



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

**Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2852**

Report Title: Clean Water Act, Section 404 Inspection Report for 342 Girl Scout Drive
Inspection Date(s): 10/06/2022
Start Time: 9:00 am **End Time:** 10:35 am
Regulatory Program(s): Inspections authorized pursuant to Clean Water Act, Sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)
Site Name: Harry Ridgely
Site Location: 342 Girl Scout Drive
Hedgesville, West Virginia 25427
Latitude: 39.3836 N **Longitude:** -78.1662 W
County/Parish: Berkeley
Site Owner: Harry Ridgely
Mailing Address: 342 Girl Scout Drive
Hedgesville, West Virginia 25427
Unique Project #: N/A
Site Contact(s):
Harry Ridgely
Phone: 719-480-9299 Email: ridgelyharry@gmail.com
Landowner
EPA Inspector:
Katelyn Almeter
Phone: 215-814-2797 Email: almeter.katelyn@epa.gov

**EPA Inspector
Signature/Date**

Katelyn Almeter, Inspector
Four Penn Center 1600 John F. Kennedy Blvd
Philadelphia, Pennsylvania 19103

Date

**Supervisor
Signature/Date**

Renee Bryant, Chief
SDWA & Wetlands Section

Date

Unique Project #: N/A

Table of Contents

<u>Section</u>		<u>Page</u>
I	Introduction.....	3
A	Site Identification.....	3
B	Weather and Environmental Conditions.....	3
C	Inspection Opening Conference.....	3
II	Site Activity.....	4
III	Observations.....	4
IV	Records Review.....	6
V	Closing Conference.....	6
A	Overview.....	6
B	Observations Relayed to Site Representative.....	6
C	Documents Requested or Received.....	6
VI	Subsequent Correspondence.....	6
VII	List of Attachments.....	6

I. Introduction

The inspection of the Harry Ridgely site was arranged by the U.S. Army Corps of Engineers, Pittsburgh District (“Corps”) via email on September 23, 2022, to evaluate the status of compliance with Section 404 of the Clean Water Act (“CWA”) following receipt of notice of potentially regulated activities occurring in aquatic resources on-site. This was an initial inspection conducted jointly by the U.S. Environmental Protection Agency (“EPA”) and the Corps. Activities on-site include the expansion of a flat lawn area near the house and land-clearing and grubbing for conversion to pasture. Representatives from the West Virginia Department of Environmental Protection (“WVDEP”), who had been working with Mr. Ridgely on previous construction activity related to an expansion of the lawn area around the house, were also present on-site during the inspection.

A. Site Identification

The Ridgely Site is located at 342 Girl Scout Drive, Hedgesville, Berkeley County, West Virginia 25427 (the “Site”). Berkeley County identifies the Site with Parcel ID: 02-03-0029-0021-0005. The Site is also shown in Attachment 1. The inspection walkthrough covered the area in the northern part of the Site where land-clearing and grubbing were ongoing and the area near the house where the lawn area had been expanded.

B. Weather and Environmental Conditions

It was sunny the day of the inspection, with daytime high temperatures reaching approximately 75°F. No rainfall was recorded on October 6, 2022, at the weather station located at the Martinsburg Eastern West Virginia Regional Airport. Approximately 1.78 inches of rain were recorded at the weather station over the preceding 7-day period before the inspection.

C. Inspection Opening Conference

The EPA inspectors and Corps arrived on-site at approximately 9:00 a.m. and parked near the house. The Corps called Mr. Ridgely on his cell to inform him of our arrival. Mr. Ridgely was in the northern portion of the Site with WVDEP, who had arrived via a different entrance to the Site in the north. Mr. Ridgely came back toward the house on an ATV and directed EPA and the Corps up the unimproved road back to the meeting location with WVDEP. The opening conference began with introductions once all the attendees had arrived. All the inspection attendees are identified in Table 1 below. The inspection attendees were all present throughout the inspection. The objectives for the inspection were discussed, including observing the aquatic resources, taking photos and notes, and observing the status of compliance with the CWA. Mr. Ridgely was asked about the purpose and timeline of his activities at the Site. He stated that his goal was to convert the area to pasture and bring cattle in to raise on-site. The tree clearing started in the northern part of the property about six or seven months ago and was being conducted by a contractor. After the Corps asked for some additional detail on the activities, Mr.

