



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Sent via Electronic Mail (*Dated as shown on electronic signature*)

Jay Gadoury, Owner
James Way Townhouses
60 City Depot Road
Charlton, MA 01507
Jayg.builds.homes@gmail.com

Subject: August 7, 2023, EPA Inspection

Dear Mr. Gadoury:

On August 7, 2023, the U.S. Environmental Protection Agency ("EPA") performed an inspection at James Way Townhouses regarding compliance with the National Pollutant Discharge Elimination System program of the Clean Water Act. A copy of the inspection report is enclosed with this letter.

EPA strongly encourages you to address the deficiencies noted in the accompanying inspection report. While addressing such deficiencies in a timely manner does not preclude EPA from seeking penalties for violations of the Clean Water Act, EPA will consider your response in determining EPA's enforcement actions.

Where applicable, please provide evidence of addressing the deficiencies noted in the inspection report in an electronic format to my staff, Stephanie Tougas, at tougas.stephanie@epa.gov.

Legal issues may be directed to Jeff Kopf, Senior Enforcement Counsel, at (617) 918-1796.

Sincerely,

TODD BORCI Digitally signed by TODD BORCI
Date: 2023.08.10 13:51:18
-04'00'

Todd Borci, Manager
Water Compliance Section 1
Enforcement and Compliance Assurance Division

Enclosures:

Inspection Report for August 7, 2023, EPA Inspection

CCs (electronic only):

Rose Conway, Town of Charlton; Rose.Conway@townofcharlton.net
Judith Schmitz, MassDEP; Judith.Schmitz@mass.gov



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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")
James Way Townhouses

From: Stephanie Tougas, Inspector

STEPHANIE TOUGAS
Digitally signed by
STEPHANIE TOUGAS
Date: 2023.08.10
13:45:35 -04'00'

Thru: Damian Bednarz, Inspector

To: File

I. Facility Information

- A. *Facility Name:* James Way Townhouses
- B. *Facility Location:* 60 City Depot Road
Charlton, MA 01507
- C. *Facility Contacts:* Jay Gadoury, Owner
J Jill Development LLC
Jayg.builds.homes@gmail.com
- Peter Engle, PE, Senior Engineer
McClure Engineering, Inc.
- D. *NPDES ID No(s):* MAR1004RG

II. Background Information

- A. *Date(s) of inspection:* August 7, 2023
- B. *Weather Conditions:* moderate rain, 75 degrees F
- C. *US EPA Representative(s):*
Stephanie Tougas, Damian Bednarz
Lauren McNamara (observing)
- D. *State/Local Representative(s):*
Rose Conway, Town of Charlton Conservation Commission

E. Federally Enforceable Requirements Covered During the Inspection:
Construction General Permit

F. Previous Enforcement Actions:
None

III. Type and Purpose of Inspection

Evaluation

IV. Facility Description

The entrance to the development is off City Depot Road/RT-31 on the east side. At the time of the inspection, three homes had been built. The entrance was paved and crosses eastward over a stream and then bends north upslope. On the east side of the paved road where it bends is a tall steep slope. The slope was clear of trees and stumps with exposed earth. Where the slope starts to level out, there is a 50-100 foot buffer of undisturbed vegetation before the edge of the property line along the east perimeter.

The stream flows from the north, under the paved site entrance southwardly for approximately 0.3 miles until it meets Cady Brook, which is a tributary of the Quinebaug River.

V. Inspection

I called Mr. Gadoury the day of the inspection requesting access for EPA to conduct an inspection at the site. I also informed him that Ms. Rose Conway of the town Conservation Commission would be accompanying us. Mr. Gadoury granted us permission and said he would meet us on site.

We arrived at approximately 10AM.

A. Opening Conference

I presented my credentials, provided a copy of the Small Business Resources Information Sheet, and explained the purpose of the inspection. I explained that we had received a complaint about sediment coming off his site. I asked Mr. Gadoury to tell me a little bit about the site. He said it is going to be 16 residential units and that construction began in May 2021 with an anticipated end date sometime in 2025. He said he brought on McClure Engineering to aid in the stormwater erosion controls and other requirements of the Construction General Permit. I asked if they had filed for an NOI or had a SWPPP yet. Mr. Engle responded that they filed the NOI the prior week and that the SWPPP should be completed very soon. I explained to Mr. Gadoury that the permit requires identifying a “stormwater team” and the people that fill that role need to have proper training.

