



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): 05/25/2021
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Construction Stormwater
Site/Facility Name: The Marina at Peppers Creek
Permittee(s): HKS 4, LLC
Site/Facility Operator: HKS 4, LLC
Site/Facility Address: County Road 336 (s/s) and East of County Road Lewes, DE 19958
County/Parish: Sussex
Latitude: 38.570278
Longitude: -75.210833
General Permit Number: DE0051268
Site Specific Permit No.: DEC001977
NAICS Code: 236115
SIC: 1521
Unique Project #: 3E21WN123A

Site/Facility Representative(s): **Point of Contact**

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Date

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Date

Unique Project #: 3E21WN123A

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List of Attachments

- Attachment A: DE NPDES Construction General Permit DE0051268
- Attachment B: Photograph Log
- Attachment C: Notice of Intent (NOI)
- Attachment D: Sediment Control and Stormwater Management Plans

I. Introduction

On May 25, 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 Marine at Peppers Creek site (hereinafter, “the site”). The purpose of the inspection was to observe compliance with the Clean Water Act (CWA) and to verify compliance with the site’s National Pollutant Discharge Elimination System (NPDES) Permit No. DE0051268 Site Specific No. DEC001977 (hereinafter, the “Permit”) and applicable State and Federal regulations.

A. Inspection Opening Conference

The EPA Inspection Team arrived at the site at est. 1:21 PM for the inspection. Inspectors met with the following site representatives:

Table 1: Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Region III Inspectors and Contractors			
Peter Gold	EPA Region III	(215) 814-5236	Gold.Peter@epa.gov
Amanda Pruzinsky	EPA Region III	(215) 814-5456	Pruzinsky.Amanda@epa.gov
Site/Facility Representatives			
Ken Short	Insight Homes	(302) 339-5802	Kenshort@insightde.com
Bobby Horsey	Horsey	(302) 542-8071	bobbydgh@aol.com
State or County Representatives			
Mary Hamilton	DNREC	(302) 222- 2197	Mary.Hamilton@Delaware.gov
Craig Mills	Sussex Conservation	(302) 381- 6135	Craig.mills@sussex.conservation.org

Peter Gold and Amanda Pruzinsky displayed their credentials to Ken Short at the outset of the inspection, and explained the purpose of the inspection was to observe the site compliance with its Permit. A copy of the Permit is provided in Appendix A. The EPA Inspection Team informed Ken Short that any information that the Facility 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 overcast with sporadic rain. 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 2.4 SSE, DE US US1 DESS0047	05/20/2021	0.0
Lewes 2.4 SSE, DE US US1 DESS0047	05/21/2021	0.0
Lewes 2.4 SSE, DE US US1 DESS0047	05/22/2021	0.0
Lewes 2.4 SSE, DE US US1 DESS0047	05/23/2021	0.0
Lewes 2.4 SSE, DE US US1 DESS0047	05/24/2021	0.0
Lewes 2.4 SSE, DE US US1 DESS0047	05/25/2021	0.0

C. Summary of the Site/Facility

The total area of the site is 48.7 acres with 47.6 acres being identified for disturbance. The site is being developed into a residential housing development.

II. Site/Facility 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. The observations from the inspection are described in detail below in the Observations section. Photographs were taken during the inspection by Amanda Pruzinsky and are provided in Attachment B.

III. Observations

The following section summarized the EPA Inspection Team's observations relative to the Permit requirements and approved Sediment & Stormwater Management Plans. The permittee obtained NPDES permit coverage under the General Permit DE0051268. An NOI was initially submitted on April 11, 2006 (Attachment C - NOI).

The NPDES permit (DE NPDES Construction General Permit), section D. EFFLUENT LIMITATIONS establishes requirements for managing runoff from construction activities.

The NPDES permit, section E.1 Sediment and Stormwater Management Plan 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. "Sediment and Stormwater Management Plan (Plan) The owner shall develop, fully implement, and maintain at the site, the approved Plan. The plan shall cover all site activities from the date of initiation of construction activity to the date of project completion. Pollution prevention measures, in accordance with the Delaware ESC Handbook standard and specifications for

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

Construction Site Waste Management and Spill Control, shall be incorporated into the Plan for construction activity....”

