



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Drafted Date: 9/30/2021
Finalized Date: 10/9/2021

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

From: Stephanie Tougas, Enforcement Officer

Thru: Neil Handler, Senior Enforcement Coordinator

To: File

I. Facility Information

- A. *Facility Name:* Shay Lane (383 Park Street, LLC)
- B. *Facility Location:* Shay Lane Subdivision
North Reading, MA 01864
- C. *Facility Contacts:* David Murray, Manager
383 Park Street, LLC
2 Bridgeview Circle
Tyngsboro, MA 01879
(978) 649-4214, david@demurray.com
- D. *NPDES ID No(s):* MAR1003A5 (Authorized 5/13/21)

II. Background Information

- A. *Date(s) of inspection:* September 22, 2021
- B. *Weather Conditions:* Overcast and Drizzling, approx. 70 degrees F
- C. *US EPA Representative(s):*
Stephanie Tougas
Neil Handler
- D. *State/Local Representative(s):*
None
- E. *Federally Enforceable Requirements Covered During the Inspection:*
2017 National Pollutant Discharge Elimination System General Permit for
Discharges from Construction Activities (2017 CGP)

F. Previous Enforcement Actions:

EPA issued an ESA to 383 Park Street, LLC, which went into effect on July 16, 2021. This followed an inspection at the Shay Lane Subdivision on December 4, 2020. During that inspection EPA staff noted that 383 Park Street, LLC, the operator of the subdivision, had failed to obtain coverage under the 2017 CGP and also had failed to comply with certain erosion control and petroleum storage requirements identified in the 2017 CGP. As a result of the CWA violations noted by EPA, 383 Park Street, LLC paid a penalty to EPA in the amount of \$9,000.

III. Type and Purpose of Inspection

The purpose of the inspection is to review the activities occurring at the site for their applicability and compliance with the 2017 CGP.

IV. Disclaimer

Unless otherwise noted, this report describes conditions at the property as observed by EPA, and/or through records provided to and/or information reported to EPA and as understood by EPA. 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.

V. Facility Description

Shay Lane is a nine lot subdivision undergoing residential development in North Reading, Massachusetts that is located off Park Street (the "Site"). The Site which comprises approximately 10 acres is located approximately 0.25 miles north of the Ipswich River. At the time of the inspection, there were three homes within the subdivision that appeared completed and there were several others at different stages of construction. There is one lot (Lot#2) which is still undeveloped. The subdivision also includes several detention ponds used to collect stormwater runoff from the Site.

VI. Inspection

On September 21, 2021, via a phone call, Neil Handler left David Murray, the Manager of 383 Park Street, LLC (builder and developer of the Site) a message of EPA's intent to inspect the Site the following day. Neil Handler also spoke with Philip Christiansen, the engineer working with the subdivision, and also let him know of EPA's intent to inspect. Mr. Christiansen then called Neil Handler back a short while after their initial conversation and said that he had spoken with Mr. Murray and that Mr. Murray was planning to meet EPA at the Site the following day.

EPA inspectors Neil Handler and Stephanie Tougas ("EPA Inspectors") arrived at the Site at approximately 2:00 pm on September 22, 2021 where they were met by Mr. Murray. Ms. Tougas showed her credentials to Mr. Murray. EPA Inspectors began the inspection slightly north of the intersection of Park Street and Shay Lane in front of the

first home under construction on the west side of Shay Lane (Lot #1 on the subdivision plans). Lot #2, just to the north of Lot#1 continues to be used for storage of construction equipment and stockpiled materials (IMG_0033). This is the only lot in the subdivision which is not under construction. There was no evidence of petroleum containers being stored in this area without any type of spill containment or soil being tracked on to the street from the property – problems noted during the previous inspection of the Site which took place on December 4, 2020.

EPA Inspectors observed silt fences behind Lot #2 along the western side of the subdivision boundary that were in good shape and were being maintained properly (IMG_0034). Mr. Murray said that the silt fence around the entire property had recently been replaced by S&M Farms.

Proceeding further north EPA Inspectors observed multiple detention ponds in the north west corner of the construction site (IMG_0035) behind Lot #3 (the location of #5 Shay Lane, one of the completed houses). There was standing water in the detention pond closest to #5 Shay Lane – however the water in the pond was clear and only appeared to be several inches deep. The slopes of the detention ponds are stabilized with vegetation and there wasn't any evidence of erosion. Mr. Murray said that he is responsible for maintaining the detention basins until the Town of North Reading takes ownership of the road. Mr. Murray said that he still needs to install curbing and a final layer of paving on Shay Lane before ownership could be transferred to the Town of North Reading. EPA Inspectors then headed east along the northern boundary of the Site past the Outlet structure and gravel spillway for the detention pond behind #5 Shay Lane (IMG_0036). There was no evidence of flow overtopping the spillway.

EPA Inspectors continued walking east along the perimeter and came to another detention pond in between Lot #4 and #5 (IMG_0037). This detention pond contained turbid water and there were areas around its perimeter where the silt fence around it needed maintenance. The outlet from the detention pond exits through the northern wall of the pond and flows to the east along a rip rap covered swale to a low point located behind Lot number 5, the location of #9 Shay Lane (IMG_0038). The swale has a silt fence on one side which appears in good shape and a silt sock on the other side. The silt sock is not secured or anchored. The area behind #9 Shay Lane had large areas of open dirt slopes leading up to an open septic leach field which was under construction at the time of the inspection (IMG_0041).

