

Milford Township

From: Jeremy Oettinger [joettinger@pikepa.org]
Sent: Thursday, February 23, 2023 9:46 AM
To: jeborino@pa.gov; bgreer@jdm-inc.com; jraplee@clearwaterconstruction.com
Cc: dingman@ptd.net; milfrdtp@ptd.net; Bonacci, Jeffrey J; Daniels, Catherine; hshell@pa.gov; Arcangelo, John; Michael Hanuscik; Mitchell Roote; Robert Tomasetti (rtomasetti@jdm-inc.com); Alfred Kinney (akinney@jdm-inc.com); Michael Manieri; Edward J Jones; ddavis@clearwaterconstruction.com; Mattern, Brian; Kawash, Peter
Subject: SR0084 Section 494 inspection report "IR 23-05"
Attachments: 2023-2-21 IR 23-05.pdf

On February 21, 2023, a representative of the Pike County Conservation District conducted an inspection of earth disturbance activities at the site (NPDES permit # PAD520027). A copy of the inspection report is enclosed for your use. Hard copies will not follow in the mail.

The Pike County Conservation District, by delegation agreement with the Department of Environmental Protection, is authorized to investigate complaints and inspect earth disturbance activities to determine compliance with the Chapter 102 Erosion and Sediment Control regulations and the Clean Streams Law.

If you have any questions regarding this matter, please contact the District at 570-226-8220. Thank you.

Jeremy Oettinger
Resource Conservationist
Pike County Conservation District
556 Route 402
Hawley, PA 18428
(570)226-8220 (t) ext. 1338
www.pikeconservation.org

Sign up to receive our monthly newsletter!



CHAPTER 102 INSPECTION REPORT

Permit No.: PAD520027
 Report No.: 23-05

PIKE CONSERVATION DISTRICT

GENERAL INFORMATION

Project/Site Name:	<u>SR0084 Section 494 Reconstruction Project</u>	Permit Issuance Date:	<u>5/5/2021</u>
Site Address:	<u>SR0084 from milepost 40 to exit 46</u>	Permit Expiration Date:	<u>5/4/2026</u>
Site City, State, ZIP:	<u>Dingman and Milford Townships</u>	Permit Type:	<u>NPDES IP</u>
RP/Permittee Name:	<u>PennDOT Engineering District 4-0</u>	Site Municipality(ies):	<u>Dingman & Milford Townships</u>
RP/Permittee Address:	<u>55 Keystone Industrial Park</u>	Site County(ies):	<u>Pike County</u>
RP/Permittee City, State, ZIP:	<u>Dunmore, PA 18512</u>	Earth Disturbance:	<u>211</u> acres
RP/Permittee Email:	<u>jeborino@pa.gov</u>	Site Latitude:	<u>41.366944</u>
Surface Water(s):	<u>See site description</u>	Site Longitude:	<u>- 75.141389</u>
Special Protection?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Complaint Inspection?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Construction Stage:	<u>Clearing/Grubbing</u>	Activity:	<u>Construction ≥ 1 ac</u>

Operator Name	Operator Company	Operator Email	Approved
William A. Greer	James D. Morrissey, Inc.	Bgreer@JDM-Inc.com	<input checked="" type="checkbox"/>
Jason Raplee	Clearwater Construction	jraplee@clearwaterconstruction.com	<input checked="" type="checkbox"/>
			<input type="checkbox"/>

INSPECTION INFORMATION

Inspection Date:	<u>2/21/2023</u>	Time:	<u>13:00</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
Lead Inspector Name:	<u>Jeremy Oettinger</u>	Inspector Email:	<u>joettinger@pikepa.org</u>
Inspector Title:	<u>Resource Conservationist</u>	Inspector Phone:	<u>5702268220</u>
Other Inspector(s):		Weather:	<u>Overcast, snow cover present</u>
Was a representative of the project on-site during the inspection?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Representative Name:	<u>Al Kinney & Mitch Roote</u>	Email:	<u>See cc list</u>
Representative Company:	<u>JDM & CDR Maguire</u>	Phone:	<u>215-518-9384 & 610-841-2700</u>
Type of Inspection:	<input type="checkbox"/> Initial <input checked="" type="checkbox"/> Follow-up (Previous Report #:	<u>22-04</u>)	<input type="checkbox"/> Photographs attached

Brief description of the site and summary of observations:

Receiving waters: Crooked Swamp (EV), Raymondskill Creek (HQ-CWF), Gum Brook (HQ-CWF, MF), Sawkill Creek (EV, MF), and Sloat Brook (EV, MF).

