



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 Post Office Square
Boston, MA 02109

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

Mr. Chris Predella, Owner
Babe's Lawn Care, Inc.
345 Sturbridge Road
Brimfield, MA 01010
babeslawncare@hotmail.com

Subject: June 28, 2023 EPA Inspection of Babe's Lawn Care

Dear Mr. Predella,

On June 28, 2023, the U.S. Environmental Protection Agency performed an inspection at Babe's Lawn Care, Inc., located at 345 Sturbridge Road, Brimfield, MA ("the Facility" or "site"), regarding compliance with the National Pollutant Discharge Elimination System ("NPDES") program of the Clean Water Act. A copy of the inspection report and associated photo album are enclosed in this letter.

During the inspection, EPA inspectors observed areas of clearing and disturbed soil. The inspectors verified that the Facility does not have any NPDES permit coverage for stormwater discharges associated with construction activity at the site, under EPA's Construction General Permit ("CGP").

In general, any "construction activity" that will disturb one or more acres of land and discharges stormwater to waters of the U.S. must obtain NPDES permit coverage. This disturbance includes those construction activities that are part of a common plan of development that will cumulatively disturb one or more acres of land and discharge stormwater to waters of the U.S. "Construction activities," as defined in CGP Appendix A¹, includes but is not limited to earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., grubbing, stockpiling of dredged or fill materials; placement of raw materials at the site) that could lead to the generation of pollutants.

The expansion efforts being conducted at Babe's Lawn Care appear to include construction activities, as defined above. Should your Facility plan to disturb over an acre of land, CGP coverage may be required; if so the Facility would need to send a Notice of Intent ("NOI") to discharge stormwater at EPA's NeT NPDES eReporting Tool² at least 14 calendar days before commencing construction activity.

¹ <https://www.epa.gov/system/files/documents/2022-01/2022-cgp-final-appendix-a-definitions.pdf>

² <https://npdes-ereporting.epa.gov/net-cgp/action/login>

You may refer any questions related to technical issues in this letter to Damian Bednarz of my staff at 617-918-1482 or bednarz.damian@epa.gov. Legal issues may be directed to Jeff Kopf, Senior Enforcement Counsel, at (617) 918-1796 or kopf.jeff@epa.gov.

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

Enclosures:
Babe's Lawn Care Inspection Report and Photo Album

CCs (electronic only):
Judith Schmitz, MA DEP
Jeff Kopf, Senior Enforcement Counsel, US EPA



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")
Babes Lawn Care, Inc.

From: Damian Bednarz, Inspector

Thru: Stephanie Tougas, Inspector

To: File

I. Facility Information

- A. *Facility Name:* Babe's Lawn Care, Inc.
- B. *Facility Location:* 345 Sturbridge Rd
Brimfield, MA 01010
- C. *Facility Contacts:* Chris Predella, Manager
508-523-8028, babeslawncare@hotmail.com
Chip Pybas, Facility Representative
chip@babeslawncare.com
- D. *NPDES ID No(s):* N/A

II. Background Information

- A. *Date(s) of inspection:* June 28, 2023
- B. *Weather Conditions:* Cloudy, 70°F
- C. *US EPA Representative(s):*
Damian Bednarz, Stephanie Tougas
- D. *State/Local Representative(s):*
None
- E. *Federally Enforceable Requirements Covered During the Inspection:*
National Pollutant Discharge Elimination System Construction General Permit
(CGP) (Effective February 17, 2022)
- F. *Previous Enforcement Actions:*
None known

III. Type and Purpose of Inspection

Evaluation

IV. Facility Description

Babe's Lawn Care, Inc. (the "Facility" or "Site"), located in Brimfield, MA, is a landscaping business offering labor and materials for both residential and commercial customers wanting to create designer landscape designs of outdoor spaces. The business offers hardscaping and general landscaping services. The Site's footprint is about 6 acres (slide 33) and features East Brimfield Lake less than 400 feet away southeast of the Facility, across Sturbridge Road.

V. Inspection

Damian Bednarz and Stephanie Tougas ("EPA Inspectors") arrived to the Site at approximately 9:45 AM. Upon entering the office building, EPA Inspectors were greeted by Chip Pybas at reception. Mr. Pybas has been with Babe's Lawn Care, LLC for 10 years.

A. Opening Conference

EPA Inspectors presented their credentials and explained the purpose of the inspection, which was to collect observations to later determine Construction General Permit ("CGP") applicability as the Facility had recently cleared an area behind their business front. Mr. Pybas asked if EPA Inspectors were responding in relation of work conducted by the Massachusetts Department of Environmental Protection ("MADEP"). The Facility had been burying concrete in the northeastern portion of the site, which needed excavation in line with MADEP's policies. Babe's Lawn Care, Inc. had contracted Morse Engineering and Construction Industries, LLC ("MEC") to conduct this excavation and replacement of soil, as well as the implementation of stormwater control measures in the area of operation. This area is also outlined on the satellite diagram within the attached photo album (Slide 33).

