



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Date: *Dated as shown on electronic signature(s)*

Subj: Inspection Report
Clean Water Act - National Pollutant Discharge Elimination System
("NPDES")
Pleasant Hill Estates

From: Damian Bednarz, EPA Inspector **DAMIAN BEDNARZ**

Thru: Newton Tedder, EPA Inspector

To: File

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BEDNARZ
Date: 2024.07.18 17:37:19 -04'00'

I. Facility Information

- A. *Facility Name:* Pleasant Hill Estates
- B. *Facility Location:* Wildberry Lane
Southbridge, MA 01550
- C. *Facility Contacts:* Tracy Atwater, Operator
Geldbaum, LLC and Neverbuilt, LLC
248 East Main Street
East Brookfield, MA 01515
- Amandio Fernandes
Caar Development, LLC
796 Sheridan Street
Chicopee, MA 01056
- D. *NPDES ID No(s):* Unpermitted

II. Background Information

- A. *Date(s) of inspection:* May 22, 2024
- B. *Weather Conditions:* Approx 80°
- C. *US EPA Representative(s):*
Damian Bednarz, Newton Tedder

D. State/Local Representative(s):

Ken Comia, Southbridge Conservation Commission
Maureen Doyle, Southbridge Conservation Commission

E. Federally Enforceable Requirements Covered During the Inspection:

National Pollutant Discharge Elimination System Construction General Permit
Effective February 17th, 2022

F. Previous Enforcement Actions:

No previous enforcement by the EPA.

III. Type and Purpose of Inspection

Evaluation

IV. Facility Description

On May 22nd, 2024, the EPA conducted a compliance evaluation inspection at Pleasant Hill Estates. The inspection's purpose was to determine compliance regarding conditions and requirements set within the Construction General Permit ("CGP").

V. Inspection

The Pleasant Hills Estates Development, referred to hereafter as the "Site" or the "Development", is an ongoing residential subdivision project that began earth-disturbing construction activity since at least June 2019, however work has been ongoing for longer than this time period along Highfield Drive. The Development consists of approximately 16 residential structures in separate parcels, at the time of the inspection. The Development's project area is approximately 8 acres of land, with most home structures in varying stages of development, ranging from foundation work to entirely completed and occupied. The topography of the Site features a hill on its eastern perimeter, with elevations ranging from 194 to 232 feet. The Development itself sits at elevations from 166 to 193 feet. On the Development's northern perimeter (within 100 feet of disturbance) is a freshwater complex comprising of riverine, forested/shrub wetland, and ponds, that is a tributary to McKinstry Brook (MA41-13) which reaches the Quinebaug River (segments MA41-02 and MA41-09). Both waterways are 303(d) listed in Massachusetts Department of Environmental Protection's 2022 Integrated List of Waters for the Clean Water Act and feature impairments including but not limited to; trash/debris, turbidity, and algae. A map of waters, elevations, and parcel boundaries immediate to the Development is provided in the attached photo log (Page 13)¹.

¹ Mapped layers collected from; National Wetland Inventory – U.S. Fish & Wildlife. 2003 Elevation Contours – MassGIS. 2024 Property Tax Parcels – MassGIS. 2021 Aerial Imagery – MassGIS.

As planned between the EPA and the Town of Southbridge Conservation Commission (the “Commission”), Mr. Bednarz and Mr. Tedder (the “EPA Inspectors”) arrived in front of Bob Gammell’s residence at approximately 10:30 a.m., located at 70 Hillcrest Avenue, Southbridge, MA. The EPA Inspectors met with Ken Comia and Maureen Doyle of the Commission and Mr. Gammell.

A. Opening Conference

The EPA inspectors presented their credentials and explained that the purpose of the inspection is to determine permit applicability for the Development under the 2022 Construction General Permit, as a previous Notice of Intent (“NOI”) to discharge stormwater was not found in the EPA’s data systems.

