



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Drafted Date: 6 August 2021
Finalized Date: 25 August 2021

Subj: Inspection Report
Clean Water Act - National Pollutant Discharge Elimination
System ("NPDES")
Highfield Commons Phase 1B

From: Andrew Spejewski, Enforcement Officer

Thru: Neil Handler, Senior Enforcement Coordinator

To: File

I. Facility Information

- A. Facility Name:* Highfield Commons Phase 1B
- B. Facility Location:* Fillmore Boulevard
Rochester, NH 03867
- C. Facility Contacts:* Chris Strickler
Chesapeake Development, LLC
746 D.W. Highway, Unit B
Merrimack, NH 03054
603-496-3684, chris@cdcnh.com
- Ed Pope, Supervisor
Dozer5609@gmail.com

D. NPDES ID No(s): NHR1000OP [Note final two characters are letters]

II. Background Information

- A. Date(s) of inspection:* August 5, 2021
- B. Weather Conditions:* Intermittent light rain
- C. US EPA Representative(s):* Andrew Spejewski
- D. State/Local Representative(s):* None

E. Federally Enforceable Requirements Covered During the Inspection: NPDES General Permit for Discharges from Construction Activities (2017 Construction General Permit)

F. Previous Enforcement Actions: No federal actions known

III. Type and Purpose of Inspection

Unannounced evaluation of compliance with the 2017 Construction General Permit.

IV. Facility Description

The site is a single-family residential construction site; the currently active portion is a new phase extending beyond previously completed sections of the development. Fillmore Boulevard is the completed section. The new construction activities include a new road, Eisenhower Drive, extending west and north from the end of Fillmore, an access road extending south (and east) from the end of Fillmore to Hussey Hill Road, a stormwater basin to the south and west of the end of Hussey Hill Road, and a stormwater basin lying just south of Eisenhower Drive and west of the access road. [See attached map, with an aerial image from October 2020 and markings showing current activities].

The site slopes down to the southwest along the access road, with a slope down from the road to the east. The new Eisenhower Drive goes uphill, with a steep slope down to the west behind house lots. The area to the east of Eisenhower Drive is fairly flat with a very high stockpile of dirt running along it.

At the time of the inspection, the access road was being graded and compacted, houses to the west of the Eisenhower Drive ranged from being under construction to mostly completed, and lots to the east of Eisenhower Drive were not yet final graded (except for a couple lots closest to Fillmore).

V. Inspection

A. Opening Conference

Mr. Spejewski arrived on site at about 10:30 AM and parked at the end of Fillmore Boulevard. Upon asking a site worker for the superintendent, he was directed to Ed Pope who was nearby driving a road roller. Mr. Pope said that he was the site supervisor in charge, working for the site development company, which he identified as Highfield Homes (saying the name had changed several times).

Mr. Spejewski introduced himself, explained the purpose of the inspection, presented his credentials and gave Mr. Pope a copy of the Small Business Resources Information Sheet. Mr. Spejewski explained he needed to see the SWPPP [stormwater pollution prevention plan] and inspection reports and walk the site. Mr. Pope said that the paperwork was either in his truck at the foot of the access road or in a storage container on site. Mr. Pope suggested Mr. Spejewski begin walking the site unaccompanied, while

Mr. Pope completed ten minutes of work on the road, and then both could meet at his truck. Mr. Spejewski agreed and began a tour of the site.

After a partial tour, Mr. Spejewski met Mr. Pope at his truck at the access road/Hussey Hill Road junction. Also there was Justin Sherman, who explained that he was a consultant hired to do operator site inspections of erosion controls, and he had just completed his inspection. Mr. Pope explained that the SWPPP was in the storage container on site, and proposed meeting Mr. Spejewski there. Mr. Spejewski then walked to the north of the site, observing the western edge, and, after a missed meeting at the storage container, met Mr. Pope at Mr. Spejewski's car to examine the SWPPP and site plans. Mr. Sherman also met Mr. Spejewski there, and explained that his reports were electronic. Mr. Spejewski requested that Mr. Sherman email reports for 2021 if possible, and Mr. Sherman agreed to try. [Reports were subsequently emailed to Mr. Spejewski on August 9].

