



REGION 1

BOSTON, MA 02109

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

Subj: Inspection Report – Clean Water Act (“CWA”)
National Pollutant Discharge Elimination System (“NPDES”)

From: Damian Bednarz, EPA Inspector **DAMIAN BEDNARZ** Digitally signed by DAMIAN BEDNARZ
Date: 2025.02.20 17:50:34 -05'00'

Thru: Ray Putnam, EPA Inspector

To: File

I. Facility Information

- A. *Facility Name:* Pleasant Hill Estates
- B. *Facility Location:* Wildberry Lane
Southbridge, MA 01515
- C. *Facility Contacts:* Amandio Fernandes, Owner/Operator
(413) 427-6683
Caar Development, LLC
796 Sheridan Street
Chicopee, Massachusetts 01020
- Tracy Atwater, Owner/Operator
(508) 450-4243
Geldbaum, LLC and Neverbuilt, LLC
248 East Main Street
East Brookfield, Massachusetts 01515
- D. *ID No(s):* MAR1005GI

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II. Background Information

- A. *Date(s) of inspection:* 12/18/2024
- B. *Weather Conditions:* Sunny and clear skies, approx. 40 degrees F.

C. US EPA Representative(s):

Damian Bednarz, EPA Inspector
Ray Putnam, EPA Inspector

D. State/Local Representative(s):

Maureen Doyle, Southbridge Conservation Commission
Katie Yoder, Southbridge Town Planner & 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 at the time of the inspection.

III. Type and Purpose of Inspection

On May 22nd, 2024, and December 18th, 2024, the EPA conducted a compliance evaluation inspection at Pleasant Hill Estates. The inspection's purpose as to determine compliance regarding conditions and requirements set within the Construction General Permit ("CGP").

IV. Facility Description

The Pleasant Hill 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. Construction work has been ongoing for longer than this time period along Highfield Drive and Wildberry Lane. The Development consists of approximately 16 residential structures in separate parcels. The Development's project area is approximately 8 acres, with most home structures in varying stages of development, ranging from foundation work to entirely completed and occupied. On the Development's northern perimeter (within 100 feet of disturbance) is a freshwater complex comprising of riverine, forested shrub/wetland, and pond (figure 1). The mapped wetlands in this figure is a GIS layer sourced from the U.S. Fish and Wildlife's National Wetlands Inventory¹. This freshwater complex 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 the Massachusetts Department of Environmental Protection's 2022 Integrated List of Waters for the Clean Water Act.

V. Inspection

Ray Putnam and I arrived at the Development at approximately 1:20 p.m. and displayed our credentials to Mr. Fernandes shortly after his arrival. I arranged for the inspection a few days prior via phone call to Mr. Fernandes.

¹ Source: <https://www.fws.gov/program/national-wetlands-inventory>

A. Opening Conference

Ray Putnam and I met with Mr. Fernandes and local Southbridge conservation commission agents at the easternmost culdesac at the Development. I did not observe construction activity at the time of the inspection. I asked Mr. Fernandes and local representatives various questions about the nature of ongoing construction. In summary:

- When I asked about stabilization plans at the Development, Mr. Fernandes explained to me that currently, he has obtained a stabilization plan (appendix A of this report) from Expedited Engineering, LLC that proposes the installation of sediment control measures, grading, and stormwater diversionary structures which includes a 6-foot-wide swale at the Development's eastern hill. The swale is proposed to be installed at higher elevations than the Site's disturbance footprint.
- Mr. Fernandes explained that the significant drop in elevation from the eastern hill is the most problematic area of the Site due to run-on stormwater flow sourced from agricultural land in neighboring parcels. Mr. Fernandes explained that the swale proposed by the engineer would significantly reduce run-on flow.
- I asked when the last instance of construction activity occurred at the Site. Mr. Fernandes answered that Mr. Atwater had last worked the Site sometime in May 2024.
- I asked if Mr. Fernandes had recently obtained permit coverage under the CGP for the Site, and he explained that he had not.
- Mr. Putnam asked where stormwater drains located along Wildberry Lane discharge to. Mr. Fernandes explained that the catch basins, installed in 2006, discharge to a detention basin along the right side of Pleasant Street.

I stated to Mr. Fernandes that considering the site has been inactive for several months, that site stabilization work should begin immediately. The Site had been discharging stormwater associated with construction activity for approximately 2 years in total. Mr. Fernandes assured that stabilization work should start tomorrow and/or be completed by January 9, 2025. He detailed that work to be complete by this date included the installation of stormwater diversionary swales and the placement of stump grindings intended to stabilize inactive areas of the Site.

B. Facility Tour

Mr. Putnam and I navigated to the area Mr. Fernandes described to be the source of run-on flow (photos 3a, 3b). Mr. Fernandes at this point explained that it was this approximate area where the swale was to be installed, which is currently outside of the disturbed areas.

Navigating downhill, I observed a steep and unstabilized hillside where a significant amount of fine sediment had accumulated due to stormwater (photos 4a, 4b). It was evident that stormwater had continuously carried and deposited loosened sediments towards the freshwater complex to the north of the Site (photo 5a – uphill, photo 5b – downhill). Sediment deposition was observed closer to the water body up to and beyond a perimeter silt fence, that was down at the time of the inspection (photos 6-8). Mr. Putnam utilized an auger to determine that sediments had accumulated in the low-lying wetlands adjacent to tributary to McKinstry Brook. He explained to me that approximately a foot of sediment had accumulated in this area

downgradient of the Site on top of hydric (wetland) soils bordering the tributary (photo 9). Sandy sediments were also observed within the tributary.

Mr. Putnam and I walked to the southern perimeter of the Site, and through a resident's backyard, after Ms. Yoder received confirmation from the property owners that EPA could access the area. We observed significant accumulation of sediment in an isolated wetland south of the Site (photo 10). Uphill and directly northeast is the other side of the unstabilized hill (photo 11), the source of deposited sediment.

The inspection participants and EPA returned to the culdesac at approximately 2:45 p.m.

C. Records Review

There were no records to review in relation to the CGP.

D. Closing Conference

Closing before the group, I reiterated the importance for Site operators to begin site stabilization work considering the extent of escaping sediment to waterways. I explained that I would submit a report to Site operators detailing my findings.

Mr. Putnam and I departed the Site at approximately 3:15 p.m.

The Southbridge Conservation Commission sent the Site stabilization plan from Expedited Engineering, LLC to me on December 11, 2024 (Appendix A).

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.