Mr. Murray said that the property located at #9 Shay Lane had been sold to Tom Hodgson, a developer. Mr. Murray said that Mr. Hodgson was awaiting the inspection and approval of the septic leach field by the Town of North Reading Health Department. Mr. Murray said that Mr. Hodgson had been required by the Town of North Reading to make improvements to the swale to reduce erosion and runoff before the Town would inspect the septic leach field. The repairs and improvements recently completed by Mr. Hodgson focused on the northeast corner of the property in a location abutting several houses located along Nutter Road. The houses along Nutter Road had been reportedly impacted by stormwater runoff from #9 Shay Lane and potentially from the nearby detention pond prior to the most recent repairs made by Mr. Hodgson.

The recent repairs made by Mr. Hodgson included the regrading and completion of the swale around the perimeter of #9 Shay Lane and installation of rip rap and a plastic liner in the northeast corner of the property – the low point of the property (IMG_0039 and IMG_0040). Mr. Murray said that there has not been a significant rainfall since the installation of the rip rap and liner so he did not know if the repairs would prevent all stormwater runoff in the future from flowing from behind #9 Shay Lane towards the houses located on Nutter Road. Mr. Murray said he was hoping to get approval from the Town of North Reading as well as the neighbor owning the property north of #9 Shay Lane to clear some of the accumulated grass clippings located in the woods just north of #9 Shay Lane (IMG_0042). Mr. Murray thought that the grass clippings could be preventing the stormwater accumulating in the area behind #9 Shay Lane from draining off into the nearby woods.

Mr. Murray said that since Mr. Hodgson had made the repairs to the swale, it was his understanding that the Town of Reading would be willing to inspect the septic leach field behind #9 Shay Lane (Mr. Murray thought that the inspection was planned for September 24, 2021). Mr. Murray said that once Mr. Hodgson received approval from the Town, he would then be able to cover the leach field and complete the final grading of the site and thereby eliminate areas with potential runoff problems such as those found along the south east side of the house (IMG_0043 and IMG_0044).

EPA inspectors then continued around to the front of #9 Shay Lane where they noticed a large washout between the dirt driveway next to the house and the adjacent detention pond (IMG_0046). It appears that stormwater running down the driveway has created a gully which is transporting dirt and flow directly into the detention pond. The gully is so extensive that the silt fence, filter sock and gravel reportedly placed in and around the area by Mr. Hodgson appear to do little to prevent further erosion of the area. Mr. Murray said that he had talked with Mr. Hodgson and asked him to fix the gully and Mr. Hodgson had declined saying that he would soon pave the driveway which would eliminate the issue. Mr. Murray also said that he requested that Mr. Hodgson install the “infiltrators” (IMG_0045) for the downspouts around the house. Mr. Murray believes that runoff from the roof is contributing to the erosion problems around the property. Mr. Murray said that under the Covenant of Sales negotiated with Mr. Hodgson, Mr. Hodgson is responsible for completing all of the erosion control measures in a timely manner. EPA Inspectors asked Mr. Murray to provide EPA with a copy of the Covenant of Sales.

EPA Inspectors and Mr. Murray then returned to the development entrance. They told Mr. Murray that they would review the Covenant of Sales and follow up with a copy of the inspection report soon. They concluded the inspection at 2:50 pm.

Picture List:

IMG_0033.JPG – Lot #2 and activities occurring there

IMG_0034.JPG – Condition of silt fences behind Lot #2 along western boundary of subdivision

IMG_0035.JPG – Detention ponds in the rear of Lot #3 (behind #5 Shay Lane)

IMG_0036.JPG – Detention pond spillway in the rear of Lot #3 (behind #5 Shay Lane)

IMG_0037.JPG – Detention pond between Lots #4 and #5
IMG_0038.JPG – Rip rap covered swale located behind Lot #5 (behind #9 Shay Lane) looking in an easterly direction towards the northeast corner of the subdivision
IMG_0039.JPG – Another section of the rip rap covered swale located behind Lot #5 (#9 Shay Lane) taken from the northeast corner of the subdivision and looking in a southerly direction
IMG_0040.JPG – Northeast corner of the subdivision, showing the plastic liner installed under the rip rap
IMG_0041.JPG – Septic leach fields located behind Lot #5 (behind #9 Shay Lane)
IMG_0042.JPG – Grass clippings and woods located behind rip rap swale in the northeast corner of the subdivision
IMG_0043.JPG – Southeast corner of house located at #9 Shay Lane taken from swale below showing evidence of erosion
IMG_0044.JPG – Taken from southeast corner of house located at #9 Shay Lane looking in a northeasterly direction at houses adjacent to Site along Nutter Road
IMG_0045.JPG – Storm infiltrators that are to be installed to help control runoff from the roof at #9 Shay Lane
IMG_0046.JPG – Close up of gully created next to driveway at #9 Shay Lane and erosion control measures that need to be repaired

End report.