Ridgely stated that as part of the conversion to pasture, the tree clearing included pulling the stumps out with an excavator and filling back in the holes. The EPA inspector presented her credentials to the attendees before beginning the inspection walkthrough.

Table 1 – Inspection Attendees

Name:	Organization/ Agency:
Katelyn Almeter	U.S. Environmental Protection Agency
Monica Crosby	U.S. Environmental Protection Agency
Harry Ridgely	Landowner
Jeremy Roberts	U.S. Army Corps of Engineers, Pittsburgh District
Keith Allison	W.V. Department of Environmental Protection
Tim Casto	W.V. Department of Environmental Protection

Should the site/facility find it applicable, the U.S. EPA Small Business Resources Information Sheet can be found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>.

II. Site Activity

The Site is located in a residential, rural area. The Site contains a house and undeveloped, previously forested areas that are in the process of being cleared, grubbed, and regraded. According to Mr. Ridgely, the clearing, grubbing, and earth-moving are being conducted to convert the area to pasture with the goal of raising cattle.

III. Observations

The inspection walkthrough began in the northern portion of the Site at approximately 39° 23' 4.548" N, 78° 9' 58.944" W (refer to Attachment 2 – Photographic Log; DSCN3985). The attendees walked to the upper portion of a topographic valley running east to west downslope towards the Unnamed Tributary to Back Creek ("UNT to Back Creek"). The valley was cleared and grubbed and was observed to contain concrete debris and dirt fill material within it (DSCN3987 to DSCN3989). Mr. Ridgely stated that he was bringing in the material to fill the valley with the goal of bringing the area up to grade with the surrounding hillside. According to Mr. Ridgely, some of the fill material (i.e. the concrete debris) for the valley was being sourced from waste material from local projects of the West Virginia Division of Highways. The valley was followed downslope. Approximately halfway down the valley, a silt fence was placed across the valley bottom (DSCN3990). Below the silt fence, pooling water and saturation were

observed in the valley bottom adjacent to the UNT into Back Creek (DSCN3992 and DSCN3993). At the bottom of the valley, there was limited herbaceous vegetation present along the left descending bank, and the right descending bank was forested. The UNT to Back Creek was flowing at the time of the inspection. The stream had an Ordinary High Water Mark and bed and banks.

The walkthrough continued upstream along the left descending bank of the UNT to Back Creek (DSCN3994). Land-clearing and grubbing activities were observed to have taken place along the left descending stream bank (DSCN3995 and DSCN3996). Vegetation had been removed to the stream edge. Bare ground was present, and encroachment below the Ordinary High Water Mark was observed (DSCN3997 to DSCN4000).

The walkthrough continued upstream along the UNT to Back Creek. An area was observed along the left descending bank that was cleared and grubbed, with bare ground observed to the stream channel (DSCN4000 to DSCN4006). The area was a wider, low-lying riparian zone at the toe of the hillslope. There were pockets of remaining vegetation, which was a hydrophytic community dominated by jewelweed (*Impatiens capensis*) and smartweed (*Polygonum persicaria*) (DSCN4004). Soils in the area were observed to have a 60% matrix color of 10YR6/2 with 40% redoximorphic features as prominent concentrations (DSCN4003). The soils were observed to meet the hydric soil indicator of F3- depleted matrix. The area abutted the UNT to Back Creek, and encroachment of dirt below the Ordinary High Water Mark was observed.