Mr. Spejewski then left briefly to observe the large stockpile between the Eisenhower Drive and Fillmore Boulevard, and returned to Mr. Pope for a short closing conference.

B. Facility Tour

The access road under construction to meet up with Hussey Hill Road slopes down to the south. A high (ten feet or so) earthen berm was on either side of the new road. To the east of the road, the far side of the berm sloped down steeply toward a wooded area. The berm and slope to the east had some scattered grass, but not enough to fully stabilize it. Along the south part of the slope, plastic netting was in place holding down fresh straw mulch. Silt fence ran along the foot of the slope, at the edge of the wooded area. Accumulated trapped dirt extended close to halfway up the fence in places. In one spot, a line of fallen-over silt fence was visible, with an apparently newer line of fence in place inside of the fallen fence. An erosion path was visible on the slope, and sediment deposits extended east into the woods at least 30 feet.

The new access road ended to the south at the north end of the paved part of Hussey Hill Road. A dirt road/driveway led northwest from this spot; according to Mr. Pope it was a private driveway and not part of the site.

There was no gravel pad or other sediment track-out control installed between the paved Hussey Hill Road and the new access road (and other places where sustained traffic will be leaving the site or transitioning to paved roads).

A ditch on the east side of the access road passed through a culvert underneath the private driveway and then led south towards the southwest basin.

An apparently abandoned house was located just west of the end of Hussey Hill Road. South of that lot was the southwest basin. The basin's walls, inside and outside, had plastic netting holding down fresh straw mulch. The floor of the basin had been recently scraped and/or leveled.

A broad constructed swale entered the basin from the north, running west of the lot with the abandoned house, coming from an outfall to the north and east. Mr. Pope later explained this was the outlet from a culvert collecting stormwater runoff from the northern part of the ditch along the new access road. The outer, western swale walls were built up several feet; weed growth was thick and stabilizing in places and thin and scattered in others. Silt fence was in place along part of the swale wall, but sediment deposits beyond the fence were visible in at least one place.

At the north end of the access road (closer to the intersection of Fillmore Blvd and Eisenhower Drive), to the west, was a second large stormwater basin. The basin had well-established grass on the walls.

To the north of the new access road, a new development road, Eisenhower Drive, led west then north. The road was paved with curbs in place. Catchbasins were in the road, with no filter fabric. Mr. Pope later explained that filter fabric had just been removed, because it was causing road flooding, and the catchbasins drained to on-site basins anyway.

The first seven houses on the south/west side of Eisenhower Drive were completed or near complete. The first three or four had established lawns and appeared occupied.

There was a shallow slope down to the west behind the new houses which gradually steepened and lengthened to the north. The slope was mostly established grass, but a section about 20 feet wide was mostly bare dirt. Plastic mesh was in place on that section, but the straw beneath it had washed away, and the slope showed signs of gullying and erosion.

Farther north, past the houses, a small, cleared area was above a steep slope down to the west. A wide section of the slope was bare dirt; again, plastic netting was in place but no straw underneath. In places the slope had eroded away up to six inches below the netting. A line of silt sausage was at the foot of the slope, but at the eroded section it was completely buried with dirt washed down the hill.

The slope ended in undisturbed woods, except for a cleared dirt road (now grown with weeds and grass) leading down to the west, just below the eroded area. The dirt road ended at another dirt road running north-south along the slope which continued down to the west (Mr. Pope later identified the road as former access to an antenna). A line of silt fence was in place on the west, lower edge. At a low spot, water was ponded up nearly to the top of the silt fence. There was no sign of the silt fence having failed in any spot.

In a lot west of Eisenhower Drive two transport containers were being used for storage of equipment. Also present was a fueling tank inside a concrete containment berm; the berm had cracks extending from the inside through the width of the wall, and a chunk fallen off

of the inside. A gravel entrance was in place between this lot and the paved new road, but it was partially overwhelmed with accumulated mud.

To the north, the surrounding terrain was generally above the project.

East of the new road (between it and the south end of the completed Fillmore Boulevard) was a large stockpile, 20 feet high, extending south along the side of the new road, then bending east. The stockpile was covered with plastic mesh; little straw remained under the mesh. There was sufficient weed and vegetation growth in most spots to stabilize the stockpile, but there were several eroded spots, mostly draining to the south towards the Eisenhower Drive. The eastern end of the stockpile was unstabilized with eroded gulley's a couple inches deep.

