



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 05/27/2021
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Construction Stormwater
Site/Facility Name: Governors
Permittee(s): Nick Hammond
Site/Facility Operator: Jack Lingo Asset Management, LLC
Site/Facility Address: Gills Neck Road
Lewes, DE 19958 **County:** Sussex
Latitude: 38.751400 **Longitude:** -75.142300
Permit Number: DEC004756 / DE0051268
NAICS Code: 236115 **SIC:** 1521
Unique Project #: 3E21WN121A
Site/Facility Representative(s): Kelly Horsey, Superintendent **Point of Contact**
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7/9/2021

Signature/Date X CHUCK SCHADEL

Signed by: CHARLES SCHADEL

Supervisor Peter Gold (3ED32)

7/10/2021

Signature/Date X Peter Gold

Signed by: PETER GOLD

Unique Project#: 3E21WN121A

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List of Attachments

Attachment A – NPDES Permit
Attachment B – Notice of Intent
Attachment C – Approved Plans
Attachment D – Photo Log
Attachment E – Self Inspection Reports
Attachment F – Requested Documents

I. Introduction

On May 27, 2021, an inspection team composed of staff from the U.S. Environmental Protection Agency (“EPA”) Region III (hereinafter, “EPA Inspection Team”) conducted a Stormwater Inspection of the Governors site (hereinafter, “the site”). The purpose of the inspection was to assess compliance with the Clean Water Act (CWA) and the site’s National Pollutant Discharge Elimination System (NPDES) Permit No. **DEC004892/ DE0051268** (Attachment A), hereinafter, the “Permit”, and applicable State and Federal regulations.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the site at approximately 9:40 AM (EDT) for the inspection. Inspectors met with the following site representatives and displayed their credentials and explained the purpose of the inspection was to review compliance with the Permit (Attachment A).

Table 1: Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Region III Inspectors and Contractors			
Chuck Schadel	Inspector	(215) 814-5761	Schadel.Chuck@epa.gov
Monica Crosby	Inspector In-Training	(215) 814-5659	Crosby.Monica@epa.gov
Site/Facility Representatives			
Kelly Horsey	David G. Horsey & Sons, Inc.	(302) 519-1812	Horsey9420@gmail.com
State or County Representatives			
Jessica Watson	Sussex County Conservation District	(302) 381-6136	Jessica.Watson@sussexconservation.org
Bonnie Arvay	DNREC	(302) 387-2345	Bonnie.Arvey@delaware.gov

B. Weather and Precipitation Conditions

During the inspection, weather was sunny and dry. National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the inspection and 5 days prior are provided in the Table 2 below:

Table 2. Precipitation Data

Station Name	Date	Precipitation Amount (inches) ¹
LEWES 3.9 SW, DE US US1DESS0044	5/22/2021	0.00
LEWES 3.9 SW, DE US US1DESS0044	5/23/2021	0.00
LEWES 3.9 SW, DE US US1DESS0044	5/24/2021	0.00
LEWES 3.9 SW, DE US US1DESS0044	5/25/2021	0.00
LEWES 3.9 SW, DE US US1DESS0044	5/26/2021	0.00
LEWES 3.9 SW, DE US US1DESS0044	5/27/2021	0.28

C. Summary of the Site/Facility

The total area of the site is 254.90 acres with 110.10 acres being identified for disturbance. The site is owned by Nick Hammond and is operated by Jack Lingo Asset Management, LLC. The site is being developed into a residential housing development. and is identified as a subdivision for 423 homes.

II. Site Activity

During the inspection, the EPA Inspection Team inspected the active construction part of the site. The inspection observations were made pursuant to the requirements of the Permit and the Approved Plans. The observations from the inspection are described in detail below in the Observations section. Photographs were taken during the inspection by Chuck Schadel and are provided in Attachment D.

The permittee submitted a Notice of Intent (NOI) to DNREC for NPDES permit coverage on June 18, 2015 (Attachment B - NOI).

The Permit, section D. EFFLUENT LIMITATIONS establishes requirements for managing runoff from construction activities.

The Permit, section E. MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS requires an approval of a Sediment and Stormwater Management Plan (Plans), compliance with the approved Plans, as well as with the Federal effluent limitations at 40 CFR §450.21.

The Plans for the Governors construction site were approved on April 11, 2018 and are provided in Attachment C – Approved Sediment & Stormwater Management Plans. (Approved Plans)

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

III. Observations

The baseline requirement for all sediment controls at the site is listed in the Approved Plans, on Sheet SSM-01; STANDARD SEDIMENT AND STORMWATER CONSTRUCTION NOTES:

13. The contractor shall at all times protect against sediment or debris laden runoff or wind from leaving the site. Perimeter controls shall be checked daily and adjusted or repaired to fully contain and control sediment from leaving the site. Accumulated sediment shall be removed when it has reached half of the effective capacity of the control. In addition, the contractor may need to adjust or alter measures in times of adverse weather conditions, or as directed by the agency construction site reviewer.

Clean up of Spills, Leaks & Drips

Requirement:

Permit Part D.4.5.k - Leaks and Drips

- ii. Do not allow oil, grease, fuel and chemicals to drip onto the ground.
- iv. Repair leaky equipment and remove problem vehicles and equipment from the site. Clean up contaminated soil immediately.
- vi. Clean up all leaks, promptly dispose of waste and spent clean up materials.

