



REGION 3

PHILADELPHIA, PA 19103

Report Title: Clean Water Act Compliance Inspections Report
Inspection Date(s): 09/21/2023
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Industrial Stormwater Compliance Evaluation Inspection
Facility Name: Gardner-Gibson
Permittee(s): Gardner-Gibson
Facility Address: 25938 Nanticoke Avenue
Seaford, DE 19973
Latitude: 38.63146, **Longitude:** -75.62163
Permit Number: DEI000461
NAICS: 324122 **SIC:** 2952
Receiving Waters: Nanticoke River
Unique Project #: 3E23WN125A

Facility Representative*:
LaDezha Gibbs
Phone: (302) 629-3505 ext. 2004

Point of Contact:
X
Email: ladezha.gibbs@icpgroup.com

EPA Inspector*:
Shane McAleer, USEPA Region 3
Phone: (215) 814-5616

Email: mcaleer.shane@epa.gov

State/Local Inspector:
Isaiah Mobley, DNREC
Phone: (302) 739-9263

Email: isaiah.mobley@delaware.gov

*Additional attendees listed on Page 2

Report Preparer
Signature/Date

SHANE MCALEER Digitally signed by SHANE MCALEER
Date: 2023.11.27 16:31:57 -05'00'

Shane McAleer, Inspector
U.S. EPA Region 3 (3ED33)

Supervisor
Signature/Date

Jessica Duffy, NPDES 2 Section Chief
U.S. EPA Region 3 (3ED33)

Unique Project#: 3E23WN125A

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List of Attachments

- Attachment A** **NPDES Permit No. DEI000461**
- Attachment B** **Photograph Log**
- Attachment C:** **Exhibit Log**
 - Exhibit 1: Facility SWP
 - Exhibit 2: NOI
 - Exhibit 3: NOI Authorization
 - Exhibit 4: Facility Documentation
 - Visual Monitoring Reports
 - Routine Inspection Reports
 - Benchmark Monitoring Reports
 - Comprehensive Site Evaluations
 - DNREC 2018 Inspection Report and Deficiency Letter

I. Introduction

On September 21, 2023, inspectors from the U.S. Environmental Protection Agency (EPA) Region 3 (hereinafter, “EPA Inspection Team”) conducted a compliance evaluation inspection (CEI) of the Gardner-Gibson asphalt production facility (hereinafter, the “Facility”).

Representatives from the Delaware Department of Natural Resources and Environmental Control (DNREC) and the Facility also attended the inspection. The purpose of the inspection was to evaluate compliance with the Clean Water Act (“CWA”) and the Facility’s National Pollutant Discharge Elimination System (NPDES) Permit No. DEI000461 (hereinafter, the “Permit”, see Attachment B) and applicable State and Federal regulations.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the Facility at approximately 9:00 AM (EDT) for the inspection. The EPA Inspection Team met with Facility representative LaDezha Gibbs. Shane McAleer and Chuck Schadel displayed their credentials to Ms. Gibbs prior to the inspection and explained the purpose of the inspection was to evaluate compliance with the Permit. The EPA Inspection Team explained that any information that the Facility deemed to be confidential business information (“CBI”) should be identified to the EPA Inspectors during the inspection and it would be handled as CBI according to EPA’s CBI Procedures. Table I outlines the individuals that participated in the inspection.

Table I. Inspection Attendee List

Name	Affiliation	Contact Information
U.S. EPA Region 3		
Shane McAleer	EPA Region 3 - Inspector	Phone: (215) 814-5616 Email: mcaleer.shane@epa.gov
Chuck Schadel	EPA Region 3-Inspector	Phone: (215) 814-5761 Email: schadel.chuck@epa.gov
Pennsylvania Department of Environmental Protection		
Isaiah Mobley	DNREC Inspector	Phone: (302) 739-9263 Email: isaiah.mobley@delaware.gov
Facility Representatives		
LaDezha Gibbs	Quality Control Technician	Phone: (302) 629-3505 ext. 2004 Email: ladezha.gibbs@icpgroup.com
Jason Kitajima	Maintenance	