D. Closing Conference

Mr. Spejewski noted that it was clear there had been significant erosion and sediment control issues at the site, including the slope east of the access road, but that controls had been added. Mr. Pope admitted there had been issues, including at the slope and a blowout of the southwest basin; he stated the reason for the blowout was that the basin was not completed, and that it had gotten away from him.

Mr. Spejewski noted that the slope east of the access road needed to be completely stabilized, and also pointed out that the plastic mesh alone was not sufficient to stabilize slopes. Mr. Pope said it had been installed with straw underneath originally. Mr. Spejewski pointed out that the straw was long gone in many areas, and in several cases there was significant erosion below the mesh, including the slopes to the northwest.

Mr. Spejewski then thanked Mr. Pope for his time and left the site at about 12:15 PM.

Picture List:

The initial 45 photos were taken with the inspector's EPA-issued camera. Due to battery issues, the final six photos were taken with the inspector's personal cell phone. Subsequently, it was discovered that the camera's time was set 15 minutes fast, making the timestamps for those files 15 minutes off.

IMG_2338.JPG	Berm east of access road, facing north
IMG_2339.JPG	Slope east of berm and access road, facing southeast
IMG_2340.JPG	Berm and access road, facing south
IMG_2341.JPG	Silt fence at foot of slope east of access road
IMG_2342.JPG	Foot of slope east of access road, showing rows of silt fence
IMG_2343.JPG	Sediment deposit east of silt fence, east of access road
IMG_2344.JPG	West of access road, facing north
IMG_2345.JPG	Facing south to south end of access road
IMG_2346.JPG	West end of culvert under access road
IMG_2347.JPG	Basin in southwest corner of project
IMG_2348.JPG	Swale entering basin, facing north
IMG_2349.JPG	Interior of southwest basin, facing east

IMG_2350.JPG	Exterior of southwest basin, facing east
IMG_2351.JPG	Slope to west of swale
IMG_2352.JPG	Slope on exterior of swale
IMG_2353.JPG	Facing north over swale
IMG_2354.JPG	North end of swale
IMG_2355.JPG	Facing west over north end of swale
IMG_2356.JPG	Juncture of access road and paved Hussey Hill Road
IMG_2357.JPG	Central basin, facing south
IMG_2358.JPG	Facing west and north, behind southernmost houses on new road
IMG_2359.JPG	Facing north behind houses on new road
IMG_2360.JPG	Slope behind houses, central part of new road, facing north
IMG_2361.JPG	Slope west of houses, central part of new road
IMG_2362.JPG	Site entrance from new road to west, central part
IMG_2363.JPG	Stockpile east of new road,
IMG_2364.JPG	Stockpile east of new road, northern end facing north
IMG_2365.JPG	Catchbasin on new road
IMG_2366.JPG	Facing south on new road
IMG_2367.JPG	Oil/fuel storage, west of new road
IMG_2368.JPG	Interior, oil/fuel storage containment
IMG_2369.JPG	Facing west, down slope to west of northern end of new road
IMG_2370.JPG	Top of slope to northwest, facing north
IMG_2371.JPG	Slope down from northwest, facing west
IMG_2372.JPG	Detail, slope down from northwest
IMG_2373.JPG	Detail of gulley, northwest slope
IMG_2374.JPG	Foot of slope to northwest
IMG_2375.JPG	Trail down from northwest slope to west road
IMG_2376.JPG	Facing south along western road
IMG_2377.JPG	Facing north along western road
IMG_2378.JPG	West edge of western road
IMG_2379.JPG	Facing east, between new road and stockpile to east
IMG_2380.JPG	Southern slope of stockpile
IMG_2381.JPG	Area north of new road and south of stockpile
IMG_2382.JPG	Facing north over east end of stockpile
IMG_20210805_115034.jpg	Cover of SWPPP
IMG_20210805_115050.jpg	Operator information page from SWPPP
IMG_20210805_115110.jpg	Locus map from SWPPP
IMG_20210805_115332.jpg	Drainage plan, southwest part of site
IMG_20210805_120832_HDR.jpg	East edge of stockpile facing north
IMG_20210805_120837_HDR.jpg	Detail, stockpile slope

** END **

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.