



REGION 1

BOSTON, MA 02109

Dated as indicated on electronic signature

VIA EMAIL

Mr. Damon Burt
38 Garland Road
Strafford, NH 03884
FRenvironmental@gmail.com

Subject: 11/21/2024 EPA Inspection NPDES Permit Number NHR1001RY

Dear Mr. Burt:

On November 21, 2024, the U.S. Environmental Protection Agency ("EPA") performed an inspection at Cochecho Waterfront Development (the "site") regarding compliance with the National Pollutant Discharge Elimination System ("NPDES") program of the Clean Water Act. Copies of the inspection report and photolog are enclosed with this letter.

Within 30 calendar days of receipt of this letter, provide the information requested below. Please answer each question as clearly and completely as possible, and provide a response in an electronic format to the following technical contact:

Eleanor Horvath
617-918-1061
horvath.eleanor@epa.gov

1. **Provide** a copy of the site's Stormwater Pollution Prevention Plan ("SWPPP").
2. **Provide** copies of at least three months of erosion control inspection documentation, including the months during which dewatering activities were taking place.
3. **Provide** copies of the turbidity monitoring reports for all dewatering activities that have occurred onsite.
4. **Describe** whether any dewatering activities will take place onsite in the future.
5. During the inspection, EPA observed a lack of erosion controls at the northeast corner of the site along the Cochecho River, where trees had recently been removed.

- a. **Provide** photographic evidence that appropriate erosion controls have been implemented in this area and that Best Management Practices¹ (“BMPs”) are being followed.
6. If the total aboveground oil storage capacity of the site is greater than 1,320 gallons (including tanks being used, as well as empty or unused tanks), **provide** a copy of the site's Spill Prevention, Control, and Countermeasure (“SPCC”) plan.²

If you have any technical questions relating to this letter, please contact Eleanor Horvath of my staff at the contact information listed above. Legal issues may be directed to Jeff Kopf, Senior Enforcement Counsel, at (617) 918-1796 or kopf.jeff@epa.gov.

Sincerely,

NEWTON
TEDDER

Digitally signed by
NEWTON TEDDER
Date: 2024.12.04
13:27:45 -05'00'

Newton Tedder, Manager
Water Compliance Section 1
Enforcement and Compliance Assurance Division

Enclosures:

Inspection Report for 11/21/2024 EPA Inspection
Photolog for 11/21/2024 EPA Inspection

CCs (electronic only):

Eleanor Horvath, U.S. Environmental Protection Agency
Jeff Kopf, U.S. Environmental Protection Agency
Karissa Oakes, U.S. Environmental Protection Agency
Solanch Pastrana-Del Valle, U.S. Environmental Protection Agency

¹ <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater-construction>

² See 40 C.F.R. § 112.1 (General applicability of Oil Pollution Prevention regulations).



REGION 1

BOSTON, MA 02109

Dated as indicated on electronic signature

VIA EMAIL

Mr. Brett Conrad, Superintendent
66 Cherry Hill Drive
Beverly, MA 01915
info@windover.com

Subject: 11/21/2024 EPA Inspection NPDES Permit Number NHR1001ZZ

Dear Mr. Conrad:

On November 21, 2024, the U.S. Environmental Protection Agency ("EPA") performed an inspection at Cochecho Waterfront Development (the "site") regarding compliance with the National Pollutant Discharge Elimination System ("NPDES") program of the Clean Water Act. Copies of the inspection report and photolog are enclosed with this letter.

As informed by the inspection, EPA believes that total aboveground oil storage capacity of the site is greater than 1,320 gallons (including tanks being used, as well as empty or unused tanks).¹ **Within 30 calendar days of receipt of this letter**, provide a copy of the site's Spill Prevention, Control, and Countermeasure ("SPCC") plan to the technical contact below. If you believe that the site does not require an SPCC plan, explain this determination.

Karissa Oakes
617-918-1060
oakes.karissa@epa.gov

¹ See 40 C.F.R. § 112.1 (General applicability of Oil Pollution Prevention regulations).

If you have any technical questions relating to this letter, please contact Karissa Oakes of my staff at the contact information listed above. Legal issues may be directed to Jeff Kopf, Senior Enforcement Counsel, at (617) 918-1796 or kopf.jeff@epa.gov.