The inspection walkthrough continued upstream along the UNT to Back Creek. Equipment was operating on the hillside in the northern portion of the Site during the inspection walkthrough. Land-clearing activity had occurred along both sides of the stream in the northern portion of the Site and channel geomorphic features had been disturbed. Observed channel dimensions were dissimilar to those of an unimpacted section of the channel due to over-widening of the channel, disruption of flow, and increased sedimentation relative to unimpacted, reference sections. Encroachment in the stream channel was observed. Marks from equipment activity were observed in the stream channel (DSCN4008 and DSCN4009). The walkthrough continued to observe the stream crossing for the equipment access road (DSCN4010 and DSCN4012 to DSCN4014). Mr. Ridgely stated that the crossing was pre-existing, but he had built up the road with shale rock. He also stated that he had dug out around both ends of the culvert at the direction of West Virginia Division of Forestry.

The walkthrough then left that part of the Site and the inspectors walked to the area near the house. On the way, a second topographic depression was observed (DSCN4015 and DSCN4016). The area near the house where the yard had been expanded by bringing fill material in and building up the hillside was also observed (DSCN4017 to DSCN4019). The area appeared to be stable and well-vegetated based on a visual observation. A few boulder-sized rocks were observed in the forest from the previous construction activities. The section of UNT leading to Back Creek, located in the forest below the yard, was observed. There were no visual obstructions or encroachments in that section. That concluded the inspection walkthrough.

IV. Records Review

A review of site/facility records was not a component of the inspection; therefore, EPA is not expecting to have accessed business records, including confidential business information (“CBI”). If the company or owner wants to make a CBI claim on information or photographs collected by the inspector during the inspection, they can submit a claim to EPA. After the company or owner notifies EPA of the CBI, EPA representatives would mark the CBI as such, and it would be handled as a CBI according to EPA’s procedures.

V. Closing Conference

A. Overview

The EPA inspector informed the attendees that an inspection report would be prepared following the inspection. It should be expected to be finalized within about 60 days of the inspection and sent to the attendees. The observations relayed to Mr. Ridgely are recorded in Section V.B. below.

B. Observations Relayed to Site Representative

- The removal of stumps (i.e. grubbing) and regrading activity to convert the Site to pasture falls outside the scope of what is considered forestry activity.
- There appear to be wetlands present on-site adjacent to the UNT to Back Creek.
- It appears that equipment operated in and along UNT to Back Creek, including encroachment of dirt/ fill material below the Ordinary High Water Mark and abutting wetlands.

C. Documents Requested or Received

No documents were requested by or received by the EPA following the inspection at the time of this report.