B. Weather and Precipitation Conditions

During the inspection, weather was sunny and approximately 75 degrees. National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the inspection and 5 days prior are provided in Table II below:

Table II. Precipitation Data

Station Name	Date	Precipitation Amount (inches) ¹
SEAFORD 0.6 WSW, DE US US1DESS0046	9/16/2023	0.00
SEAFORD 0.6 WSW, DE US US1DESS0046	9/17/2023	0.00
SEAFORD 0.6 WSW, DE US US1DESS0046	9/18/2023	1.29
SEAFORD 0.6 WSW, DE US US1DESS0046	9/19/2023	0.01
SEAFORD 0.6 WSW, DE US US1DESS0046	9/20/2023	0.00
SEAFORD 0.6 WSW, DE US US1DESS0046	9/21/2023	0.00

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

C. Summary of the Facility

The Facility is an asphalt production plant located at 25938 Nanticoke Avenue, Seaford, DE. Industrial activities at the Facility consist of blending asphalt-based roofing and driveway maintenance and repair products. The Facility occupies a total area of 15.3 acres. Asphalt, mineral spirits and other chemicals used at the Facility are received by railcars or semi-trailer trucks and are used in the production of roof coatings cement, sealers, fibered aluminum coatings and asphalt emulsion driveway sealers. According to the Notice of Intent (NOI), the Standard Industrial Classification ("SIC") code associated with the Facility is 2952 (Asphalt Felts and Coatings). This SIC code is regulated by Delaware's Regulations Governing Storm Water Discharges Associated with Industrial Activities (Delaware Administrative Code Title 7, Chapter 7201 Subsection 9.1.1). As such, the Facility is regulated by Subsection 9.1. of the Regulations and requires coverage under Delaware's NPDES General Industrial Storm Water Permit, which is a permit by Regulations. DNREC provided a copy of the NOI and NOI Authorization dated 2/7/2023 for the Facility (see Attachment C Exhibits 2 & 3).

The Facility stormwater plan (SWP) map identifies three (3) stormwater outfalls at the Facility. Outfall 001 is located on the Facility's northwestern border behind the Facility warehouses, and discharges to an unnamed tributary to the Nanticoke River. Outfall 002 is located on the Nanticoke River which borders the Facility to the southeast. Outfall 003 is located at the Facility's entrance, and discharges overland along the Facility entry road to an unnamed tributary to the Nanticoke River. Photographs taken during the inspection are included in Attachment B (Photograph Log) and documents supporting observations in this report are included in Attachment C (Exhibit Log).

The photographs for this report have been processed using EPA Region 3 's Photo Management Process. A file name (e.g., 2023-09-20--1.36.58_DSCN3770) which incorporates the date and time the photo was taken (e.g., 2023-09-20--1.36.58), as well as the original camera generated file name (e.g., DSCN3770) is assigned to each photo as part of the process. The file names generated by the camera are used to identify each photo in the Main Narrative and Photo Log of this inspection report. Unused photos are digitally stored and maintained in the inspection file. Unused photos are available upon request.

II. Facility Activity

As part of the inspection process, the EPA Inspection Team visually observed the Facility during its daily operations in the presence of the Facility Quality Control Technician, LaDezha Gibbs. The inspection focused on areas outdoors, exposed to stormwater, but also some indoor warehouse areas that had the potential to be connected to the stormwater system. Facility personnel were observed transporting materials in various states of production with forklifts and semi-tractor trailers. Railcars were observed at the Facility, but none were being loaded or unloaded during the inspection.

III. Observations

The inspection commenced in the Facility Main Office Building. The EPA Inspection Team requested the Facility NOI, the Facility SWP, visual monitoring and routine inspection reports, benchmark monitoring reports, and comprehensive site evaluations. At the time of the inspection, Ms. Gibbs indicated that Permit documentation for the Facility (i.e. the above items) was locked in a Facility staff member's office and therefore unavailable to review. However, Ms. Gibbs provided documentation requested by the EPA Inspection Team after the inspection (see the "Records Review" section of this report).

