



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Drafted Date: 2 July 2021
Finalized Date: 27 July 2021

Subj: Inspection Report
Clean Water Act - National Pollutant Discharge Elimination
System ("NPDES")
Keyes Farm

From: Andrew Spejewski, Enforcement Officer

Thru: Stephanie Tougas, Enforcement Officer

To: File

I. Facility Information

- A. Facility Name:* Keyes Farm
- B. Facility Location:* Moderator Way
Bolton, MA 01740
- C. Facility Contacts:* James Hryniewich
Rhino Construction Company, LLC
171 Newtown Road
Acton, MA 01720
978-502-0702
james@rhinoma.com
- D. NPDES ID No(s).:* None Known

II. Background Information

- A. Date(s) of inspection:* July 1, 2021
- B. Weather Conditions:* Occasional very light rain
- C. US EPA Representative(s):*
Andrew Spejewski
Rachel Olugbemi
- D. State/Local Representative(s):*
Rebecca Longvall, Conservation Agent, Town of Bolton
Valerie Oorthuys, Town Planner, Town of Bolton

E. Federally Enforceable Requirements Covered During the Inspection: NPDES General Permit for Discharges from Construction Activities (“CGP”)

F. Previous Enforcement Actions: No known prior EPA enforcement; multiple orders were issued by the town prior to the inspection.

III. Type and Purpose of Inspection

Evaluation of compliance with the CGP requirements.

IV. Facility Description

The facility is a residential development of about 16 houses on either side of the new road Moderator Way; aerial imagery indicates about 23 acres total. Moderator Way extends about 500 yards northeast then north from Hudson Road ending in a turnaround. Moderator Way heads moderately steeply up a hill the entire way, except the northern end where the terrain slopes away from the road down to the west.

There are three stormwater basins receiving drainage from the development: one just northeast of Hudson Road and Moderator Way, one on the east side of Moderator Way about halfway up, and one west of the end of Moderator Way.

At the time of the inspection, all the houses were complete, sold and occupied. All the houses had well-established lawns. The only non-stabilized areas were around the two upper stormwater basins, and some patches between the sidewalk and the road.

V. Inspection

Mr. Spejewski called Eddie Hryniewicz the day before the inspection to inform him of the EPA inspections in Bolton.

The inspection immediately followed an inspection at another construction site (the Farm at Hill Road) operated by Mr. Hryniewicz in Bolton. That inspection included the four EPA and local representatives, Mr. Hryniewicz, and Seth Donohoe, an engineer working for the site developer. After the conclusion of that inspection, the entire group drove from the previous site to Keyes Farm, arriving about 10:40 AM.

A. Opening Conference and Records Review

Mr. Spejewski had presented his credentials and provided a copy of the Small Business Information Sheet to Mr. Hryniewicz at the previous inspection that day.

Mr. Hryniewicz explained the site. Mr. Hryniewicz said there was a Stormwater Pollution Prevention Plan (“SWPPP”) and inspection reports, but they were not on site. Ms. Longvall said that a copy of a SWPPP had been given to the Town.

Mr. Donohoe said that he was not contracted to do operator site inspections at Keyes Farm, but was a site engineer for the site. He believed his firm had prepared a SWPPP

but thought it could have been over five years ago [a copy of a SWPPP was provided by the Town after the inspection]. Neither Mr. Donohoe nor Mr. Hryniewicz knew the status of a NPDES permit for the site.

Mr. Hryniewicz said he had been doing operator site inspections; he agreed to send Mr. Spejewski copies of all inspection reports.

B. Facility Tour

The lower, southeastern, basin had well-established grass. The outfall, to the west, appeared clean. Mr. Hryniewicz pointed out a pile of silt roll adjacent to the basin and said that a homeowner had removed them from their home and dumped them there. Mr. Spejewski and Mr. Hryniewicz discussed plans for removal of silt fence; Mr. Hryniewicz said that the Town required it, but only after Town approval of the site.

All houses were complete and apparently occupied. All houses had well-established lawns, except much of the area between the sidewalk west of Moderator Way and the road, which often had sparse growth. All of the areas between the road and sidewalk without established grass had visible hydroseed and usually some initial grass growing.

About halfway up Moderator Way, to the east was a large basin. Parts of it had established grass, and the rest very new grass growth (Mr. Hryniewicz said it had been hydroseeded in the last couple of weeks). The southern wall sloped down on the outside and was covered in wood mulch. Mr. Hryniewicz, discussing the wood mulch generally, said it was planned to be left there, with the expectation that natural vegetation would eventually grow up through it. The outfall, near the foot of the southern slope, appeared clean. Mr. Hryniewicz said he did not think the basin had ever discharged.

A slope to the north of the basin, between two houses, was covered with wood mulch and had two gravel/rip-rap trenches running sideways, along the slope and along the bottom. The mulch was fairly new but appeared to be staying in place.

At the north end of the street, west of the turnaround, was a steep slope down to a wooded area and the northern basin. The slope was covered with an open fiber matting with new grass growing up between the matting in most places. Mr. Hryniewicz said it had been hydroseeded in most places, but rain had prevented completing the entire slope.

The basin itself had high vegetation in the center, and well-established (if slightly newer) grass on the slopes. The outer wall, to the west, was covered in wood mulch with some growth through the mulch.

C. Closing Conference

Mr. Spejewski thanked Mr. Hryniewicz and Mr. Donohoe for their time, and the inspectors departed at approximately 11:15 AM.

Picture List:

IMG_2330.JPG Lowest (southeastern) basin, facing east

IMG_2331.JPG	Outfall from southeastern basin
IMG_2332.JPG	Facing north up Moderator Way, from southeastern basin
IMG_2333.JPG	Eastern basin, midpoint of Moderator Way, facing east
IMG_2334.JPG	Facing south over outfall from eastern basin
IMG_2335.JPG	Facing north, from eastern basin
IMG_2336.JPG	Facing west over slope at NW basin
IMG_2337.JPG	Facing west over NW basin

End

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.