



REGION 1

BOSTON, MA 02109

January 2, 2024

Mr. Tom Fallon
Operator
Martin's Landing
104 Lowell Road
North Reading, Massachusetts 01864

Dear Mr. Fallon:

On October 31, 2023, the U.S. Environmental Protection Agency performed an inspection at Martin's Landing regarding compliance with the National Pollutant Discharge Elimination System ("NPDES") program of the Clean Water Act ("CWA"). A copy of the inspection report and relevant photo album is enclosed with this letter.

At the time of the inspection, EPA Inspector Damian Bednarz observed several silt fences that were not properly dug in on the southern edge of the construction project. When not trenched in properly, silt fences may allow storm water carrying sediments to discharge outside of the project location. Provide to Damian Bednarz of my staff photo evidence of the correction of these fences.

Technical questions may be directed to Damian Bednarz at (617) 918-1482 or at bednarz.damian@epa.gov. Legal issues may be directed to Jeff Kopf, Senior Enforcement Counsel, at (617) 918-1796.

Sincerely,

Newton Tedder
Acting Manager, Water Compliance Section 1

ENCLOSURES

1. Inspection Report for October 31, 2023, EPA Inspection
2. Photo Album for October 31, 2023, EPA Inspection

cc: John Engdahl, Director of Land Development
Jennifer Davis, MADEP Northeast Region
Jeff Kopf, US EPA
Damian Bednarz, 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")
Martins Landing

From: Damian Bednarz, Inspector DAMIAN BEDNARZ Digitally signed by DAMIAN BEDNARZ
Date: 2024.01.02 09:12:43 -05'00'

Thru: Andrew Spejewski, Inspector

To: File

I. Facility Information

- A. *Facility Name:* Martins Landing
- B. *Facility Location:* 104 Lowell Road
North Reading, MA 01864
- C. *Facility Contacts:* Tom Fallon, Operator

774-272-2964, Tom.fallon@pulte.com

John Engdahl, Director of Land Development
- D. *NPDES ID No(s):* MAR100124

II. Background Information

- A. *Date(s) of inspection:* October 31, 2023
- B. *Weather Conditions:* Sunny, 55°
- C. *US EPA Representative(s):*
Damian Bednarz
- D. *State/Local Representative(s):*
Not Applicable

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

Unannounced Evaluation

IV. Facility Description

Martin's Landing (the "Development" or "Project") is a multi-family residential construction project tailored specifically to an Active Adult (55+) community located in North Reading, Massachusetts. Pulte Homes of New England, LLC is the primary construction entity working the Project. This development disturbed approximately 20 acres throughout the duration of construction, however, construction plans called for a phased development so only portions of the site were considered active at any one time. The Project features 9 multi-story apartment buildings, a clubhouse, an extensive parking system for tenants, green spaces, and outdoor walking trails. The Project started in late 2017 and is listed to be completed by 2027, although operators believe that it could be completed potentially sooner.

V. Inspection

I arrived at approximately 12:30 PM. Parking outside of the clubhouse, I noted that apartment buildings were built (slide 15). I did not immediately see disturbed area and construction activity. I called John Engdahl who is listed as the primary operator of the Development but was unable to get in contact with him. I walked through the center of the Project near Martin's Landing Drive when I noticed construction workers moving furniture into an apartment building. I approached the workers and asked to speak with the boss or operator of the site. Shortly after, I was greeted by Tom Fallon who was a construction manager of the Project under Pulte Homes of New England LLC.

A. Opening Conference

I presented my credentials to Mr. Fallon and explained the purpose of my visit, which was a routine inspection. I explained that I could not get in contact with the primary operator listed on the Notice of Intent ("NOI"). Mr. Fallon was able to contact Mr. Engdahl and was granted permission to conduct the inspection as Mr. Engdahl could not accompany us during my visit. I asked about the scope of the Project, and Mr. Fallon explained that most of the work had already been completed. Most apartment buildings were already in their final stages, and tenants were already occupying apartments. I observed many tenants moving in and out of the apartment buildings. Mr. Fallon explained that a small portion of the Project, on its eastern side, is still in a disturbed state. Mr. Fallon also explained that he is primarily responsible for conducting stormwater inspections to verify integrity of stormwater control measures.

B. Facility Tour

I explained to Mr. Fallon that I would like to inspect the remaining disturbed area of the Development, which was the eastern side of Martin's Landing (slide 1). Site plans convey that this disturbed area will ultimately feature two more apartment buildings. South of these unbuilt apartment buildings is a significant slope downward (slide 3) beyond an approximately 7' berm. Stormwater that runs from this higher area encounters a levelled depression, where the bank is protected by a 2' gravel berm (slide 2) and is covered in black tarp (slide 2 and 6). The levelled area is the approximate location where another apartment building is planned to be constructed. Beside this elevated area I observed stockpiling (slide 14) with a silt sock surrounding it. Mr. Fallon explained that this stockpiling is in an active state as it was recently excavated and piled. Beyond this stockpiling is a construction material storage area surrounded by chain linked fences (slide 16). The silt sock surrounds the entirety of this material storage area, and there is untouched vegetation along the eastern edge.

Mr. Fallon and I continued to inspect the perimeter of the site, south of the levelled area. Outside of the Development is a densely wooded area, with a step decline about 100 feet away from its perimeter (slide 5 and 7). I observed a combination of berms and silt fencing along this edge of the Project. Mr. Fallon explained that there are multiple lines of silt fencing because when the project featured more disturbance, more stormwater control measures were necessary. Additional silt fencing was most recently placed closer to the construction activity as this was a more effective method to capture sediment. The southern perimeter appeared to have been maintained recently by loaders that collected displaced sediment (slide 8) judging by tire tracks and a depression that was created as a result of the work.

Further, I observed an area along the southern perimeter that featured silt fences that were not dug in (slide 9), with their bottom edge resting on top of the ground. Opposite to the not-dug-in silt fencing, I observed an exposed slope that featured protruding pipes as well as an eroded channel (slide 10). The silt fencing for the remainder of this southern

perimeter was mostly not dug in (slide 11, 12). Closer to the already existing buildings of the Development, this slope was seeded and predominantly vegetated (slide 13).

C. Records Review

No records were reviewed during or prior to the inspection.

D. Closing Conference

I explained to Mr. Fallon that he should expect to see an inspection report from me within 70 days of the day of the inspection. I also requested to obtain the last three months of stormwater inspection reports for future review. I departed at approximately 1:30 PM.

Mr. Fallon sent EPA his last three months of stormwater inspection reports on November 4, 2023.

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.