The EPA Inspection Team started the Facility walkthrough outside the Finished Goods Warehouse (also referred to as the Main Production Warehouse) and the Storage Warehouse (also referred to as Warehouse 2). Paved and gravel driveway / parking areas and paved warehouse loading bays were observed (see Attachment B, Photographs DSCN3770, DSCN3775, DSCN3776, DSCN3784, DSCN3785, and DSCN3786).

Requirement: Contents of the Storm Water Plan (SWP)

Part 9.1.5.7 of the Permit states:

“Persons covered by this Subsection shall comply with the following requirements when developing and administering the SWP. The SWP shall include at a minimum, but not be limited to, the following items:

...

9.1.5.7.2.2 Map of the Facility

All markings, delineations and designations on the map shall be clearly identifiable. A narrative description of the markings, delineations and designations shall accompany the facility map. The map shall identify:

...

9.1.5.7.2.2.4 all storm water related drainage and discharge structures including all conveyances systems and appurtenances;...”

Observation #1: A grate for a two-foot by two-foot storm drain was observed between the Main Production Warehouse and the Storage Warehouse. The drain was outdoors, exposed to stormwater, and contained liquid inside. The Facility representatives did not know the discharge location for this drain, and the drain is not located on the Facility SWP (see Photographs DSCN3773 and DSCN3774).

Requirement: Proper Operation and Maintenance

Part 9.1.2.3 of the Permit states

“Any person subject to this Subsection shall at all times properly operate and maintain all facilities, systems and practices of pollution control which are installed, or implemented to achieve compliance with the requirements of this Subsection and with the measures of the Storm Water Plan.”

Observation #2: Fine sand was observed to be spilled on the paved ground surface below a semi-trailer truck in one of the loading bays for the Finished Goods Warehouse, which is outdoors and exposed to stormwater (see Observation #3 and Photographs DSCN3775 and DSCN3776). Facility representatives believed this to be a silica product stored Finished Goods Warehouse (see below).

Observation #3: The EPA Inspection Team observed a fine sand product (similar to the material spilled in the loading bay mentioned in Observation 2) spilled on the concrete ground surface in the Finished Goods Warehouse adjacent to a pallet of product bags labeled “Sil-Co-Sil Quality Ground Silica” (see Photographs DSCN37779 through DSCN3781). No drains were observed inside the warehouses.

Observation #4: The EPA Inspection Team observed spill absorbent material on the concrete ground surface around a baler/trash compactor located adjacent to the Finished Goods Warehouse loading bay. The material was outdoors, exposed to stormwater, and

appeared to be covering oil which had leaked from the baler (see Photographs DSCN3782 and DSCN3783). This spill absorbent material was removed and the area around the baler was cleaned during the inspection (see Photograph DSCN3804).

The EPA Inspection Team walked from the loading bay area across a paved and gravel parking / driveway to the entrance of the Facility, where a low point was observed adjacent to the Facility entrance gate. Erosion at the edge of the pavement was visible, indicating a potential stormwater runoff path from the direction of the Facility. This location at the Facility entrance gate is designated as Outfall 3 on the Facility SWP map and appears to be a low area with no visible concentrated discharge conveyance leading away from this location, such as a swale or pipe. Ms. Gibbs indicated benchmark samples had been taken at this location, but no outfall sign was observed at this location (see Photographs DSCN3787 and DSCN3788).

From the topography, it appeared that stormwater collecting at this low point near the entrance gate would pool up then overflow overland down the entrance road to the northwest. Approximately 100 yards down the entrance road, water was observed in a large puddle at a low point in the entrance road. Wetland areas were observed on both sides of the entrance road at this low point. Water in the entrance road puddle was observed to be flowing from the Wetlands area adjacent to the northeast, across the entrance road, and discharging to the Wetlands area adjacent to the southwest (see Photographs DSCN3789 through DSCN3792).