And

Spills leaks and drips managed in accordance with Approved Plans, on Sheet SSM-11, Detail DE ESC-3.6.1, second row, sixth Standard Detail & Specification.

Also, the release and discharge of pollutants other than sediment are not authorized by Permit DE 0051268.

Observation #1:

Staining was apparent on (photo DSCN1665) and appeared fresh/sticky at the time of inspection.

Protect Against Sediment Laden Runoff

Requirement:

Controls are to be checked and adjusted or repaired daily in accordance with Approved Plans, on Sheet SSM-01; STANDARD SEDIMENT AND STORMWATER CONSTRUCTION NOTES #13;

And

Silt fence shall be installed in accordance with the Approved Plans, Sheet No.: 110, Detail DE ESC-3.1.2.1, first row, first and second Standard Detail & Specification.

Observation #2

Photos DSCN1641, 1645, 1649, 1651, 1661, 1662, 1663, 1667, 1675, 1677, 1679, 1690, 1691, 1692, 1695, 1698, 1699, are examples of torn, damaged or partially collapsed silt fencing that appeared in need of maintenance.

Entrance/exit from active construction areas

Requirement:

Entrance/exit from active construction areas are required to be managed in accordance with the Approved Plans, Soil Stockpile, Sheet SSM-11, Detail DE ESC-3.4.7, bottom row, fourth & fifth Standard Detail & Specification.

Observation #3:

Photo DSCN1644; DSCN1655 and 1656; DSCN1696 and 1697 identify what appears to be locations of access for vehicles and/or equipment to areas of active construction. There are no construction entrance/exit controls identified in any of these photos. Photos DSCN1644, 1696 and 1697 show sediment on the roadway.

Ground Vegetation

Requirement:

Ground vegetation is required to be established in accordance with the Approved Plans, Sheet SSM-01; STANDARD SEDIMENT AND STORMWATER CONSTRUCTION NOTES, #13; and

Approved Plans, Sheet No.: SSM-11, Details DE ESC-3.4.1, 3.4.3, 3.4.5, 3.4.8, Standard Detail & Specification.

Observation #4:

Photos DSCN1650 and 1651; DSCN1668 and 1669; DSCN1671 and 1672; and DSCN1682 and 1683, all identify ground that has been disturbed but not vegetated. The length of time the ground has gone without being vegetated is not known.

Inlet Controls

Requirement:

Inlet controls are required to be established in accordance with the Approved Plans, Sheet SSM-s12, Detail DE ESC-3.1.5.1, and 3.1.5.2, second row, third through sixth Standard Detail & Specification.

Observation #5:

Photo DSCN1647 and 1648; DSCN1684; DSCN1700 and 1701 show inlets with controls. Several other inlets were also inspected. However, photos are not available for the additional inlets. All inlets inspected appeared to have controls adequately installed with filter fabric intact at the time of inspection.

Management of Stockpiles

Requirement:

Stockpiles are required to be managed in accordance Approved Plans, Sheet SSM-01; STANDARD SEDIMENT AND STORMWATER CONSTRUCTION NOTES, #13.;

And

Sheet SSM-13, Detail DE ESC-3.7.3, middle row, 3rd & 4th Detail;

And

Engage in construction within the Limit Of Disturbance identified on Approved Plans, Sheet SSM-03 and SSM-04.

Observation #6:

Photo DSCN1685 and 1687 5 show an active stockpile. However, silt fence is not appear present and the ground surface does not appear vegetated. Additionally, erosion scars appear along the surface of the stockpile. Erosion scars appear several inches deep and several inches wide. Location appears outside Limit Of Disturbance based on review of the Approved Plans.

Sediment Laden Runoff

Requirement:

Managed the site in accordance Approved Plans, Sheet SSM-01; STANDARD SEDIMENT AND STORMWATER CONSTRUCTION NOTES, #13 requires the contractor to, at all times. protect against sediment or debris laden runoff or wind from leaving the site.

Observation #7:

Photos DSCN1643 and 1644; 1654; 1659; 1670; 1676 and 1677; 1680 and 1681; 1682 and 1683; 1700, 1701 and 1703 show sediment had transported to an active roadway.

Self Inspection Reports

Requirement:

Weekly inspections must be conducted and documented in accordance with the Permit, Section E. MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS E.2 & E.3

Observation #8:

Based on review of the self inspection reports provided by the Permittee, the required inspections have been conducted and documented, except for 3 missing weekly reports in April, 2021.

IV. Records Review

During the opening conference, the EPA Inspection Team requested documentation identified on the Document Request form (Attachment F). The information requested was provided by the Permittee by email to the EPA Inspection Team on 6/8/21. The following documents were reviewed:

- Notice of Intent
- Site Approved Plans
- Site Self-Inspection Reports (2021)
- NPDES Permit Authorization Letter

V. Closing Conference

At the conclusion of the onsite inspection, the EPA Inspection Team conducted a closing conference with the site representatives and shared preliminary observations. The EPA Inspection Team reiterated to the site representatives that all preliminary observations discussed were not compliance determinations. Any and all preliminary observations shared were subject to further investigation by EPA upon the additional review of records and documentation. Additional observations may be contained in this inspection report that were not identified at the time of the closing conference after EPA reviewed additional materials following the inspection.

The inspection concluded at approximately 11:00 AM (EDT