



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”)
Aro Estates Tree Clearing

From: Damian Bednarz, EPA CWA Inspector

**DAMIAN
BEDNARZ**

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DAMIAN BEDNARZ
Date: 2023.02.10 14:13:12
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Thru: Stephanie Tougas, EPA CWA Inspector

To: File

I. Facility Information

- A. *Facility Name:* The Homes at Aro Estates, LLC
- B. *Facility Location:* Howard Street
Lunenburg, MA 01462
- C. *Facility Contacts:* Kevin O’Brien, President
18 Cassimere Street
Andover, MA 01810
978-749-9844, Kevin@obrienhomesinc.com
- D. *NPDES ID No(s):* MAR10030N

II. Background Information

- A. *Date(s) of inspection:* December 13, 2022
- B. *Weather Conditions:* 34 ° Sunny
- C. *US EPA Representative(s):*
Damian Bednarz
Stephanie Tougas
- D. *State/Local Representative(s):*
None

E. Federally Enforceable Requirements Covered During the Inspection:
2022 Construction General Permit (CGP)

F. Previous Enforcement Actions:
None

III. Type and Purpose of Inspection

Evaluation

IV. Facility Description

The facility is a tree clearing of approximately 50 acres of disturbed land located north of Howard Street. This area is planned to service residential development. Construction on homes had not begun yet at the time of the inspection. Mulpus Brook, a freshwater stream and pond, is located alongside the eastern side of the facility. Mulpus Brook is 30 to 500 feet away from the facility's eastern edge.

V. Inspection

I announced the inspection to the facility on December 12, 2022. The site operator, Kevin O'Brien, agreed to meet with us on the day of the inspection and granted EPA officials access to the site.

Inspector Tougas and I ("Inspector Team") arrived at approximately 9 AM on December 13, 2022. Upon arriving, Mr. O'Brien followed our vehicles into the construction site of interest and parked beside us for an introductory overview.

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 asked about the current state of the facility. Mr. O'Brien mentioned that operations on the facility had been on a long hiatus, as funding and resources were lacking at the time of inspection. Mr. O'Brien explained that the last construction activity occurred about six to seven months ago. Mr. O'Brien mentioned four detention basins are present on site where pooling of stormwater occurs.

Mr. O'Brien stated that he continues to conduct inspections of best management practices ("BMPs") and discharge monitoring and prevention as outlined in the Stormwater Pollution Prevention Plan ("SWPPP"). When I asked him to show the site's documents, he presented the site's SWPPP as well as most recent inspection reports from at least October 25, 2022 to December 7, 2022 (Slides 2-13).

B. Facility Tour

Mr. O'Brien explained he would remain on the facility in his truck while the Inspector Team surveyed the facility and its perimeter. He further explained we are welcome to

walk and see the full extent of the facility. Mr. O'Brien left the facility before the Inspector Team completed its inspection.

The Inspector Team followed the perimeter of the site in a counter-clockwise fashion, starting at the southeastern portion of the facility. The facility's NPDES Permit number is posted near the southeastern corner of the facility on a dilapidated building, about 200 feet away from the main access road (Slide 71). The Inspection Team informed Mr. O'Brien that the sign ought to be visible by the public from public roads.

About 1-2 inches of snow had collected on the ground at the time of inspection, and vegetation buffers and stormwater features were observed on the eastern side of the site (Slide 14-16, 19-25). Certain silt fences look to have fallen over (Slide 17-18, 33, 42-43), but most are intact (Slide 23, 27-28). A freshwater pond sits less than 30 feet away from the eastern side of the facility (Slide 36-37) and pockets of snowmelt (Slide 34-35) appeared to be traveling towards the pond at the time of the inspection.

In the center of the facility are stockpiles of sediment and larger rocks (Slide 30). The faces of one such stockpile were bare and did not display sediment stabilization counter measures (Slide 57-58). One other stockpile appeared to be seeded and vegetated (Slide 68). In the same photo, the rightmost stockpile presented light seeding along the sediment grade (Slides 68 (rightmost stockpile) and 69).

Generally, the highest point of elevation at the facility is at the north-eastern portion of the disturbed area. Here, steep grades of ground are observed before the undisturbed wooded areas (Slide 38, 47). Generally, runoff from snowmelt and rainfall travels east, southeast, and south into detention ponds (Slide 46, 50-52, 61, 64-67). Beyond one detention pond, runoff was observed flowing west (Slide 53-55).

C. Records Review

The site's notice of intent ("NOI") was retrieved and reviewed prior to the inspection. The site had a physical copy of the SWPPP readily available, so a short review of the SWPPP with special attention to the site map was observed.

D. Closing Conference

Because Mr. O'Brien had left the site prior to the completion of the inspection, no official closing conference was held. The Inspector Team tried to get in touch with Mr. O'Brien via cell phone at this time but was not able to get in touch with him. In the week following the inspection, I called Mr. O'Brien informing him that I would follow up with questions or concerns, to request a digital copy of the SWPPP, and to notify him that he should receive an inspection report shortly.

I departed at approximately 11 AM.

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.