



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
Trails Edge – Formerly Flatrock Brook

From: Damian Bednarz, EPA Inspector **DAMIAN BEDNARZ** Digitally signed by DAMIAN BEDNARZ
Date: 2024.06.11 08:23:02 -04'00'

Thru: Karissa Oakes, EPA Inspector
Eleanor Horvath, EPA Inspector

To: File

I. Facility Information

- A. *Facility Name:* Flatrock Brook
- B. *Facility Location:* 86 Rockingham Road
Windham, NH 03087
- C. *Facility Contacts:* Matt Kiegel, Project Manager, Procopio Companies
mkiegel@procopiocompanies.com
Luc Bourgeois, Operator, Procopio Companies
lbourgeois@procopiocompanies.com
Jake Doerfler, Project Engineer, The Dubai Group
jake@thedubaygroup.com
- D. *NPDES ID No(s):* NHR1001NQ

II. Background Information

- A. *Date(s) of inspection:* April 17th, 2024
- B. *Weather Conditions:* Approx. 40° F, Cloudy
- C. *US EPA Representative(s):*
Damian Bednarz, Karissa Oakes, Eleanor Horvath
- D. *State/Local Representative(s):*
N/A

E. Federally Enforceable Requirements Covered During the Inspection:

National Pollutant Discharge Elimination System Construction General Permit
Effective February 17th, 2022

F. Previous Enforcement Actions:

No previous enforcement actions by the EPA.

III. Type and Purpose of Inspection

On April 17th, 2024, the EPA conducted a compliance evaluation inspection at Trails Edge, formerly known as Flatrock Brook. The inspection's purpose was to determine compliance regarding conditions and requirements set within the Construction General Permit.

IV. Facility Description

The Trails Edge development, referred to hereafter as the "Site" or the "Development", is an ongoing residential subdivision project that began earth-disturbing construction activity since at least the spring of 2023. The Development consists of approximately 34 residential structures, with each individual structure containing 2 units, for a total of 68 duplex units. Construction efforts are estimated to continue until the winter of 2025. The Development's estimated area of disturbance is approximately 30 acres, and is situated east of Rockingham Road, over Flatrock Brook by a concrete bridge finished at the beginning of the project. An isolated wetland is located within the boundaries of the Site to the northeast. The general pitch of the Site increases in the northeastern direction from Rockingham Road, with the highest elevations of the Site at the northernmost perimeter. Ranging approximately 50 to 100 feet south of the southernmost perimeters of the Site there exists a natural and unnamed wetland drainage complex that flows into Flatrock Brook. Within the Development are several catch basins that are designed to carry stormwater flows to several sedimentation and infiltration basins, designed to slow flows for purposes of deposition and discharge control. There are no catch basins in the footprint of the site that feed into a municipal stormwater system.

V. Inspection

A. Opening Conference

Damian Bednarz, Karissa Oakes, and Eleanor Horvath (the "EPA Inspectors") arrived at the Site at approximately 10:30 a.m. Near the front gate, Mr. Bednarz met with Luc Bourgeois of Procopio Companies, the principal stormwater operators of the Site, and handed him a copy of the EPA's small business information sheet. Mr. Bourgeois explained to the EPA Inspectors that the main stormwater operator and project

manager of the Site, Matt Kiegel, was not present at the Site to assist with the EPA's stormwater questions. Mr. Bourgeois stated that he is mostly unfamiliar with the Site's stormwater management and its day-to-day operational needs; however, Mr. Bourgeois was willing to navigate the site walk with the EPA inspectors.

Mr. Bednarz asked Mr. Bourgeois general questions about the Site. He explained that varying perimeter controls exist throughout the entirety of the Site, which included controls such as silt socks and mulch berming. Work is conducted on the site from 7 a.m. to 3:30 p.m. There are 2 to 6 employees of Procopio Companies present on the Site on any given day, with approximately 20-40 subcontractors conducting specialized work of varying construction operations. I asked what the Site hopes to accomplish the day of the inspection, and Mr. Bourgeois mentioned that 5 buildings are worked on at any one given time, and that subcontractors were on-Site at the time of the inspection to complete work on 2 more decks. I asked who conducts stormwater inspections on the Site. Mr. Bourgeois explained that the Dubai Group, who also prepared and updates the Stormwater Pollution Prevention Plan ("SWPPP"), conducts regular site inspections at an increased frequency. Mr. Bourgeois explained that all logging and stumping of the site has been completed on the day of the inspection.

B. Facility Tour

Note that due to piloting of new photo taking methods, the associated photo album is ordered chronologically with Photo ID 51 being the first photo taken during the tour, and Photo ID 1 being the last.

