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

Drafted Date: 5/25/2021

Finalized Date: 6/3/2021

Subj: Inspection Report
Clean Water Act - National Pollutant Discharge Elimination System ("NPDES")
Isle of Skye Estates (115 Dayton St., LLC)

From: Stephanie Tougas, Enforcement Officer, U.S. EPA

Thru: Neil Handler, Senior Enforcement Coordinator, U.S. EPA

To: File

I. Facility Information

A. *Facility Name:* Isle of Skye Estates

B. *Facility Location*: 105 Dayton St.
Danvers, MA 01923

C. *Facility Contacts:* John Thomson, Developer
115 Dayton St., LLC
7 Federal Street, Suite 17
Danvers, MA 01923
978-807-2800, Jmthomson64@me.com

Scott Cameron, Engineer
The Morin-Cameron Group, Inc.
25 Kenoza Ave
Haverhill, MA 01830
978-373-0310

D. *NPDES ID No(s).:* MAR1001HM

II. Background Information

A. *Date(s) of inspection:* May 24, 2021

B. *Weather Conditions:* 65 degrees F, Sunny

C. US EPA Representative(s):
Stephanie Tougas
Neil Handler

D. State/Local Representative(s):
None

E. Federally Enforceable Requirements Covered During the Inspection:
Construction Stormwater General Permit 2017

F. Previous Enforcement Actions:
None

III. Type and Purpose of Inspection

Evaluation of compliance with National Pollutant Discharge Elimination System General Permit for Discharges from Construction Activities (CGP)

IV. Facility Description

Isle of Skye Estates is a subdivison located in Danvers, MA at 105 Dayton Street. The entrance to the construction site is off Putnam Ave. The entrance road is Scotland Rd that ends in a cul-de-sac. The subdivision consists of seven lots, each approx. 30,000 square feet. The high point of the site is located along the northern border of the property (Lots 1, 3, and 5). The site then slopes downward as you head in a southerly direction towards either Dayton Street or the Scotland Road entrance. At the time of construction, the site had three homes almost completed, with four Lots having been clear cut but not developed yet. The site is approximately 0.2 miles from Beaver Brook.

V. Inspection

Inspector Tougas announced the inspection to the facility on May 20, 2021 via a phone call to Mr. Scott Cameron, the site engineer. Inspector Tougas then confirmed the inspection, via email, to Mr. Cameron and Mr. Thomson, the site operator.

A. Opening Conference

Inspectors Tougas and Handler arrived at approximately 10AM. Mr. Cameron, his colleague Annie Raferty, and Mr. Thomson arrived shortly after. Inspector Tougas and Inspector Handler presented their credentials and handed Mr. Thomson the Small Business Resources Information Sheet. Inspector Tougas explained that EPA had received a complaint about the stormwater controls on site and that EPA was there to inspect compliance with the Construction General Permit.

Mr. Cameron had the Stormwater Pollution Prevention Plan (SWPPP) with him on site, so Inspectors Tougas and Handler briefly reviewed the document. Mr. Cameron showed the inspectors the weekly inspection reports, as well as the site plans and a copy of the

notice of intent for CGP coverage (IMG_0466- IMG_0470). The SWPPP is not kept on site, but the office in which it is kept is located close to the site.

Mr. Thomson explained that they broke ground in the summer of 2018. By the end of 2018, the road had been constructed. Mr. Thomson explained that he owns the road and an easement 12 feet back from the road for the sidewalk. He said that each lot has been sold and the property beyond the easement is the responsibility of the individual owners. Mr. Thomson said each owner hires their own contractors to construct their home. Mr. Thomson said that very soon his contractor was going to construct the sidewalk, but for now he has put down crushed stone and seed.

EPA inspectors asked about the catch basins on site, to which Mr. Thomson explained that all the catch basin on site drain to an underground retention/infiltration system that is constructed near the back of Lots 2 and 4. Any excess stormwater that exceeds the capacity of the retention system then discharges to the city's stormwater system located on Dayton Street.

B. Facility Tour

EPA Inspectors, Mr. Cameron, Ms. Raferty and Mr. Thomson began a site tour, beginning by Lot 6 and walking clockwise. EPA inspectors noted a large pile of stumps (IMG_0473) and a silt fence that was in disrepair (IMG_0475) on this property. Mr. Cameron said that these silt fences were installed by him originally to demarcate the property line but he said it was now the responsibility of each property owner to maintain them. EPA Inspectors also noted that in the easement of this lot adjacent to Scotland Road there was a section that could be prone to erosion (IMG_0474). We discussed this with Mr. Thomson who said that he had a contractor lined up to begin work this week on installing a sidewalk in this area. Mr. Thomson thought that the installation of the sidewalk would address any potential erosion issues that could occur between the cul-de-sac and the intersection of Scotland Road and Putnam Lane. EPA Inspectors suggested that Mr. Thomson consider the installation of a silt sock or other means to control erosion in this area if there was going to be a delay in the construction of the sidewalk. Mr. Thomson said that he would follow up and provide photos to EPA Inspectors showing either the construction of the sidewalk or installation of stormwater controls if the construction of the sidewalk was delayed.

The group continued to Lot 5, where the area had been clear cut but there were still tree stumps in the ground which would require further earth work to remove. Mr. Thomson said that the lot owner is responsible for the remaining earth work.