At some point during this introduction, Mr. Pybas phone called Chris Predella, the primary business owner. Over the phone, EPA Inspectors restated the purpose of the inspection, and asked for permission to document observations, including photos, of the site. Mr. Predella granted access and offered his contact information for future reference.

B. Facility Tour

EPA Inspectors and Mr. Pybas began the inspection in a counterclockwise fashion, first heading north on the eastern side of the business. This area has paved roads for the company's vehicles and equipment, as well as a repair shed (slide 3, 26). In front of the business, about 10 feet north of Sturbridge Road, is a stormwater drain encompassed in grass (slide 25). Motorized equipment and various landscaping tools are primarily stored

outside (slide 2, 5, 16, 19). Trucks and larger company vehicles are parked uphill of the business (slide 4, 5, 6).

In the northeastern section of the business footprint, behind a salt shed (slide 4), EPA Inspectors observed the completed concrete excavation project conducted by MADEP and MEC. Mr. Pybas explained that the layer of woodchips was implemented by MADEP's request to prevent erosion from stormwater (slide 7). This area is about one-tenth of an acre. EPA Inspectors observed a pile of logs as well as remainder wood chip pilings. The perimeter of this excavation is downgradient in both the northward and eastward directions (slide 8).

In the northwestern section of the Site's footprint, EPA Inspectors observed a recent clearing of land (slide 10) and multiple stockpiles of dirt and debris (slide 9, 10, 15). EPA Inspectors observed vegetated stockpiles as well as surfaces and stockpiles that were not seeded or overgrown (slides 9-13, 15). Unlike other areas of the Site, this area was unpaved. From satellite imagery and digital measuring, this clearing is estimated to be 1.4 acres. The footprint of the clearing is outlined in white on the Site's satellite diagram (slide 33). When EPA Inspectors asked when this work was conducted, Mr. Pybas explained it began last Fall, around October 15, 2022. EPA Inspectors also asked what the purpose of this clearing was. Mr. Pybas explained that eventually, the company hopes to store more landscaping materials in bays such as on the eastern section of the property, as well apportioning a section to be a lot for company vehicles. EPA Inspectors observed several log piles (slide 14) and some landscaping equipment was being stored in this area (Slide 16).

Towards the southwestern portion of the Facility, EPA Inspectors observed more tree cutting debris awaiting disposal (slide 17) as well as several large green dumpsters (slide 18). EPA Inspectors checked each dumpster and found that they were all empty. Beside them, EPA Inspectors observed two Steel Caster landscaping spreaders (Slide 19). From here, the road dips downward and up again onto Sturbridge Road, with heavily forested area to the west (slide 21). This pathway was gritty and featured loose sediment (slide 22). Track-out from the Site onto Sturbridge Road was observed to be minimal (slide 23). EPA Inspectors observed a stormwater catchment drain at this location (slides 23, 24, 25).

Mr. Bednarz asked Mr. Pybas to open the maintenance shed and asked about the nature of repair work done. The shed housed an assortment of tools and lawn equipment as well as unlabeled 5- and 55-gallon liquid containers (slide 27). Mr. Pybas explained that small repairs are conducted here for the company's equipment, but more intensive repairs occur off-site. Within a wooden shed towards the middle of the facility, EPA Inspectors observed a shop-built diesel tank (slide 29). Here, Mr. Pybas explained is where equipment is refilled. When asked about the tank's qualities, Mr. Pybas said it is roughly 150 to 175 gallons, and was uncertain whether it was double walled. Mr. Pybas further explained that the company goes through about 55 gallons of diesel a month. The refueling occurs in front of the shed, and when the dispenser is not it use, it is propped onto a bucket to capture residual diesel (slide 32). At the time of the inspection, the tank was half full (slide 31) according to a gauge on top of the tank. The tank also featured a

fuel meter for measuring amount of dispensed diesel (slide 30). The shed is locked from the outside when not in use, or after company hours.

C. Records Review

No records were reviewed prior to this inspection.

D. Closing Conference

EPA Inspectors and Mr. Pybas concluded the inspection inside the reception area of the business. Mr. Pybas provided EPA Inspectors with photo documentation of the project conducted by MADEP and MEC for further review. After this inspection, these documents were reviewed regarding this area of excavation was estimated to be about .01 acres, or 4,300 square feet, according to MEC's Test Pit Locations and Solid Waste Management Plan which was reviewed after the day of this inspection. Contact information was exchanged between EPA and Babe's Lawn Care, Inc. and Mr. Bednarz explained that they would see a detailed report of this inspection within 60 days. EPA Inspectors 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.