Mr. Komia explained that operations have largely halted at the Development, due to a stop work order issued by the Commission on November 2nd 2023. Impacts to nearby wetland systems were communicated with the operator, as discharges from the site frequently deposited sediments. Mr. Komia produced a physical copy of the stop work order and an associated study conducted by the BSC group on May 7th, 2024, titled “Enforcement Order Support”. The Commission explained that the BSC Group, Inc. was tasked to identify the extent of impacts to wetlands resources, which concluded that construction work had impacted approximately 10,000 square feet of jurisdictional wetlands. Mr. Komia also explained that the Development had at least two phases of work, with the first phase focusing on residential development on a culdesac along Wildberry Lane, perpendicular to Highfield Drive, and the second and current phase being homebuilding along Highfield Drive.

The EPA Inspectors asked the Commission to identify any operators of the Development, and Tracy Atwater was explained to have operational control over the project, although at the time of the inspection, it was said that he infrequently visits the Development due to the November 2nd, 2023, stop work order. Mr. Komia explained that some erosion control measures were installed shortly after this stop work order was issued, which included perimeter control measures along the southern perimeter of the project.

Mr. Gammell provided access to his property which shares a property boundary to the north with the Development. Mr. Gammell indicated that EPA Inspectors may observe the Development from his property and that downstream impacts are visible at this location.

B. Site Observations

Near the northern boundary of Mr. Gammell’s property that abuts the Development, EPA Inspectors observed significant sediment deposition and noted that elevations

increase to the east (Pages 11, 12)². Two rows of silt fencing and a rock stone wall was present at this location (Pages 8, 9); however, silt accumulation was present on both sides of perimeter control measures. A flow of water was observed traveling southwest of the Development, downgradient of higher elevations to the east. Mr. Gammell explained that these perimeter control measures were installed in the last month from the day of the inspection, and that the source of stormwater carrying sediment was likely due to an unstabilized slope at the easternmost point of the Development along a hill.

At this point in the inspection, Mr. Bednarz placed two calls to Mr. Atwater to obtain access to inspect the Development. Mr. Atwater did not answer, and the EPA Inspectors observed the Site from 80 Highfield Drive, an occupied residence that had been completed at the Development. The home is owned by David and Karen Gouin, and EPA Inspectors were granted permission to collect observations from this lot. The EPA Inspectors observed an unstabilized hillside and stock pilings as well as recently installed riprap and silt fencing (Page 10). The pitch of this property promotes the flow of stormwater south and towards Mr. Gammell's property, and this downslope is consistent along the south side of Highfield Drive (Page 7).

After concluding the initial inspection at the Development, EPA inspectors accompanied the Commission on an inspection of the Southbridge Municipal Airport located at 220 Airport Access Road, Southbridge, MA. After being granted permission to walk the perimeter of the Southbridge Municipal Airport, Mr. Bednarz walked to the southern property boundary to the Unnamed Tributary to McKinstry Brook abutting the Development (See Page 14 for a map of the Unnamed Tributary to McKinstry Brook location) to observe any downstream impacts from the Development. Mr. Bednarz entered the Unnamed Tributary to McKinstry Brook from the Southbridge Municipal Airport property and walked the centerline of the waterbody downstream towards Pleasant Street. While walking the center line of the Unnamed Tributary to McKinstry Brook, Mr. Bednarz observed sediment deposition in the waterbody similar to what was present at Mr. Gammell's property (Page 6). Evidence of sediment deposition was present on banks and slow flow points in the waterbody (Page 1-5). Mr. Bednarz then walked the centerline of the Unnamed Tributary to McKinstry Brook to return to the Southbridge Municipal Airport property.

D. Closing Conference

Following the initial inspection of the Development the EPA Inspectors explained to the Commission that findings will be presented in an inspection report addressed to the

² Note that due to piloting of new photo taking methods, the associated photo album is ordered chronologically with Page 12 being the first photos taken during the tour, and Page 1 being the last.

operators of the Development. After observing the Unnamed Tributary to McKinstry Brook, the EPA inspectors departed at approximately 1:30 p.m.

Unless otherwise noted, this report describes conditions at the facility/property as observed by EPA inspector(s), and/or through records provided to and/or information reported to EPA inspector(s) by facility representatives and as understood by the inspector(s). This report may not capture all operations or activities ongoing at the time of the inspection. This report does not make final determinations on potential areas of concern. Nothing in this report affects EPA's authorities under federal statutes and regulations to pursue further investigation or action.