Requirement: Outfall Identification

Section 9.1.6 of the Permit states:

"All persons conducting industrial activities identified in §9.1.1.3.1.2 with discharges that flow through a regulated outfall, shall identify each storm water outfall covered under this Subsection with a legible outfall tag or stencil. The mechanism for identification should be attached to an outfall pipe, stenciled on an outfall pipe, or posted in close proximity of the outfall area. The identification shall indicate the designated outfall number."

Observation #4: No outfall sign was observed at the location designated as Outfall 3 on the SWP Map, and this location did not have a clear discharge point (see Photographs DSCN3787 and DSCN3788).

The EPA Inspection Team observed the Asphalt Truck Loading Area just east of the Facility entrance, adjacent to the Asphalt Production Area. Loading and unloading of product occurred at this location, which featured a sump for collecting stormwater in the middle of the two truck weighing pads. Water collected in the sump is pumped manually as needed to a filter bag located on a gravel/stone area adjacent to the southeast (see Photographs DSCN3793 through DSCN3799).

The EPA Inspection Team observed the Hot Oil Pumping System, which contained a sump and sump pump. Facility representatives indicated when water collected in this sump was "dirty", it was pumped via a hose to a tote.

Requirement: Proper Operation and Maintenance

Part 9.1.2.3 of the Permit states

“Any person subject to this Subsection shall at all times properly operate and maintain all facilities, systems and practices of pollution control which are installed, or implemented to achieve compliance with the requirements of this Subsection and with the measures of the Storm Water Plan.”

Observation #5: At the time of the inspection, the hose from the Hot Oil Pumping System sump pump was not connected to the tote designated to receive water from the sump, and the tote was empty (see Photographs DSCN3800 through DSCN3803).

To the southeast of the Asphalt Truck Loading Area, along the Nanticoke River, the EPA Inspection Team observed a sign titled “Outfall 3”. This location conflicts with the SWP Map, which shows Outfall 3 at the Facility entrance gate. The EPA Inspection Team did not observe evidence of pooling or ponding of water, or discharge at this location along the Nanticoke River (see Photograph DSCN3805).

A few hundred feet southwest of the Outfall 3 sign on the Nanticoke River, the EPA Inspection Team observed the location designated on the SWP Map as Outfall 2, which contained a sign titled “Outfall 2”. The EPA Inspection Team did not observe evidence of pooling or ponding of water, or discharge at this location (see Photograph DSCN3809).

In between the Outfall 3 sign and the Outfall 2 sign, adjacent to several parked semi-trailer trucks along the Nanticoke River riverbank, the EPA Inspection Team observed a disturbed area that showed evidence of pooling/ponding and stormwater discharge. The soil in this area was damp and appeared dark, and erosion was visible adjacent to riprap along the riverbank into the Nanticoke River. This area was not designated as an outfall, neither by a sign nor on the SWP Map, but evidence of stormwater discharge was observed at this location (see Photographs DSCN3806 through DSCN3808).

Requirement: Outfall Identification

Section 9.1.6 of the Permit states:

“All persons conducting industrial activities identified in §9.1.1.3.1.2 with discharges that flow through a regulated outfall, shall identify each storm water outfall covered under this Subsection with a legible outfall tag or stencil. The mechanism for identification should be attached to an outfall pipe, stenciled on an outfall pipe, or posted in close proximity of the outfall area. The identification shall indicate the designated outfall number.”

Observation #6: The location for the sign along the Nanticoke River titled “Outfall 3” conflicts with the SWP Map, which shows Outfall 3 at the Facility entrance gate (see Photograph DSCN3805).

Requirement: Lidded dumpsters

Part 9.1.1.5.3 of the Permit states:

"A storm resistant shelter is not required for the following industrial materials and activities:

9.1.1.5.3.1 Lidded Dumpsters: Lidded dumpsters containing waste materials, providing the containers are completely covered and there are no holes in the bottom of the container to allow leakage. Industrial refuse and trash that is stored uncovered, however, is considered exposed."