The EPA Inspectors and Mr. Bourgeois began the walkaround of the Site, in a counterclockwise fashion starting from the southwestern perimeter just after the newly constructed concrete bridge. The pitch of the Site at this location slopes downwards at the edges of newly constructed buildings (Photo ID 51). Sediment was visibly deposited along a mulch berm just after a rock stone wall, and the EPA inspectors observed drainage lines along the pitch of the Site at this location (Photo ID 49-45) and some sediment was deposited outside of the berm. South of the gate of the Site, a sedimentation basin with un-stabilized walls contained murky standing water (Photo ID 50, 11). Recently installed catch basins located along the bridge and additional stormwater drainage from within the Site flow into this basin via two inlet structures, located on two corners of the basin. Mr. Bednarz observed an overflow structure on another corner of the basin. The EPA Inspectors observed several green pipe structures at the front of several buildings in development (Photo ID 43). The EPA Inspectors asked about the purpose and drainage of the pipe structures, and Mr. Bourgeois explained that he is largely unfamiliar with drainage plans of the Site, however the Development intends to install more of these structures as more housing is installed.

Following the southern perimeter of the Site, and past the in-progress building construction, the mulch berm continued (Photo ID 41-39, 37-36). The EPA Inspectors observed a recently altered stockpile of fine granular material, and Mr. Bednarz asked

about its purpose (Photo ID 42). Mr. Bourgeois explained that this pile was “compact” or “pack” that is used for the base of roads. The EPA Inspectors observed another stockpile that was in an active working status (Photo ID 38). The Site bending around an identified wetland held standing water at low elevations (Photo ID 35-32) with natural elevations much lower beyond the Site’s perimeter controls. The EPA Inspectors observed 2 installed pipes of approximately 6” in diameter protruding from an accessway (Photo ID 31). Mr. Bednarz asked Mr. Bourgeois about the purpose of these pipe structures, but Mr. Bourgeois stated he was not familiar with their purpose or source.

The EPA Inspectors observed several stockpiles towards the back of the construction site (Photo ID 30-28, 24, 20). Ground conditions varied from loose (Photo ID 30) to vegetated (Photo ID 29). Mr. Bednarz asked Mr. Bourgeois whether these stockpiles were actively worked with, and Mr. Bourgeois replied that they have largely remained in this condition for approximately a year. The mulch berm continued along the easternmost perimeter of the Site (Photo ID 27-25, 23-22), and featured the buildup of silt. Mr. Bourgeois explained that no additional work is planned in a cleared space which featured large, buried rocks in the northeastern area of the Site due to a channel wetland (Photo ID 21).

The EPA Inspectors observed several stacked corrugated pipes of varying sizing and coloration (Photo ID 19). Mr. Bednarz asked about the intended areas of installation for the piping, and Mr. Bourgeois explained that he is not certain about their eventual drainage purposes. Mr. Bednarz asked Mr. Bourgeois about the purpose of stockpiles near the back of the Site which featured large rocks (Photo ID 18-16) and was informed that these piles are soon being hauled off site for disposal. Mr. Bednarz noted equipment tracks. Along the northern perimeter of the Site, the EPA Inspectors observed standing water against the continued mulch berming (Photo ID 14) with a breach of flow (Photo ID 13, 12).

After the EPA’s closing conference, Mr. Bednarz conducted observations of the conditions surrounding the concrete bridge and immediate perimeter controls to Flatrock Brook. Mr. Bednarz observed a catch basin with an insert that accumulated sediment (Photo ID 10). Sediment deposition was observed on the northeastern side of the bridge, which also featured evidence of stormwater erosion (Photo ID 7-6). The extent of sediment accumulation reached beyond perimeter control measures. Similar sediment accumulation was observed on the other side of the bridge, on its northwestern corner (Photo ID 3-2). Silt socks and silt fencing was located within and around the present flow (Photo ID 9-8, 5-4). Slopes located beside the concrete bridge were un-stabilized.

C. Records Review

The Site’s SWPPP and last three months of stormwater inspection reports, as requested by the EPA during the site visit, were reviewed after the EPA inspection. These materials were requested on April 18th by email and were provided to the EPA on the same day.

Materials submitted were reviewed in comparison to field observations in the writing of this report.

D. Closing Conference

The EPA Inspectors and Mr. Bourgeois at the conclusion of the perimeter walk of the site exchanged contact information, and Mr. Bednarz stated that an inspection report, photo album, and cover letter would follow within 70 days of the inspection. Mr. Bourgeois provided the contact information of other operators that have familiarity with stormwater conditions and planning present at the Site. Mr. Bednarz explained that he would request the last 3 months of stormwater inspection reports and the Site's SWPPPP soon after the inspection.

The EPA Inspectors departed at approximately 12 p.m.

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.