



REGION 1

BOSTON, MA 02109

Dated as shown on electronic signature.

Sent via Electronic Mail.

Christian Farland
Farland Corporation, Inc.
154 Huttleston Ave.
Fairhaven, MA 02719
cfarland@farlandcorp.com

Subject: March 28, 2024, EPA Inspection at Autumn Drive, Middleborough, MA

Dear Mr. Farland:

On March 28, 2024, the U.S. Environmental Protection Agency ("EPA") performed an inspection at Autumn Drive, located in Middleborough, MA, regarding compliance with the National Pollutant Discharge Elimination System (NPDES) program of the Clean Water Act. The site is permitted under the 2022 Construction General Permit¹ (2022 CGP), with a NPDES Permit ID of MAR10054Y and coverage beginning April 4, 2024. A copy of the inspection report is enclosed with this letter.

Specific comments, informed by the inspection, are as follows:

Note on site inspection requirements under the 2022 CGP:

- a. All facilities covered under the CGP are required to carry out site inspections either weekly (every 7 days) or biweekly (every 14 days). If inspections are completed biweekly, additional inspection requirements can be found in section 4.2 of the 2022 CGP.
- b. Inspection report must be completed within 24 hours of any site inspection. Each inspection report must include the requirements outlined in section 4.7 of the 2022 CGP.

Request for resubmission of Notice of Intent (NOI) under the 2022 CGP:

- a. The active permit for this site (NPDES Permit ID MAR10054Y) includes an Estimated Area to be Disturbed value of 0.75 acres. During the inspection, EPA observed that the actual

¹ The 2022 Construction General Permit can be found on the EPA website at the following location:
<https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-permit.pdf>

area will be larger than 0.75 acres. Mr. Farland confirmed that the value on the NOI was likely a typo.

- b. Please Modify your NOI using the CGP-NeT system with a corrected value for the Estimated Area to be Disturbed. Guidance on modifying your NOI under the 2022 CGP can be found on EPA's website².

Request for mitigation of observed turbid discharge:

- a. During the inspection, EPA representatives observed a turbid discharge leaving the site from the third of four on-site basins (map below) without adequate stormwater controls. The discharge appeared to be draining towards nearby cranberry bogs to the south. Part 2 of the 2022 CGP authorizes stormwater discharges provided that appropriate stormwater controls are designed, installed, and maintained.



Site map: During inspection, EPA observed a stormwater discharge from Basin 3 traveling south along the indicated path toward nearby cranberry bogs.

- b. Please provide photographic evidence and a description of actions taken documenting the erosion control methods implemented to mitigate this turbid discharge in compliance with Part 2 of the 2022 CGP.

² Guidance on submitting an NOI under the 2022 CGP can be found on the EPA website at the following location:
<https://www.epa.gov/npdes/submitting-notice-intent-noi-notice-termination-not-or-low-erosivity-waiver-lew-under>

Within 30 calendar days of receipt of this letter provide a response to these comments and requests in an electronic format to the following technical contact:

Stephanie Tougas
tougas.stephanie@epa.gov
(617) 918-1798

Legal issues may be directed to Jeff Kopf, Senior Enforcement Counsel, at (617) 918-1796 or at kopf.jeff@epa.gov.

Sincerely,

**NEWTON
TEDDER**

Digitally signed by
NEWTON TEDDER
Date: 2024.04.09
09:03:57 -04'00'

Newton Tedder, Acting Manager
Water Compliance Section 1
Enforcement and Compliance Assurance Division

Enclosures:

Inspection Report for March 28, 2024, EPA Inspection
Photo Log

CCs (electronic only):

Jeff Kopf, U.S. EPA
Stephanie Tougas, U.S. EPA
Eleanor Horvath, U.S. EPA



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")
Autumn Drive

From: Eleanor Horvath, Inspector

Thru: Stephanie Tougas, Inspector

To: File

**ELEANOR
HORVATH**

Digitally signed by ELEANOR
HORVATH
Date: 2024.04.08 12:11:36
-04'00'

I. Facility Information

- A. *Facility Name:* Autumn Drive
- B. *Facility Location:* Autumn Drive
Middleborough, MA 02346
- C. *Facility Contacts:* Christian Farland, Developer
- Farland Corporation
154 Huttleston Avenue
Fairhaven, MA 02719
508-717-3479, cfarland@farlandcorp.com
- Farland Estates II, LLC, Owner
154 Huttleston Avenue
Fairhaven, MA 02719
- Jay Viera, Site Superintendent
Farland Corporation, Inc.
- D. *NPDES ID No(s):* MAR10054Y

II. Background Information

- A. *Date(s) of inspection:* March 28, 2024
- B. *Weather Conditions:* 45 degrees Fahrenheit, cloudy, light to medium rain

C. US EPA Representative(s):

Stephanie Tougas
Eleanor Horvath

D. State/Local Representative(s):

None

E. Federally Enforceable Requirements Covered During the Inspection:

EPA 2022 Construction General Permit

F. Previous Enforcement Actions:

None

III. Type and Purpose of Inspection

Compliance Evaluation

IV. Facility Description

The site is approximately 86 acres and is located off Walnut Street in Middleborough, MA. It was purchased by Farland Corporation, Inc. in 2020 and the initial phases of development (e.g., clearing for roadways and basins) were completed immediately. At the time of inspection, more than half of the total planned clearing was complete. The site is surrounded by open space to the west, north, and east, with neighboring cranberry bogs to the south.