Lots 3 and 1 had a large dirt stockpile that had been seeded and had developed vegetation (IMG_0482). The easement portion of this property along Scotland Road is also currently vegetated (IMG_0484). The group then continued down Scotland Road towards the site entrance. EPA inspectors noted a catch basin with silt protections (e.g., silt sack) and a silt sock installed in front of Lot 2 (IMG_0485, IMG_0486), which is an active construction area. The silt sack did not have much accumulated silt in it.

The easement along the north side of Scotland Road is vegetated while on the south side it is covered with gravel (IMG_0488). There is some evidence of a small amount of erosion of the soil on the south side right next to where it meets the pavement. The group reached the site entrance to observe the site catch basin that is directly up slope from the town catch basins (IMG_0489, IMG_0490). This catch basin also has a silt sack and silt sock installed. There was minimal debris in the silt sack. Mr. Cameron said that not much is getting into the town catch basin from the site. He explained that the town catch basin is also handling any stormwater coming down Putnam Lane from the north east.

EPA inspectors then asked to observe the area where the retention/infiltration system is built. The group walked to the rear of Lots 2 and Lot 4, where the retention/infiltration system was located. Mr. Thomson explained that the retention system is on an easement that belongs to the town, and that the property owners are aware of it. Since the system was constructed underground all that was visible from the surface were the cleanout manholes and a nearby catch basin (IMG_0497). EPA Inspectors suggested Mr. Thomson place some silt or construction fencing around the catch basin to provide greater visibility and to prevent it from being covered with dirt during the additional earth work that would be done in the area.

EPA Inspectors then followed the pathway that any excess water from the retention/infiltration system would take as it flows underground to the Town of Danvers stormwater system located on Dayton Street. Parts of the area were seeded while other portions, where there was active earth work, were not. (IMG_0498).

The group then walked down to Dayton Street, where they observed the Town of Danvers catch basin at the bottom of the hill, behind Lot 2 and another active construction project that was not part of this subdivision. Inspector Tougas asked if they communicate with the folks involved with this project, to which Mr. Thomson said all the time. Mr. Thomson had put crushed stone upslope from the catch basin as a stormwater control in addition to the silt sack and silt socks (IMG_0499, IMG_0500). EPA Inspectors noted that the sign identifying the EPA permit number for the project had a permit number that differed from the number on the NOI (IMG_0501). EPA inspectors requested that they change it to the correct permit number.

C. Closing Conference

Mr. Thomson reiterated that the sidewalk would be constructed very soon and that he would follow up with photos. Mr. Thomson also said that he was going to erect a temporary fence that blocked the entrance off and on the slopes of the Lots that would be undergoing active construction to limit equipment access only to the driveways to mitigate track out onto the road. Mr. Thomson and Mr. Cameron explained that they are very actively involved with the site and come to the site after every rain event to check on stormwater controls. EPA inspectors said they would follow up with a report soon. EPA Inspectors thanked everyone for their time and departed at approximately 11:30AM.

Picture List:
IMG_0466.JPG – weekly inspection report signed by engineer 5-11-21

IMG_0467.JPG – weekly inspection report signed by engineer 4-19-21
IMG_0468.JPG – another example of a weekly inspection report 4-1-21
IMG_0469.JPG – cover page of SWPPP
IMG_0470.JPG – copy of NOI
IMG_0471.JPG – standing at top of cul-de-sac, looking towards entrance of site
IMG_0472.JPG – Cul-de-sac, with Lot 5 in back
IMG_0473.JPG – Lot 6
IMG_0474.JPG – Standing on Lot 6, looking at Lots 4 and 2
IMG_0475.JPG – down silt fence behind Lot 6
IMG_0476.JPG – down silt fence behind Lot 6
IMG_0477.JPG – rock barrier along Lot 6
IMG_0478.JPG – Lot 6
IMG_0479.JPG – silt fence down by Lot 6
IMG_0480.JPG – Lot 5
IMG_0481.JPG – standing on Lot 5, looking down on cul-de-sac
IMG_0482.JPG – stockpile that is vegetated
IMG_0483.JPG – tracks of machinery
IMG_0484.JPG – standing by Lot 3, facing towards cul-de-sac
IMG_0485.JPG – catch basin that drains to retention system by Lot 2
IMG_0486.JPG – catch basin that drains to retention system by Lot 2
IMG_0487.JPG – Lot 2
IMG_0488.JPG – crushed stone where sidewalk will be, with trees
IMG_0489.JPG – catch basin that drains to retention system near entrance
IMG_0490.JPG – catch basin that drains to retention system near entrance
IMG_0491.JPG – town catch basins at entrance to site
IMG_0492.JPG – view looking down slope from the entrance on Putnam Lane
IMG_0493.JPG – view upslope at site entrance on Putnam Lane
IMG_0494.JPG – development sign
IMG_0495.JPG – silt fences along swale by Lot 2
IMG_0496.JPG – area where retention system is located beneath
IMG_0497.JPG – catch basin that leads to retention basin
IMG_0498.JPG – swale with vegetated buffer
IMG_0499.JPG – town catch basin on Dayton Street
IMG_0500.JPG – town catch basin on Dayton Street
IMG_0501.JPG – MassDEP and EPA permit numbers sign
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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.