



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
Murray Road Residential Development

From: Damian Bednarz, EPA Inspector **DAMIAN BEDNARZ** Digitally signed by DAMIAN
BEDNARZ
Date: 2024.03.03 14:34:49 -05'00'

Thru: Andrew Spejewski, EPA Inspector

To: File

I. Facility Information

- A. *Facility Name:* 20 Murray Road Residential Development
- B. *Facility Location:* 20 Murray Road
Ashburnham, MA 01430
- C. *Facility Contacts:* Jamison Vandyke, Operator
jbvandyke@formupfoundations.com
Tom Harvey, Operator
Tom.harvey.nh@gmail.com
Josh Joslyn, Engineer in Training, Graz Engineering LLC
josh@grazengineering.com
- D. *NPDES ID No(s):* MAR1004ZS

II. Background Information

- A. *Date(s) of inspection:* February 12th, 2024
- B. *Weather Conditions:* Mostly clear sky, approximately 35°F
- C. *US EPA Representative(s):*
Damian Bednarz, EPA Inspector
Ray Putnam, EPA Inspector
- D. *State/Local Representative(s):*
Chris Picone, Ashburnham Conservation Commission
Catherine Laramie, Ashburnham Conservation Commission

Katie Guertin, Ashburnham Conservation Commission
Mia McDonald, Massachusetts Department of Environmental Protection
Kim Roth, Massachusetts Department of Environmental Protection

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 action by the EPA.

III. Type and Purpose of Inspection

On February 12th, 2024, the EPA conducted an additional compliance evaluation inspection after the filing of a Notice of Intent to discharge stormwater by operator Jamison VanDyke on January 5th, 2024. This inspection's purpose was to determine compliance regarding conditions and requirements set within the Construction General Permit. This inspection, and the EPA's involvement, was announced to the Development on February 2nd, 2024, via email.

IV. Facility Description

The Murray Road Residential Development in Ashburnham, Massachusetts, referred to hereafter as the "Site" or the "Development", is an ongoing residential construction project that began earth-disturbing construction activity since at least October of 2023. The Development consists of seven single family homes, each identified in predetermined lots (Lots 1-7). Each lot within this Development borders Murray Road. The lots generally slope down to the east towards Murray Road, where elevation continues to decrease in the eastern direction, with the highest local points being the most southwestern portions of the Development. There is a drainage swale on the west side of Murray Road that flows north, where waters enter stormwater infrastructure before flowing east towards the Whitmanville Reservoir and Whitman River. According to Development engineering schematics and observations taken during inspections, there exist four stormwater culverts along this length of Murray Road which previously served water crossings traveling eastwards and flows that enter a swale shouldering the road. Additionally, a wetlands delineation was conducted during early stages of the construction project in the shape of a wide "U". These features, as well as flow paths observed during the day of the inspection, can be found in slide 1 of the attached photo album. The area of this Development is approximately six acres.

V. Inspection

A. Opening Conference

Mr. Putnam of the EPA and I arrived at Murray Road at approximately 10 a.m. by prior arrangement. Present at the site at my arrival was Mr. Picone, Ms. Guertin, Ms. Laramie, Ms. McDonald, Ms. Roth, and Mr. Joslyn. Mr. Joslyn explained that an operator of the Development, Mr. Harvey, was to meet with the group soon and that Mr. VanDyke was unavailable to attend this inspection. Approximately 15 minutes later, Mr. Harvey arrived, and the group reintroduced themselves to him.

Mr. Putnam and I presented our credentials and explained the purpose of our inspection, which was a follow-up to a previous visit and to conduct compliance assessments regarding the EPA's Construction General Permit. I asked Mr. Harvey whether he was an operator with control over work at the Development. He stated that he was, and that Mr. VanDyke was the owner as well as an operator.

B. Facility Tour

The group initially met in front of Lot 2, which featured a recently erected home (slide 33) and a semicircle of crushed stone containing a foundation pipe that feeds into Culvert 2 (slide 34). The flows emanating from Culvert 2 were laden with sediment, and deposition was observed for approximately 100 feet outside of the culvert, heading downhill to the east (slide 35). At some point, Mr. Joslyn explained that this culvert previously served flows sourcing from a previously existing logging road.

In efforts to minimize stormwater overflow from the Development onto Murray Road, several blockages, consisting of both large and small rocks, were installed at two stream crossing locations near culvert openings. The group made their way over to Culvert 1 and the stream leading into it (slide 36). The control measures within the stream crossing area are consistent with what I had observed in early January of 2024, which featured a laid mulch layer, staked-in silt socks, and a riprap berm that slows incoming flows. Since January, the Development has installed a dirt channel to convey stormwaters around the mulch layer placed on top of unstabilized area (slide 38-40). Ms. McDonald expressed that control measures should not exist within this area and its 50-foot buffer zone, and that this area should have been untouched by the Development. Mr. Putnam agreed with this statement and mentioned the rock fill ought to be removed. Mr. Picone expressed that the immediate removal of rock fill and other stormwater control measures might have unanticipated consequences such as the inundation of Murray Road and increased pollution risk due to the unstabilized state of this portion of the site, but ultimately agreed that at some point during the project that these control measures need to be removed. Reading verbatim from a copy of the Construction General Permit, I stated at that there is a related permit condition, Part 2.2.1, which requires construction planning to consider and retain a 50-foot buffer zone.

Mr. Putnam suggested that the diverted flow could be instead diverted to Culvert 2, rather than through the stream crossing underneath Murray Road at Culvert 1.

The group proceeded to observe the second stream crossing at Culvert 3, which did not display any significant changes from my last inspection in early January of 2024. I observed a wall of riprap composed of both small and large rocks at the stream crossing with undisturbed area where the flow emerges. Ms. McDonald quickly reiterated concerns with blockages within and around the intermittent stream buffer zone.

I observed accumulated sediment within the swale shouldering Murray Road (slide 43) in front of Lot 4. At the time of the inspection, I observed newly cleared areas at Lot 5 since my last inspection (slide 44). The riprap driveway at this location appeared to have been recently maintained.

C. Records Review

There were no records to be reviewed.

D. Closing Conference

I explained to the group and Mr. Harvey that I would submit my report detailing observations made on this inspection in addition to the January inspection within 70 calendar days of my initial visit. I further explained that now that the Development had submitted a Notice of Intent to the EPA, that they are obligated to meet permit conditions outlined in the Construction General Permit, which can be found online. I mentioned that perimeter controls need to be installed in all perimeter areas downgradient of where unstabilized areas exist, and that the main objective of the permit is to prevent washout of sediment via stormwater. I also mentioned that inspections, conducted in a frequency as specified in the permit, need to commence in addition to documentation of these stormwater inspections. Mr. Harvey expressed at this time that the Development had already spent an undesirable amount of money in efforts to control stormwater and contain pollution.

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.