



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") – Tenney Highway Commercial Development

From: Damian Bednarz, EPA Inspector **DAMIAN
BEDNARZ**

Thru: Margarita Chatterton, EPA Inspector

To: File

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BEDNARZ
Date: 2024.12.23 16:44:35
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I. Facility Information

A. *Facility Name:* Tenney Highway Commercial Development

B. *Facility Location:* Tenney Mountain Highway
Plymouth, NH 03264

C. *Facility Contacts:* Dan Worster, Site Supervisor
dworster@andrewsconst.com

Bud Crane, Site Superintendent
bud@andrewsconst.com

Mike McGinley, Owner/Project Manager
mpmcmginley17@gmail.com

Cindy Balcius, Stoney Ridge Environmental
cbalcus@stoneyridgeenv.com

Gabriel Winant, Stoney Ridge Environmental
gwinant@stoneyridgeenv.com

D. *NPDES ID No(s):* NHR1001TJ

II. Background Information

A. *Date(s) of inspection:* November 7th, 2024

B. Weather Conditions: Approx 55°, cloudy

C. US EPA Representative(s):
Damian Bednarz, Gary Rennie

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 by the EPA.

III. Type and Purpose of Inspection

On November 7th, 2024, the EPA conducted a compliance evaluation inspection at the Tenney Highway Commercial Development project in Plymouth, NH. The inspection's purpose was to determine compliance regarding conditions and requirements set within the Construction General Permit ("CGP").

IV. Facility Description

The Tenney Highway Commercial Development, referred to hereafter as the "Site" or the "Development", is an ongoing commercial plaza extension project at Riverside Commercial that began earth-disturbing construction activity since at least October 2024. The Development consists of the reworking of a wetland drainage complex, and the installation parking lots and commercial business infrastructure. The Development's project area is approximately 22 acres of land, which considers impacts to existing wetland systems totaling approximately 50,000 square feet. On the Development's northern perimeter is the Baker River.

V. Inspection

Damian Bednarz and Gary Rennie (the "EPA Inspectors") arrived unannounced at the existing Riverside Commercial Plaza, located at Ridge View Lane, Plymouth, NH at 11:15 a.m. I called Stony Ridge Environmental, who was listed on the NOI for the Development, and informed Cindy Bulbius that EPA Inspectors were present and parked immediately outside of the construction entrance (Photo 5). Cindy informed EPA Inspectors that an operator would meet us at the Site shortly. EPA Inspectors met with Bud Crane and Dan Worster of Andrew's Construction outside of the Site.

A. Opening Conference

The EPA inspectors presented their credentials and explained that the purpose of the inspection is to determine permit compliance for the Development under the 2022 Construction General Permit.

Andrew's Construction representatives Mr. Worster and Mr. Crane explained that at the time of the inspection, the Development is conducting work to relocate an oxbow wetland that would otherwise be situated within the projected commercial development complex. I asked whether the necessary permits and approvals were obtained for such work, and Dan explained that the project had received approval from the US Army Corps. Associated approvals were displayed from a publicly visible location at the Site's entrance. Andrew's Construction representatives explained that the existing commercial lot west of the Site was completed by the company some time ago, and the purpose of ongoing work was a commercial extension to this plaza. I asked when earth work began and whether the operators intend to continue work through the winter. Bud stated that earth disturbing activity began approximately a month before the day of the inspection, and answered that work is projected to continue uninterrupted through the winter.

I explained that as part of this routine evaluation, a perimeter walk to assess site conditions was necessary. EPA Inspectors and representatives of Andrew's Construction conducted a site walk around.

B. Site Observations

Elevation from the existing commercial development dropped off considerably at the entrance of the Site and featured a gravel entrance (Photos 5-7). The entrance featured minimal sediment off-site tracking from construction vehicles. Bud explained that the Site is planning to lay approximately 12 to 14 feet of fill once the oxbow relocation project was complete and underground water conveyance infrastructure was installed. As part of such infrastructure, Andrew's Construction was in the process of installing a 200 ft long, 6 ft diameter concrete pipe to maintain hydrologic connection from preexisting wetland drainage systems (Photos 8, 9, 12). Construction work was in early stages, where Site elevations were being continuously altered (Slide 13, 14, 15). Bud explained that what is excavated is being stockpiled and will eventually contribute to the 12 to 14 feet of fill where commercial structures are planned to be eventually installed.

In the Site's office building, Bud displayed engineering plans that detailed the wetlands relocation plan, pipe location, elevations, and work areas (Photos 2, 3).

During the site walkaround, I observed hydric soil excavation and relocation, which was laid such that it connected to a preexisting wetland drainage complex (Photos 10, 11). Bud explained that wetlands that did not need alteration were marked with high

visibility fencing and silt socks were placed where this existing wetland met ongoing construction work.

D. Closing Conference

Following the initial inspection of the Development the EPA Inspectors explained to Andrew's Construction representatives that findings will be presented in an inspection report addressed to the operators of the Development. I requested to obtain the Site's Storm Water Pollution Prevention Plan ("SWPPP") and any stormwater inspection reports associated with ongoing construction work. The EPA inspectors departed at approximately 1:00 p.m.

Following the inspection, I received all requested materials via email on November 14th, 2024.

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.