Marina at Pepper Creek Sediment Control and Stormwater Management Plan were approved on June 21, 2013 and are provided in Attachment D – Approved Sediment & Stormwater Management Plans (Approved Plans).

ESC DETAILS AND SPECIFICATIONS:

Sediment Control NOTES:

6. All erosion and sediment control practices shall comply with the Delaware Erosion and Sediment Control Handbook 1989 or latest edition.

Inlet Protection

General Requirement: Permit Part D.1.8 Protect storm drain inlets

- a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from the site.
- b. Clean or remove and replace, the protection measures as sediment accumulates...”

Observation #1:

As identified in photographs DSCN0274 and DSCN0276 a storm drain inlet located behind an active lot, lacked inlet protection. Photograph DSCN0320 shows inlet protection that may need to be cleaned or replaced due to sedimentation.

Handling of Waste Materials

General Requirement: Permit Part D.4.3.a

“All waste materials shall be collected and stored in securely lidded dumpsters in a location that does not drain to a waterbody.”

Detail Sheet DE-ESC-3.6.1 Site Pollution Prevention Sheet Notes 3.a “All waste materials shall be collected and stored in securely lidded dumpsters in a location that does not drain to a waterbody”

Observation #2:

The dumpster in photograph DSCN0316 lacks a lid.

Concrete Washout

General Requirement: Permit Part D.4.4.e

“Washout from concrete trucks shall be disposed of in a designated concrete washout area for hardening and proper disposal.”

Observation #3:

Photographs DSCN0268, DSCN0271 and DSCN0317 show evidence of past concrete washout and hardening on lots which are being actively developed.

Stockpile Management

General Requirement: Permit Part D.1.5.b – Stockpile and Sediment Barrier

“Install a sediment barrier (e.g., berms, dikes, fiber rolls, compost logs, silt fences, or sandbags) along all downgradient perimeter areas.”

Section 3.7.3 of the Delaware ESC Handbook requires the stockpile be graded and have a maximum slope of 2:1 and are supposed to be a minimum of three feet from the perimeter control.

Observation #4:

As identified in photograph DSCN0303, shows a small stockpile that appears to be closer than 3 feet from the perimeter control and a slope greater than 2:1.

Silt Fence Maintenance

General Requirement:

Section 3.1.2-2 of the Delaware ESC Handbook, Design Criteria regarding silt fence “Repairs should be made immediately.”

Detail DE-ESC-3.1.2.1 of the Sediment and Stormwater Management Plan states “Maintenance shall be performed as needed and material removed when bulges develop in the silt fence”

Observation #5:

As identified in photographs DSCN0275, DSCN0287, DSCN0289, DSCN0290, DSCN0291, DSCN0303, DSCN0323, DSCN0326 and DSCN0328 silt fencing was ripped, bulging, required cleanout, beginning to fall and not completely around the perimeter of a lot.

Maintenance of Sediment Controls

General Requirement: Section 3.7.1 of the Delaware ESC Handbook Standard and Specifications for ESC for Minor Development “7. Maintain the control practices.

- a. Maintain all erosion and sediment control practices until construction is completed and the lot is stabilized.
- b. Inspect the control practices a minimum of twice a week and after each storm event, making any needed repairs immediately. Toward the end of each work day, sweep or scrape up any soil tracked onto roadways....”

Observation #6:

Photographs DSCN0318, DSCN00319, DSCN0321 and DSCN0327, show sediment accumulated in a riprap channel.

Photograph DSCN0270 illustrates sediment tracked onto the roadway.

IV. Records Review

During the opening conference, the EPA Inspection Team requested documentation including: Notice of Intent, Permit, Erosion and Sediment Control Plan, Wetlands Permit and Self Inspection Reports from February 1, 2021 to the date of the inspection. The requested documents were sent to the EPA Inspection Team and received on June 4, 2021.

V. Closing Conference

After the site walk, the EPA Inspection Team met with the site representatives for a closing conference. The EPA Inspection Team shared preliminary observations with the site. 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 2:30 pm.