B. Facility Tour

We began the tour by first walking north along RT-31/ City Depot Road, following the flow path of where the sediment had journeyed off site. Mr. Gadoury said he had been cleaning it up frequently. I observed remnants of the sediment along the road towards the catch basin. He said that he sweeps very often and pushes the sediment back on site for later disposal. Mr. Gadoury said that Mr. Gerry Foskett of the Charlton Highway Department does maintenance on RT-31 and helps with the sediment clean up by the catch basin. We walked back towards the entrance and Mr. Gadoury pointed to the north corner of the site entrance and said that is where they are installing the stormwater drain. He explained that the pipe is underground (outlet into the stream that flows under the entrance), but the grate still needs to be installed. There were silt fences, piled rocks and wattles installed upslope of the stream by the entrance. I did observe silty grass and sediment covered rocks leading down into the stream. The stream also appeared to be slightly turbid. I informed Mr. Gadoury that silt fences need to be tended to when sediment accumulates to over one half the height of the silt fence, as described in the permit.

We then walked behind the finished house on the south side of the entrance to observe a stormwater basin. We observed silt fences down, however the slopes were stabilized with vegetation, and so I advised Mr. Gadoury to work with Ms. Conway on potential removal of the silt fences.

We then walked back to the paved road and started walking northwardly. Mr. Gadoury pointed out the wood chips he added for stabilization on the exposed earth leading down towards a wetland area. He also pointed out the swale he recently constructed parallel with the paved road and mentioned it had been helping control the stormwater. I observed an area where the silt fence needed fixing downslope of the swale. I observed sediment that had gone beyond the silt fence and into the wetland area. We discussed best measures for extracting the sediment from the wetland area without harming the topsoil.

We then observed across the paved road the large, exposed earth slope. There were gulleys in part of the slope. There was equipment, including 2 large excavators, positioned on varying elevations up on the slope, and part of the slope had been cut into - Mr. Gadoury said they were now actively working on the slope. We observed a worker applying jute mat to part of the slope behind the constructed house.

We followed the paved road towards the north end of the site, turning clockwise to follow the slope up towards the back of the site. Here, Mr. Gadoury showed me a site engineered detention basin and drainage swale they constructed a few days ago that he said has also been helping a lot with the stormwater runoff. He said they plan to install check dams along the swale to slow down the flow.

We continued walking up the slope, following the swale. We observed the site from the top of the slope, where Mr. Gadoury pointed out an additional stormwater control feature at the base of the slope that appeared to be operating as a small swale/detention basin.

C. Closing Conference

We all convened back towards the entrance of the site. We discussed that the large, exposed slope where the jute mat was being installed should be hydroseeded first before installing the jute mat. Mr. Gadoury said he would do that ASAP. I explained to Mr. Gadoury that it appears that his site very likely required coverage under the Construction General Permit and that EPA would confer with their team and follow up with any potential requests and actions. I asked for Mr. Gadoury to send me a copy of the SWPPP when it is complete. I also said that when they do have the SWPPP and NOI information, they need to post the location of the SWPPP and NOI number at the entrance.

We departed at approximately 11:30AM.

[After the inspection, I searched for the NOI and found that the NOI was filed on 8/4/2023 and was under review].

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.

Picture List:

RIMG0558.JPG – silt fence upslope of stream that flows south under the site entrance.
RIMG0559.JPG – sediment and rocks along entrance road above the stream
RIMG0560.JPG – entrance looking towards the road; area for future site catch basin
RIMG0561.JPG – same spot as above, looking back towards the site.
RIMG0562.JPG – silt fence that needed tending to upslope of the stream.
RIMG0563.JPG – flow path of sediment leaving site along RT-31
RIMG0564.JPG – catch basin on RT-31 that sediment had entered.
RIMG0565.JPG – sediment still present near catch basin.
RIMG0566.JPG – sediment along road
RIMG0567.JPG – pipe inlet to the stream that had sediment in it
RIMG0568.JPG – stream under paved road at site entrance.
RIMG0569.JPG – silt fence and wattle upslope of stream.
RIMG0570.JPG – detention basin with stabilized slopes
RIMG0571.JPG – inlet to detention basin
RIMG0572.JPG – silt fences by detention basin
RIMG0573.JPG – looking northeast upslope – note swale and mulch
RIMG0574.JPG – exposed slope in back of site in process of getting jute mat
RIMG0575.JPG – excavator in slope
RIMG0576.JPG – silt fences and wattles. Note sediment downslope of the silt fences.
RIMG0577.JPG – site engineered detention basin downslope of drainage swale up on the slope
RIMG0578.JPG – facing up the drainage swale

RIMG0579.JPG – facing slightly down towards the south side of the site

RIMG0580.JPG – tree line up slope along perimeter of site.

RIMG0581.JPG – standing at apex of slope looking down

RIMG0582.JPG – same spot as above

RIMG0583.JPG – another stormwater feature at bottom of large slope.

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