Jeremy Oettinger (Pike County Conservation District) accompanied by Al Kinney (JDM) and Mitch Roote (CDR Maguire) completed a routine partial inspection of the project site from 13:00-13:45 on February 21, 2023. Light snow cover was present throughout the work area. The group travelled from approximately station 685 WB to station 700 WB. Inlet protection and straw mulch stabilization had been installed within the work area. Mr. Kinney stated minimal work is occurring due to weather and crossover and emergency pull off areas will be paved when weather permits. No E&S violations noted during the time of inspection.

INSPECTION FINDINGS	
<input checked="" type="checkbox"/>	No violations observed at this time.
E&S Violations	
a.	<input type="checkbox"/> Failure to implement and/or maintain E&S BMPs for earth disturbance (§§ 102.4(b)(1), 102.22(a)(1)).
b.	<input type="checkbox"/> Failure to develop and/or implement a written E&S Plan (§ 102.4(b)(2)).
c.	<input type="checkbox"/> Failure to have a person trained and experienced in E&S control methods develop an E&S Plan (§ 102.4(b)(3)).
d.	<input type="checkbox"/> Failure to have the E&S Plan and/or inspection/monitoring reports on-site and available for review (§ 102.4(b)(8)).
e.	<input type="checkbox"/> Failure of permittee to obtain all necessary approvals/permits from DEP/CCD prior to commencing earth disturbance (§ 102.4(d)).
f.	<input type="checkbox"/> Failure to hold a pre-construction meeting and/or invite DEP/CCD staff and/or provide at least 7 days' notice (§ 102.5(e)).
g.	<input type="checkbox"/> Failure of an operator to submit a co-permittee acknowledgement form (§ 102.5(h)).
h.	<input type="checkbox"/> Failure to prepare and/or implement and/or provide upon request a PPC Plan when required (§ 102.5(l)).
i.	<input type="checkbox"/> Failure to temporarily stabilize areas where there will be a cessation of earth disturbance activities for at least 4 days (§ 102.22(b)).
j.	<input type="checkbox"/> Failure to complete or accurately complete visual site inspections as required by the permit (CSL § 402(b)).
PCSM Violations	
k.	<input type="checkbox"/> Failure to implement PCSM BMPs as specified in the approved PCSM Plan (§ 102.8(a)).
l.	<input type="checkbox"/> Failure to operate and maintain PCSM BMPs as specified in an approved PCSM Plan or deed (§ 102.8(a)).
m.	<input type="checkbox"/> Failure to have the PCSM Plan, inspection reports, and/or monitoring records available for review (§ 102.8(j)).
n.	<input type="checkbox"/> Failure to have a licensed professional or a designee present on-site during critical stages of PCSM BMPs (§ 102.8(k)).
o.	<input type="checkbox"/> Failure to record an instrument for PCSM BMPs (§ 102.8(m)(2)).
p.	<input type="checkbox"/> Failure to meet riparian forest buffer criteria (§ 102.14(b)).
q.	<input type="checkbox"/> Failure to permanently stabilize a project site or any phase or stage thereof (§ 102.22(a)).
r.	<input type="checkbox"/> Failure to remove temporary E&S BMPs once permanent stabilization has been established (§ 102.22(a)(1)).
Other Violations	
s.	<input type="checkbox"/> Failure to obtain NPDES permit prior to commencing earth disturbance activity with at least one acre of disturbance (§ 102.5(a)).
t.	<input type="checkbox"/> Failure to obtain E&S permit prior to commencing earth disturbance activity with at least 25 acres of disturbance for timber harvesting and road maintenance (§ 102.5(b)).
u.	<input type="checkbox"/> Failure to obtain E&S permit prior to commencing earth disturbance activity with at least 5 acres of disturbance for oil and gas activities (§ 102.5(c)).
v.	<input type="checkbox"/> Failure of activity not requiring a permit to comply with Chapter 102 requirements (§ 102.5(k)).
w.	<input type="checkbox"/> Failure to follow the approved construction sequence in an E&S or PCSM Plan (CSL § 402(b)).
x.	<input type="checkbox"/> Failure to submit a Notice of Termination (NOT) (§ 102.7(a)).
y.	<input type="checkbox"/> Unauthorized discharge of polluting substances to waters of the Commonwealth resulting in pollution (CSL § 401).
z.	<input type="checkbox"/> Failure to comply with the terms and conditions of a permit or order (CSL § 402(b)).