V. Inspection

Inspector Tougas called Mr. Farland the afternoon prior to the inspection to request site access. Mr. Farland granted access and said he would be on site to accompany EPA on the inspection. EPA arrived at the site at approximately 10:00 AM. The first of four basins was observed near the site entrance and appeared complete and functional.

A. Opening Conference

Mr. Christian Farland met us at the site and introduced himself as the owner and developer. Inspectors Tougas and Horvath were also introduced to Mr. Jay Viera, the site superintendent. Inspector Tougas presented her credentials and explained the purpose of the inspection.

The Opening Conference occurred at the intersection of Country Way and Autumn Drive. During the Conference, EPA observed that the Autumn Drive portion of the road (running north-south through the site) was paved, while the Country Way portion (running east-west) was graded but not yet paved. Mr. Farland explained that the

clearing and grading of the roads occurred during previous work seasons and that the paving of the remaining roadway will begin in April.

Inspector Tougas told Mr. Farland about the citizen complaint received by EPA. She also explained that the most recent CGP NOI that EPA found was for one lot, described as “Autumn Drive (Map 86, Lot 2095),” and 0.75 acres of disturbed land. Mr. Farland said that this value was likely a typo, and the total area of disturbed land is expected to be approximately 24 acres. Mr. Farland began explaining the background of the site, including the general timeline of completed and planned work. Mr. Farland also informed us that the “breach” from the citizen complaint was an intentional move by operator, who took down a berm to drain the basin and finish work on the bottom of the basin. Mr. Farland reported that runoff was contained during this event.

B. Facility Tour

EPA, Mr. Farland, and Mr. Viera then walked south from the intersection where the Opening Conference was held, toward the second of four basins on the site. Mr. Farland explained that they had been completing daily inspections and taking photographs to be sent to the town and that the town’s consultant visits approximately three times per week, accompanied by a town planner. These inspections and the documentation are completed by Mr. Ben Silva, an engineer for Farland Corporation, Inc.

While walking south from the intersection, EPA observed a large stockpile north of the second basin. During the time of inspection, the areas bordering the basin to the west, north, and east were disturbed but not yet stabilized. Mr. Farland explained that they would be hydroseeded in the coming months. The eastern portion of the southern barrier had been stabilized with vegetation last year. The western portion of the southern wall was stabilized with silt fences and hay bales.

The group walked north back towards the initial intersection, then moved west along Country Way towards the third and fourth basins. This portion of the road was unpaved and area to both the north and the south of the road had been cleared. At the western end of the property, EPA observed the location of what is planned to be the fourth basin near the road; the area is cleared, but construction of the basin had not yet begun. In this area near the road, EPA also observed a culvert draining from an area north of Country Way into the third basin to the south. The culvert was made using silt fences and gravel to remove sediment.

Farther south from Country Way, EPA observed the fourth basin. Mr. Farland explained that water in this basin is intended to drain east back toward the second basin. The southwestern barrier was stabilized with silt fences and hay bales. EPA observed a swale in the forest south of this corner of the basin; it was unclear whether this was a naturally occurring channel or a swale constructed by a previous site operator. Mr. Farland believed it was a natural channel. There was water flowing offsite into the channel and appeared cloudy.

The group returned to Country Way, where the site walk was concluded.

C. Closing Conference

Inspector Tougas said that Mr. Farland may need to address the potential discharge offsite into the swale in the forest from the fourth basin. She also explained that she would likely be following up to request copies of Mr. Silvia's inspection reports and the site SWPPP. She also said she would follow up with a copy of the inspection report within 60 days.

EPA departed at approximately 11:00 AM.

After the inspection, Inspector Tougas emailed Mr. Farland to request copies of their SWPPP and recent reports or notes from erosion controls inspections onsite. Mr. Farland provided a copy of the SWPPP on 3/29/24 and copies of their inspection reports on 4/2/2024.

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.

Inspection Photos

Photo Log Page	Image Descriptions
23	Road almost done paved
22	Disturbance
21	More road
20	Area for stockpiling stuff
19	Walking towards basin
18	Area next to basin
17	Side to be hydroseeded once dry
16	Controls bottom of spillway
15	Spillway
14	Stabilized side
13	
12	Culvert draining to other basin
11	Basin was here prior. Mr. Farland is rebuilding it and will keep pumping it has sediment bay
10	Basin up close
9	Controls along basin

8	Swale in woods downslope of erosion controls along basin
7	Plan to drain this way
6	Area where basin will be
5	Basin entrance
4	Basin looking up site
3	Entrance
2	Spillway
1	Entrance