neither fueling location was labeled on the site map. The EPA Inspection Team also observed a concrete washout station in the middle of the northern area of the site that was not labeled on the site map (refer to [Appendix B, Photograph 28](#)).
  - Locations of all stormwater controls. Specifically, the filter socks located along the northeast perimeter and protecting storm drain inlets (refer to [Appendix B, Photographs 7, 10, and 12 through 14](#)), a silt fence along the north perimeter (refer to [Appendix B, Photographs 29 and 30](#)), gravel and

filter fabric protecting a storm drain in the mid-south area of the site (refer to [Appendix B, Photographs 22 and 23](#)), dewatering activities (refer to [Appendix B, Photographs 31 through 38](#)), and a sediment basin (refer to [Appendix B, Photograph 4](#)) were not labeled on the site map.

- Locations where polymers, flocculants, or other treatment chemicals will be used and stored. During the inspection, site representatives stated that tac is sprayed on unstabilized soil about once every 3-4 months.

**Permit Part 5.4.1** states that the permittee must, “Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.”

**Observation 15.** Eight corrective action conditions were reported in inspection reports without a description of the conditions (refer to [Appendix C, Exhibit 8](#)). The inspection checklist stated that maintenance and corrective actions were required, but did not describe the situation. A summary of the observations in the inspection reports includes the following:

- On 10/6/2021, a gutter buddy was stated to trigger corrective action, but the conditions were not described, and the actions taken to address the condition were not documented.
- On 10/17/2021, a silt fence and gutter buddy were stated to trigger corrective action, but the conditions were not described, and actions taken to address the conditions were not documented.
- On 10/26/2021, a stabilized construction entrance was stated to trigger a corrective action, but the corrective action condition was not described. The inspection report did state that the construction entrance at Elder was refreshed on 10/26. Also, a gutter buddy was stated to trigger a corrective action, but the actions taken to address the condition were not documented. The inspection report did state that several gutter buddies had been inundated and that maintenance had occurred on 10/26.
- On 11/3/2021, a silt fence and gutter buddy were stated to trigger corrective actions, but the corrective action condition of the silt fence was not described, and the corrective action related to the gutter buddy was not documented. The inspection report stated that the silt fence was to be corrected on 11/3/2021 but did not state if the silt fence was corrected. The inspection report also stated that the gutter buddies needed refreshing and would be refreshed once new rolls arrive on-site; however, completion of the action was not described.
- On 2/4/2022, a silt fence was documented to trigger a corrective action, but the corrective action condition was not described, and actions taken to address the condition were not documented.
- On 2/5/2022, a silt fence was documented to trigger a corrective action, but the corrective action condition was not described, and actions taken to address the condition were not documented.

**Permit Part 5.4.2** states that the permittee must, “Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.”

**Observation 16.** Seven corrective action conditions were reported in inspection reports without a description of actions taken to address the conditions (refer to [Appendix C, Exhibit 8](#)). Refer to the dated observations in [Observation 15](#) above for additional details.

**Permit Part 9.2.1.e** states that, “The Department may require the permittee to perform water quality monitoring during the permit term if monitoring is necessary for the protection of public health or the environment as designated under the authority in Chapter 19 of Title 21 of the District of Columbia Municipal Regulations.”

**Permit Part 5.1.3** states corrective actions are required when the Permittee’s “discharges are causing an exceedance of applicable water quality standards.”

**Permit Part 5.1.4** states corrective actions are required when “A prohibited discharge has occurred (see Part 1.3).”

**Permit Part 5.2.2** states the following regarding corrective action conditions, “When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day.”

**Permit Part 5.2.3** states the following regarding corrective action conditions, “When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.”

**Observation 17.** The site experienced six TSS exceedances during several quarterly and monthly monitoring events required by DOEE at the parking garage dewatering pit. After the inspection, DOEE provided the EPA Inspection Team with letters from HP Environmental Inc. that provided monitoring results for sampling conducted and analyzed by HP Environmental, Inc. for the fourth quarter of 2020 to February 2022 (refer to [Appendix C, Exhibit 9](#)). The letters indicated that monitoring was initially required quarterly before increasing to monthly on May 17, 2021, due to frequent exceedances of TSS concentration limits. A summary of these results are provided in Table 3 (exceedances highlighted in red). Site representatives stated that a sandbag wall was eventually installed in the doorway before the sump pit in the second floor basement to filter sheet flow before it entered the pit (refer to [Appendix B, Photograph 37](#)). Additionally, the site representatives stated that a filter was added for treatment of runoff collected in the pit prior to discharge to

the DC MS4 (refer to [Appendix B, Photograph 36](#)). The EPA Inspection Team was unable to verify the installation date of either of these measures in the SWPPP records.

**Table 3. HP Environmental Monitoring Results (Fourth Quarter 2020 – February 2022)**

Date Sample Taken	TSS Limit (mg/L)	TSS Value (mg/L)
4 <sup>th</sup> Quarter 2020	30.0	NA
1 <sup>st</sup> Quarter 2021	30.0	110
May 2021	30.0	41,000
June 2021	30.0	100
July 2021	30.0	46
August 2021	30.0	56
September 2021	30.0	<5.0
October 2021	30.0	41
November 2021	30.0	16
December 2021	30.0	ND
January 2022	30.0	ND
February 2022	30.0	ND

*ND = Non-detect – no concentration of the analyte was found within the detection ability of the equipment used.*

DOEE also provided the EPA Inspection Team with monitoring results for separate samples taken by Wetland Studies and Solutions, also analyzed by HP Environmental Incorporated, for the period of December 7, 2021 to March 15, 2022 (refer to [Appendix C, Exhibit 10](#)). No exceedances were reported in these results (see Table 4). These results were reviewed after the inspection and not discussed with site representatives; it is unclear why these additional samples were taken.

**Table 4. Wetland Studies and Solutions Monitoring Results (December 7, 2021 – March 15, 2022)**

Date Sample Taken	TSS Limit (mg/L)	TSS Value (mg/L)
December 07, 2021	30.0	8.5
December 14, 2021	30.0	< 5.0
December 21, 2021	30.0	4.0
December 28, 2021	30.0	12
January 11, 2022	30.0	13
February 1, 2022	30.0	5.1
February 22, 2022	30.0	< 5.0
March 01, 2022	30.0	10
March 08, 2022	30.0	17
March 15, 2022	30.0	< 5.0

### **Closing Conference**

After the site walk, the EPA Inspection Team met with the site representatives for a closing conference and shared preliminary observations. The EPA Inspection Team reiterated that all preliminary observations discussed were not compliance determinations. Any and all preliminary observations shared were subject to further investigation by the EPA Inspection Team 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 the additional review of materials following the inspection.

The inspection concluded at approximately 1:50 PM (EDT).