INSPECTION FINDINGS

Other Violations

- aa. Failure to remove building materials and/or wastes from the site for recycling or disposal in accordance with DEP regulations as required by the permit (CSL § 402(b)).
- bb. Failure to comply with DEP regulations or the Clean Streams Law (CSL § 611).
- cc. Failure to take necessary measures to prevent pollutants from reaching waters of the Commonwealth (§ 91.34(a)).
- dd. Failure to notify DEP of new or expanded earth disturbance not identified in an NPDES permit application (§ 92a.24(b)).
- ee. Failure to notify and/or obtain authorization from DEP/CCD for changes to NPDES permitted activities (§ 92a.41(a)(12)).
- ff. Other:

- During the inspection violations of Chapter 105 were observed and are identified in a separate Chapter 105 inspection report.
- E&S BMPs were evaluated and appear to be functioning as designed.
- PCSM BMPs were evaluated and appear to be functioning as designed.
- Form 3800-FM-BCW0531a was used to document the PCSM BMP evaluation.
- There is a need for modifications to the E&S Plan, PCSM Plan, or permit coverage.
Describe:

COMPLIANCE ASSISTANCE RECOMMENDATIONS

ADDITIONAL COMMENTS

NOTICE AND SIGNATURES

This report is official notification that a representative of the Department of Environmental Protection (DEP) has conducted an inspection of your earth disturbance activity to determine compliance with 25 Pa. Code Chapter 102 and the Pennsylvania Clean Streams Law. This representative may be an employee of a County Conservation District (CCD), which by delegation agreement with DEP is authorized to investigate complaints, inspect earth disturbance activities and conduct compliance actions. Any violations observed by DEP/CCD have been noted in this report and constitute unlawful conduct as defined in Section 611 of the Clean Streams Law. Failure to take corrective actions to resolve the violations may result in administrative, civil and/or criminal penalties being assessed by DEP as specified at Section 602 of the Clean Streams Law. The Clean Streams Law provides for up to \$10,000 per day in civil penalties, up to \$10,000 in summary criminal penalties, and up to \$25,000 in misdemeanor criminal penalties for each violation. This report does not constitute an Order or appealable action of DEP. Nothing contained herein shall be deemed to grant or imply immunity from legal action for any violation noted herein. For further information or assistance contact the DEP/CCD inspector.

The Project Site Representative's signature acknowledges that they have read the report and were given an opportunity to discuss the report with the inspector. The signature does not necessarily mean the signee agrees with the report. All comments by the inspector are based on visual site observations and do not constitute professional practice under applicable law.

- Violations are documented in this report and this report serves as a Notice of Violation (NOV).
- A follow-up inspection will occur on or about: Mar-23



Site Representative Signature

23 FEB 23

Date



Inspector Signature

2/23/23

Date

ADDITIONAL COMMENTS

CC List:

Dingman Township, Karen Kleist: dingman@ptd.net

Milford Township, Shahana Shamim: milfrdtp@ptd.net

PA Department of Transportation, William Eckenrode: wieckenrod@pa.gov

PA Department of Transportation, Catherine Daniels: cadaniels@pa.gov

PA Department of Transportation, Harold Hill: hshill@pa.gov

PA Department of Transportation, John Arcangelo: jarcangelo@pa.gov

CDR Maguire, Chip Hanuscik: michael.hanuscik@cdrmaguire.com

CDR Maguire, Mitch Roote: mitchell.roote@cdrmaguire.com

James D. Morrissey Inc, Robert Tomasetti: rtomasetti@jdm-inc.com

James D. Morrissey Inc, Alfred Kinney: akinney@jdm-inc.com

James D. Morrissey Inc, Mike Manieri: mmanieri@jdm-inc.com

Tran Systems, Ed Jones: ejones@transystems.com

Clearwater Construction, Dave Davis, ddavis@clearwaterconstruction.com

PA Department of Environmental Protection, Brian Matter, bmatter@pa.gov

PA Department of Environmental Protection, Pete Kawash: pkawash@pa.gov

Please note: This inspection report is being distributed via email only. If a paper copy is required, please contact the Pike County Conservation District.