Sincerely,

NEWTON
TEDDER

Digitally signed by
NEWTON TEDDER
Date: 2024.12.04
13:18:55 -05'00'

Newton Tedder, Manager
Water Compliance Section 1
Enforcement and Compliance Assurance Division

Enclosures:

Inspection Report for 11/21/2024 EPA Inspection
Photolog for 11/21/2024 EPA Inspection

CCs (electronic only):

Karissa Oakes, U.S. Environmental Protection Agency
Jeff Kopf, U.S. Environmental Protection Agency
Eleanor Horvath, U.S. Environmental Protection Agency
Solanch Pastrana-Del Valle, U.S. Environmental Protection Agency



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: Eleanor Horvath, EPA Inspector

Thru: Newton Tedder, EPA Inspector
Karissa Oakes, EPA Inspector

To: File

**ELEANOR
HORVATH** Digitally signed by
ELEANOR HORVATH
Date: 2024.12.04
13:14:52 -05'00'

I. Facility Information

- A. *Facility Name:* Cochecho Waterfront Development
- B. *Facility Location:* River Street
Dover, NH 03820
- C. *Facility Contacts:* Damon Burt
38 Garland Road
Stafford, NH 03884
- Brett Conrad
66 Cherry Hill Drive
Beverly, MA 01915
- Jamie Stevens
288 Central Avenue
Dover, NH 03820
- D. *ID No(s):* NHR1001RY, NHR1001ZZ

II. Background Information

A. *Date(s) of inspection:* 11/21/2024

B. *Weather Conditions:* 45 degrees Fahrenheit, light rain/mist

C. *US EPA Representative(s):* Eleanor Horvath
Newton Tedder
Karissa Oakes
Solanch Pastrana-Del Valle

D. *State/Local Representative(s):* N/A

E. *Federally Enforceable Requirements Covered During the Inspection:*

National Pollutant Discharge Elimination System ("NPDES")
Construction General Permit ("CGP"), Effective February 17th, 2022

F. *Previous Enforcement Actions:* N/A

III. Type and Purpose of Inspection

Evaluation

IV. Facility Description

Cochecho Waterfront Development, hereafter referred to as the "site," is a planned mixed-use residential and commercial area and current active construction site. It will include 474 residential units, a public park, and commercial space. It is approximately 18 acres and is bordered by the Cochecho River to the north and west, open space to the east, and a mix of open space and residential areas to the south.

V. Inspection

Inspector Eleanor Horvath called Mr. Rodney Stockman of Northeast Earth Mechanics, Inc., Mr. Rob Simmons of CPI Management, LLC (also referred to as "Cathartes"), and Mr. Craig Lanouette of Windover Construction, Inc. on November 19th to inform them of the site visit on November 21st.

Inspector Horvath, as well as Inspectors Newton Tedder, Karissa Oakes, and Solanch Pastrana-Del Valle, arrived onsite at 10 AM on November 21st. EPA did not observe signage indicating that the site was covered under the CGP from the public roadway.

A. Opening Conference

The opening conference took place in the site's mobile office. In addition to EPA, Mr. Damon Burt of Fraggie Rock Environmental, LLC, Mr. David Sargent and Mr. Brett Conrad of Windover Construction, Inc., and Mr. Tim Puls and Mr. Jamie Stevens of the City of Dover were present. All inspectors presented their credentials at 10:15 AM and explained the purpose of the inspection.

Inspector Horvath asked the group about the site's Stormwater Pollution Prevention Plan ("SWPPP"), and Mr. Burt explained that it was available digitally and that there was a single SWPPP for the entire site. Mr. Burt also told EPA that the site had two CGP filings, one under the NPDES ID NHR1001RY and one under the ID NHR1001YR. Inspector Horvath explained that while EPA was aware of the site's coverage under the first ID, the second was associated with an unrelated site elsewhere in the state. She also informed the group that EPA was aware of two other NPDES IDs associated with the site, NHR1001ZY and NHR1001ZZ.

Inspector Horvath then asked the group about erosion control inspections. Mr. Burt indicated that he completed such inspections once a week, as well as the day following a rain event. He explained that he documented all the inspections and showed EPA an example of an inspection report from November 18th, 2024.

