



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: Andrew Spejewski, EPA Inspector

ANDREW SPEJEWSKI Digitally signed by ANDREW
SPEJEWSKI
Date: 2025.02.05 09:32:02 -05'00'

Thru: Margarita Chatterton

To: File

I. Facility Information

- A. *Facility Name:* Black Bear Condo construction
- B. *Facility Location:* 29 Casey Drive
Milford, MA 01757
- C. *Facility Contacts:* Dominic Afonso
D & F Afonso Builders Inc
32 Casey Drive
Milford, MA 01757
- D. *ID No(s):* None Known

II. Background Information

- A. *Date(s) of inspection:* 12/10/2024
- B. *Weather Conditions:* overcast but dry, rain previous day
- C. *US EPA Representative(s):* Andrew Spejewski
Margarita Chatterton

D. State/Local Representative(s): None

E. Federally Enforceable Requirements Covered During the Inspection: EPA's General Permit for Construction Stormwater

F. Previous Enforcement Actions: None known

III. Type and Purpose of Inspection

Unannounced Evaluation of compliance with EPA's General Permit for Construction Stormwater

IV. Facility Description

The site is a residential construction site, destined for condominiums. It is roughly rectangular, lying north of Casey Drive. The future Black Bear Road through the project goes north from Casey Drive, makes two 90 degree turns and returns to Casey Drive. The surrounding terrain is slightly above the project grade to the east, and a wetlands complex to the west is below the project level. At the time of the inspection, the entire site had been cleared and roughly graded to about the level of Casey Drive. The future Black Bear Road was paved (but not the final coat).

Some work was also done by the operator on the adjacent section of Casey Drive at the same time as the Black Bear project. Casey Drive had been constructed earlier by the same operator, but is now town-owned (according to the operator).

V. Inspection

The unannounced inspection immediately followed an unannounced inspection of Angel Court, another project by the same operator about half a mile away also off of Casey Drive in Milford. See the Angel Court report for the introduction and opening conference.

A. Opening Conference

Mr. Spejewski presented his credentials and a copy of the Small Business Information Sheet at the opening of the inspection at Angel Court, as documented in the Angel Court Inspection Report.

B. Facility Tour

Mr. Spejewski, Ms. Chatterton, Mr. Afonso and Brendon Ferreira (an employee of Afonso Construction) arrived at the site following the Angel Court inspection. The group toured the site.

Mr. Afonso said that catch basins had been installed, and that they drained to a (pre-existing) stormwater basin to the west, just north of Casey Drive. Mr. Spejewski had observed the basin while driving to the site, and it had well-established grass slopes.

The Black Bear site bordered wetlands to the west, with a short slope (apparently due to fill) down to the wetlands. Silt fence was in place at the foot of the slope, but had fallen or been pushed over by rocks at several points.

Two large stockpiles were in place, one along the center of the west edge of the site and one in the northwest corner. Neither appeared to have any deliberate stabilization; part of one was overgrown with weeds, but most of the stockpiles were fairly fresh with no growth. There was no particular control around the foot of the stockpiles other than the silt fence around the outer perimeter of the site, which was down in several places adjacent to the stockpiles.

There was no concentrated flow off the site at any point at the time of the inspection.

The center of the site was undergoing earthmoving. To the east, the surrounding terrain was above the site. A catch basin in the road on the site had filter fabric installed.

On the south side of Casey Drive, across from Black Bear, was a strip of disturbed dirt, between the road and a retaining wall to the south. Below and around the wall was well-established grass with no concentrated flow path and no sign of dirt being carried through it.

C. Records Review

Mr. Afonso was unable to produce a Stormwater Pollution Prevention Plan the day of the inspection. He stated (during the Angel Court inspection) that they regularly looked at erosion controls, but did not document that anywhere.

D. Closing Conference

After touring the Black Bear site, the group left for the offices of Afonso Construction.

At the offices, Mr. Afonso provided a plan for the stormwater basin at Angel Court. He was unable to locate a Stormwater Pollution Prevention Plan for either site, or any information about a NPDES permit for either site.

Mr. Afonso put Mr. Spejewski on the phone with a man who identified himself as an engineer working for Afonso Construction, and said that he would look for a SWPPP or any NPDES application information. [The engineer subsequently emailed Mr. Spejewski stating they do not typically file NPDES permits for clients]

Mr. Spejewski noted concerns to Mr. Afonso, including slope stabilization, the difficulty of inspecting the stormwater basin at Angel Court, the downed silt fences at Black Bear, and the potential lack of NPDES permits for both sites. Mr. Spejewski then thanked Mr. Afonso and others for their time, and left the offices, concluding the inspection.

E. Inspection Photos

IMG_0178.JPG Southwest corner of site

IMG_0179.JPG southwest perimeter

IMG_0180.JPGFacing west over west side, near southwest corner
IMG_0181.JPGFacing north along west side, near southwest corner
IMG_0182.JPGFacing north along west part of road
IMG_0183.JPGFacing north, west edge of stockpile on west side of site
IMG_0184.JPGFacing southwest over west edge of site
IMG_0185.JPGPerimeter of stockpile northwest corner
IMG_0186.JPGEdge of stockpile northwest corner
IMG_0187.JPGSilt fence below northwest stockpile
IMG_0188.JPGBorder of northwest stockpile
IMG_0189.JPGEdge of northwest stockpile
IMG_0190.JPGNorthwest stockpile
IMG_0191.JPGFacing south along east part of road
IMG_0192.JPGCatchbasin on road, eastern part
IMG_0193.JPGSouth side of Beaver Street, across from Black Bear
IMG_0194.JPGFacing west along south side of Beaver Street
IMG_0195.JPGOperator error

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.