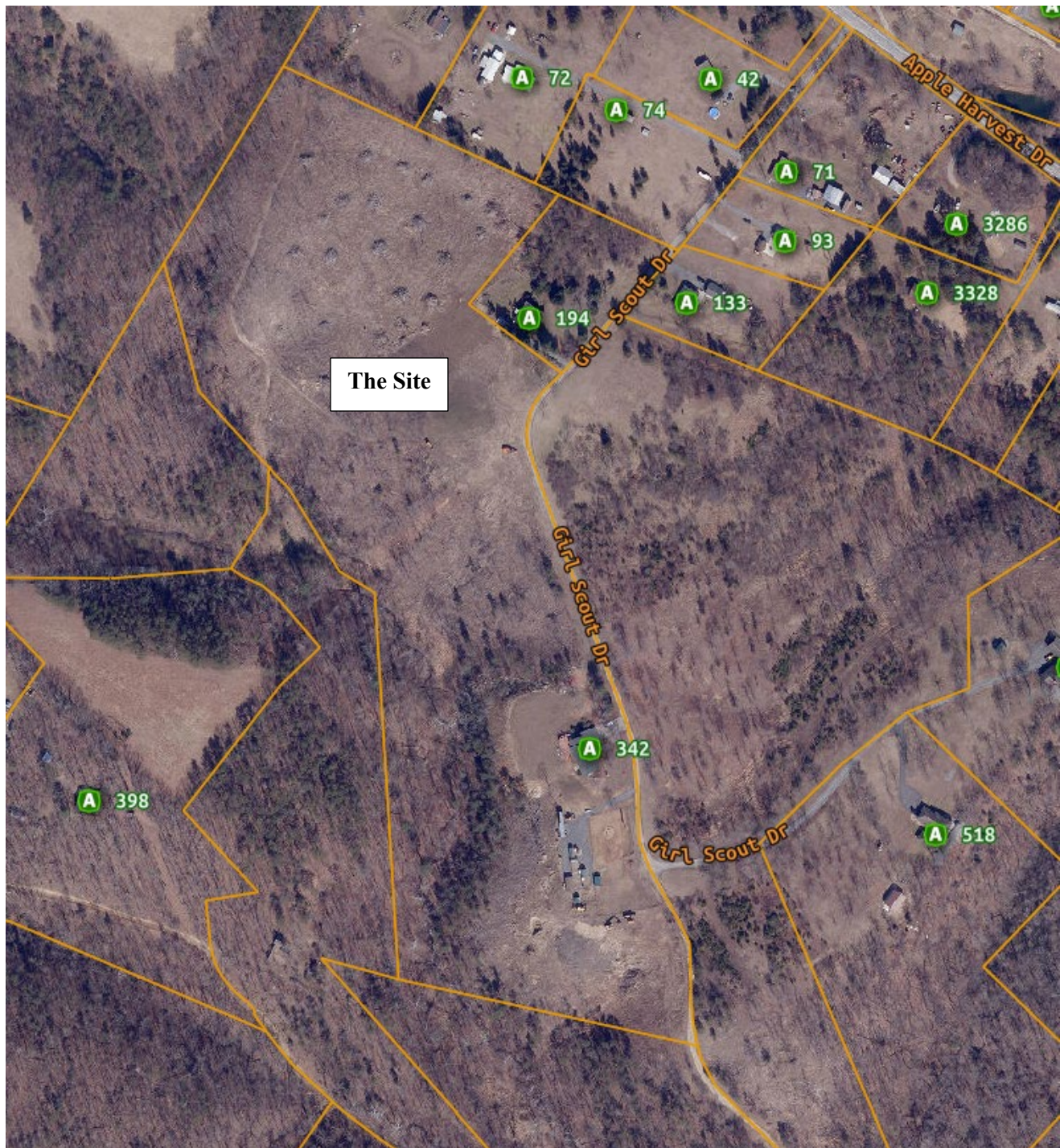
VI. Subsequent Correspondence

There was no correspondence from EPA to Mr. Ridgely regarding this inspection at the time of this report.

VII. List of Attachments

Attachment 1: Site Map

Attachment 2: Photographic Log



	Ridgely Photo ID: DSCN3985 Date: October 6, 2022 Notes: taken near Site entrance looking at equipment in northern portion of Site; facing north
	Ridgely Photo ID: DSCN3986 Date: October 6, 2022 Notes: unimproved equipment access road; facing north
	Ridgely Photo ID: DSCN3987 Date: October 6, 2022 Notes: concrete debris and dirt placed in cleared valley; facing west

	Ridgely Photo ID: DSCN3988 Date: October 6, 2022 Notes: concrete debris and dirt placed in cleared valley; facing northeast
	Ridgely Photo ID: DSCN3989 Date: October 6, 2022 Notes: overview of cleared area to the north of the valley; facing north
	Ridgely Photo ID: DSCN3990 Date: October 6, 2022 Notes: cleared valley looking towards UNT to Back Creek; facing west



Ridgely
Photo ID: DSCN3991
Date: October 6, 2022

Notes: bottom of cleared valley
near UNT to Back Creek; facing
west



Ridgely
Photo ID: DSCN3992
Date: October 6, 2022

Notes: bottom of cleared valley
near UNT to Back Creek; facing
east



Ridgely
Photo ID: DSCN3993
Date: October 6, 2022

Notes: UNT to Back Creek;
facing south



Ridgely
Photo ID: DSCN3994
Date: October 6, 2022

Notes: UNT to Back Creek;
facing north



Ridgely
Photo ID: DSCN3995
Date: October 6, 2022

Notes: UNT to Back Creek with
clearing occurring on left
descending bank; facing west



