



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")
Teakettle Lane and Modoc Street, Duxbury, MA

From: Eleanor Horvath, Inspector

Thru: Karissa Oakes, Inspector

To: File

ELEANOR HORVATH Digitally signed by
ELEANOR HORVATH
Date: 2024.09.24
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I. Facility Information

- A. *Facility Name:* Unnamed development
- B. *Facility Location:* Teakettle Lane and Modoc Street
Duxbury, MA 02332
- C. *Facility Contacts:* Freeman Boynton Junior, Duxbury Construction
Bo Boynton, Duxbury Construction
- D. *NPDES ID No(s):* NA

II. Background Information

- A. *Date(s) of inspection:* August 13, 2024
- B. *Weather Conditions:* Sunny, 80 degrees Fahrenheit
- C. *US EPA Representative(s):*
Eleanor Horvath
Karissa Oakes
- D. *State/Local Representative(s):*
Nancy Rufo, Conservation Administrator, Town of Duxbury
Jim Wasielewski, Building Commissioner, Town of Duxbury
Allison Shane, Conservation Principal Assistant, Town of Duxbury
- E. *Federally Enforceable Requirements Covered During the Inspection:*
EPA 2022 Construction General Permit

F. Previous Enforcement Actions:
None

III. Type and Purpose of Inspection

Permit Applicability Evaluation

IV. Facility Description

The site is comprised of the areas surrounding Teakettle Lane and Modoc Street and is located off West Street (MA-14) in Duxbury, MA. It is being developed on a parcel-by-parcel basis by Duxbury Construction. The site is surrounded by open space to the south and east, and residential areas to the north and west. There is a wetland complex including West Brook to the southeast of the site.

V. Inspection

Inspector Horvath called Mr. Freeman Boynton Junior, who had already been notified of EPA's proposed site visit, the morning before the inspection at approximately 9:15 AM to request site access. Mr. Boynton granted access and said he would be on site to accompany EPA on the inspection, along with his son, Bo, who also works for Duxbury Construction and is involved with the development of the site. EPA arrived at the site at approximately 2:00 PM on August 13, 2024.

A. Opening Conference

Mr. Boynton and his son Bo ("the developers"), as well as Town of Duxbury representatives Ms. Nancy Rufo, Mr. Jim Wasielewski, and Ms. Allison Shane, met EPA onsite. Inspectors Horvath and Oakes presented their credentials and explained the purpose of the inspection.

The opening conference occurred on the western side of the site along Teakettle Lane. Inspectors Horvath and Oakes explained that EPA was present to assess permit applicability, not due to a complaint. Inspector Horvath asked Mr. Boynton about the site, its stormwater flow, and any development plans. The developers explained that currently, both Modoc Street and Teakettle Lane are privately owned roadways by abutters. They explained to EPA that there are no catch basins along either road, and all stormwater flow is surficial – there are rain gardens throughout the site that stormwater enters via overland flow.

B. Facility Tour

After the opening conference, the group moved onto Modoc Street to the south where the most recent home had been constructed and where the aforementioned mapped wetlands are located. The developers explained to EPA that construction of the house

cleared approximately 23,000 square feet and that Duxbury Construction had three Notices of Intent (“NOIs”) with the state of Massachusetts under the Wetlands Protection Act. They also described how the road (Modoc Street) was pitched away from the wetlands to the south, with the intention of keeping stormwater onsite and diverting it into rain gardens.

The group walked along Modoc Street near the wetlands complex before returning to the most recently constructed home, where the site tour was concluded.

C. Closing Conference

The group discussed EPA’s jurisdiction over the Construction General Permit and its applicability, including the concept of a “common plan of development.” Inspector Horvath indicated that she would follow up with an inspection report as well as supplementary materials, including:

- The 2022 Construction General Permit and links to guidance about Permit applicability and requirements,
- Links to EPA portals that allow the public to search for Permit NOIs (i.e., ePermitSearch, Enforcement and Compliance History Online), and
- Ancillary data sources, specifically the National Wetland Inventory.

EPA departed at approximately 3:00 PM.

On August 27, 2024, Inspector Horvath emailed Mr. Rufo, Mr. Wasielewski, and Ms. Shane to request information about catch basins and a drainage swale EPA observed along West Street, the public roadway that intersects Teakettle Lane and Modoc Street. Ms. Sheila Sgarzi, the Director of Public Works from the Town of Duxbury, replied on the same day with screenshots and PDF copies of the Town’s stormwater system maps.

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.