Observation #7: The EPA Inspection Team observed three uncovered dumpsters, in the vicinity of the railroad adjacent to the Nanticoke River in the southeast area of the Facility. The dumpsters were filled with industrial materials, trash, and construction debris, and were exposed to stormwater (see Photographs DSCN3810 through DSCN3813).

Requirement: Proper Operation and Maintenance

Part 9.1.2.3 of the Permit states

"Any person subject to this Subsection shall at all times properly operate and maintain all facilities, systems and practices of pollution control which are installed, or implemented to achieve compliance with the requirements of this Subsection and with the measures of the Storm Water Plan."

Observation #8: The EPA Inspection Team observed an area in the southern area of the Facility used for storage of scrap equipment, which was uncovered and exposed to stormwater (see Photograph DSCN3820).

Requirement: Non-storm Water Discharges

Part 9.2.6 of the Permit states:

"Discharges to a stormwater system of anything other than stormwater, except those non-stormwater discharges allowed by this Part of the CGP, shall either be eliminated or in compliance with an appropriate individual NPDES permit."

Observation #9: On the west end of the Facility, the EPA Inspection Team observed steam emanating from an area adjacent to Facility Boiler Room where a trailer was parked. A liquid was observed running from under the trailer, down the Facility access road, and discharging from Outfall 1. Facility representatives stated that the trailer was a temporary boiler system being used while the Facility boiler was being serviced, and that the liquid was boiler blow down that is typically discharged to a tank (see Photographs DSCN3827 through DSCN3830, DSCN3834 through DSCN3836, and DSCN3847).

On the northwest end of the Facility, the EPA Inspection Team observed two aboveground storage tank (AST) areas that each contained three ASTs and a concrete containment area. The containment areas each feature a pump that discharges stormwater through a filter bag to the ground surface outside the containment areas. A black asphalt product and stormwater was observed inside the AST containment areas (Photographs DSCN3843 through DSCN3844).

Requirement: Proper Operation and Maintenance

Part 9.1.2.3 of the Permit states

"Any person subject to this Subsection shall at all times properly operate and maintain all facilities, systems and practices of pollution control which are installed, or implemented to achieve compliance with the requirements of this Subsection and with the measures of the Storm Water Plan."

Observation #10: The EPA Inspection Team observed that the filter bags connected to the pumps for the AST concrete containment areas were ripped and showed evidence of the leaked asphalt product and erosion adjacent to the filter bags. Runoff from this location appears to drain towards Outfall 1 (see Photographs DSCN3831 through DSCN3832 and DSCN3837 through DSCN3844).

Requirement: Off-Site Vehicle Tracking

Part 9.1.5.7.3.9 of the Permit states

"Off-site vehicle tracking of raw, final, or waste materials or sediments, and the generation of dust must be minimized. Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas must be minimized."

Observation #11: Evidence of vehicle tracking of a dark substance was observed on the paved area at the back the Facility warehouses on the north end of the Facility (see Photographs DSCN3845 and DSCN3846).

IV. Records Review

The EPA Inspection Team conducted a records review to evaluate the Facility's compliance with the Permit. DNREC provided copies of the Facility SWP dated January 2022, the Facility NOI dated 7/16/2022, the Facility General Permit Authorization dated February 7, 2023, and copies of a DNREC inspection report and deficiency letter dated 6/14/2018 and 7/23/2018, respectively. Ms. Gibbs provided Facility documentation after the inspection in response to an EPA records request, including visual monitoring reports, routine facility inspection reports, benchmark monitoring reports, and the annual comprehensive site evaluations. See Attachment C for copies of the above documentation.

V. Closing Conference

At the conclusion of the inspection, the EPA Inspection Team conducted a closing conference with the Facility representatives and shared preliminary observations. The EPA Inspection Team reiterated to the Facility representatives that all preliminary observations discussed were not compliance determinations. All preliminary observations shared were subject to further investigation by EPA upon the 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 approximately at 12:15 PM (EDT).