Ridgely
Photo ID: DSCN3996
Date: October 6, 2022

Notes: UNT to Back Creek with
equipment activity/clearing
occurring along both banks;
facing west

	Ridgely Photo ID: DSCN3997 Date: October 6, 2022 Notes: UNT to Back Creek with equipment activity/clearing occurring on left descending bank; facing north
	Ridgely Photo ID: DSCN3998 Date: October 6, 2022 Notes: UNT to Back Creek with equipment working in the background; facing north
	Ridgely Photo ID: DSCN3999 Date: October 6, 2022 Notes: UNT to Back Creek

	Ridgely Photo ID: DSCN4000 Date: October 6, 2022 Notes: UNT to Back Creek and cleared wetland area; facing north
	Ridgely Photo ID: DSCN4001 Date: October 6, 2022 Notes: UNT to Back Creek
	Ridgely Photo ID: DSCN4002 Date: October 6, 2022 Notes: UNT to Back Creek looking towards stream crossing for equipment access road; facing north

	Ridgely Photo ID: DSCN4003 Date: October 6, 2022 Notes: soil from wetland area
	Ridgely Photo ID: DSCN4004 Date: October 6, 2022 Notes: equipment activity/ clearing in wetland area along UNT to Back Creek with remaining vegetation dominated by <i>Impatiens capensis</i>; facing southwest
	Ridgely Photo ID: DSCN4005 Date: October 6, 2022 Notes: cleared area of UNT to Back Creek and wetland; facing north

	Ridgely Photo ID: DSCN4006 Date: October 6, 2022 Notes: UNT to Back Creek; facing north
	Ridgely Photo ID: DSCN4007 Date: October 6, 2022 Notes: UNT to Back Creek; facing north
	Ridgely Photo ID: DSCN4008 Date: October 6, 2022 Notes: UNT to Back Creek; facing north

 A close-up photograph of a muddy stream bed. The water is murky brown, and the surrounding soil is dark brown and uneven. There are some small, light-colored marks on the soil, possibly from equipment. A white object, possibly a marker or a piece of equipment, is visible in the center of the frame. The date '10.06.2022' is printed in orange in the bottom right corner.	Ridgely Photo ID: DSCN4009 Date: October 6, 2022 Notes: equipment marks in bed of channel of UNT to Back Creek
 A photograph showing the outlet of a culvert for a stream crossing. The culvert is a large, dark, cylindrical pipe that has been partially buried in the ground. The surrounding area is a mix of dirt, rocks, and some sparse vegetation. The date '10.06.2022' is printed in orange in the bottom right corner.	Ridgely Photo ID: DSCN4010 Date: October 6, 2022 Notes: outlet of culvert for stream crossing of equipment access road; facing north
 A photograph of a stream flowing through a wooded area. The water is clear and reflects the sunlight. The surrounding area is covered in trees and vegetation. The date '10.06.2022' is printed in orange in the bottom right corner.	Ridgely Photo ID: DSCN4011 Date: October 6, 2022 Notes: UNT to Back Creek; facing south

	Ridgely Photo ID: DSCN4012 Date: October 6, 2022 Notes: inlet of culvert for stream crossing of equipment access road; facing north
	Ridgely Photo ID: DSCN4013 Date: October 6, 2022 Notes: upstream portion of UNT to Back Creek; facing north
	Ridgely Photo ID: DSCN4014 Date: October 6, 2022 Notes: inlet of culvert; facing west

	Ridgely Photo ID: DSCN4015 Date: October 6, 2022 Notes: topographic depression located in central portion of site; facing west
	Ridgely Photo ID: DSCN4016 Date: October 6, 2022 Notes: topographic depression located in central portion of site; facing west
	Ridgely Photo ID: DSCN4017 Date: October 6, 2022 Notes: hillslope behind house; facing north



Ridgely
Photo ID: DSCN4018
Date: October 6, 2022

Notes: hillslope behind house
with boulders visible; facing
north



Ridgely
Photo ID: DSCN4019
Date: October 6, 2022

Notes: UNT to Back Creek
behind the house; facing west