The group then discussed the construction plans and timeline of the site. The project is being completed in three phases, and the first phase is scheduled to be completed in March of 2026. This phase includes all the work along the shore of the Cochecho River. There will be a total of four new stormwater outfalls into the river by the end of the project; at the time of inspection, two were created.

Inspector Horvath then asked the group about any dewatering onsite. Mr. Burt said that they did some dewatering during summer of 2024 and that he monitored the water for turbidity.

B. Facility Tour

The site walk began at approximately 10:30 AM.

The group first went to outfall #4, on the western edge of the site. EPA observed a boom on the riverbed (*photo locations 38, 59*). Mr. Burt explained that during high tide, the water level rose considerably, and the boom floated around the outfall. Mr. Burt pointed out the manhole that would direct flow to outfall #4, which was still covered at the time of inspection (*photo location 58*). The wall surrounding outfall #1 was made of riprap (*photo location 59*). EPA also observed crushed stone and silt socks along the edge of the site between the shore and the roadways (*photo location 57*).

The group then walked north along the western edge of the site to outfall #1. EPA observed more booms, filter fabric, silt socks, and crushed stone, all related to the construction of the wall near outfall #1 (*photo locations 39, 40, 42, 61, 62*). The area of the shore and river immediately adjacent to outfall #1 was filled with riprap (*photo location 41*).

The group continued walking north along the river. EPA observed orange filter fabric surrounding the area of the site that is under a Remedial Action Plan (*photo location 43, 45, 64, 65, 72*). The wall along the river was under active construction, being created using mechanically stabilized earth ("MSE") bags (*photo locations 44, 46, 63*).

The group continued walking north and reached the northern edge of the site, where the river curved to the east. Mr. Burt indicated to EPA that this area is where the dewatering was taking place during the previous summer (*photo location 47*). In this area, EPA also observed the area that would become outfall #2, which was still vegetated (*photo location 48, 66*).

The group walked east from the dewatering area and arrived at the northeastern corner of the site. Mr. Burt explained that this area had been cleared within the past couple of weeks (*photo location 49*). There was a row of trees remaining between the cleared area and the river, as well as a mulch berm along part of the cleared area (*photo location 50, 68*). There were no other erosion controls between the cleared area and the river; Mr. Burt indicated that adding new erosion controls to this area was on their "to-do" list (*photo location 70*).

Just east of the cleared area, EPA observed outfall #3 (*photo location 52*). There was a large stretch of land between the outfall and the river, which Mr. Burt explained was going to become a detention area. A mulch berm and silt socks surround this area until the detention basin is constructed (*photo location 53, 69*).

At the northeastern corner of the site, EPA observed a large stockpile. Mr. Burt explained that they worked with this material daily. Inspector Horvath walked around the backside of the stockpile and observed silt socks along its entire perimeter facing the river (*photo location 54-56*).

The group walked back towards the mobile office. EPA observed oil storage containers (*photo location 71*) and asked about their capacity, as well as the presence of other oil storage containers onsite. Mr. Conrad indicated that there is a total of seven of such containers onsite (five belonging to Windover Construction and two belonging to the city) and was unsure whether the site had a Spill Prevention, Control, and Countermeasure ("SPCC") plan.

C. Closing Conference

The closing conference took place at approximately 11:15 AM. Inspector Horvath indicated that she would be following up with a copy of the inspection report within 70 days. She also explained that EPA may have some follow-up questions or document requests for the operators.

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.

D. Inspection Photos

Photo Location ID	Field Description
35	
36	Inspection log
37	
38	Outfall 4
39	
40	
41	outfall 1
42	Boom from wall construction
43	
44	MSE bags
45	
46	
47	This is where the dewatering was
48	This will be outfall 2

49	Just cleared a couple of weeks ago
50	Mulch berm
51	Another page of report
52	
53	Will be detention basins and outfall 3
54	Using this pile daily
55	
56	
57	
58	Manhole to outfall 4
59	2 cbs to outfall 4 and head wall
60	Outfall 1 headwall
61	Filter sock outfall 1
62	Looking at river from outfall 1
63	Wall construction
64	Compost mix bag creation area for living shoreline
65	Cb for outfall 2
66	Perimeter controls near outfall 2
67	Perimeter controls near armoring and of 2
68	Mulch control
69	Bioretention basin for outfall 3
70	Missing controls near outfall 3
71	Oil

72	Future pretension to outfall 1
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