



REGION 1

BOSTON, MA 02109

January 4, 2024

Mr. Michael Bruno
48 Ellis Farm Lane
Melrose, Massachusetts 02176

Dear Mr. Bruno:

On October 31, 2023, the U.S. Environmental Protection Agency (“EPA”) performed a reconnaissance inspection at Charles Street Subdivision in North Reading, Massachusetts regarding compliance with the National Pollutant Discharge Elimination System (“NPDES”) program of the Clean Water Act (“CWA”). A copy of the inspection report is enclosed with this letter. Regarding the following numbered items, provide responses to each regarding the Project within 30 days to Damian Bednarz at bednarz.damian@epa.gov.

1. One outfall was observed behind 3 Charles Street, North Reading, Massachusetts at a latitude, longitude of 42.5924, -71.0832. Provide contemporary drainage plans of Charles Street and the connection to this outfall. Provide drainage plans for the construction surrounding Charles Street which includes but is not limited to catch basins, additional outlets, piping, and detention ponds.
2. List approximate dates where construction activity began for each of the lots within the Charles Street Extension. Construction activity is defined by EPA as earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., grubbing; stockpiling of fill material; placement of raw materials).
4. Identify and provide contact information for operators of this development. An operator is defined by EPA as parties that hold operational control over construction plans and specifications, their modifications, as well as day-to-day operational control of construction activity. Subcontractors are generally not considered operators for EPA purposes. This development may have multiple operators, including but not limited to the owner of the property as well as the developing company in charge of construction activity.
5. According to part 1.1.2 of the federal 2022 Construction General Permit for Stormwater Discharges from Construction Activities (CGP), individual lots of less than one acre are still subject to the permit if they are part of a larger common plan of development or sale that disturbs, or will ultimately disturb, one or more acres of land. EPA has no record of having received any Notices of Intent (NOIs) to be covered by the CGP for any of the individual lots at the site. If permit coverage for any portion of the site was obtained under EPA’s CGP, provide the permit tracking number(s) (beginning with “MAR”), and a copy of the Stormwater Pollution Prevention Plan(s) developed

under the permit. If you believe this site was not subject to the CGP during construction activities for this development, explain the basis for your belief, including appropriate documentation.

6. The observed construction activity taking place along Charles Street fits the scope of construction activity as defined by EPA; therefore, stormwater discharges from the site must be covered by the CGP or other NPDES permit. For all operators conducting construction activity at this location, CGP coverage is required until construction operations cease, and surfaces are entirely stabilized. Stormwater discharges from the development are not authorized unless and until the operator(s) obtain coverage under the CGP. If permit coverage for any portion of the site was not previously obtained under EPA's CGP, submit an estimate of the date by which you expect the development to submit Notices of Intent (NOIs) to discharge under the CGP.

If you have questions regarding this letter, please contact Damian Bednarz of my staff 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 or at kopf.jeff@epa.gov.

Sincerely,

**NEWTON
TEDDER**

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NEWTON TEDDER
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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: Andrea Saunders-Correa, Potential Subcontractor

Daniel Fonzi, Potential Developer

Danielle McKnight, Town of North Reading

Leah Basbanes, Town of North Reading

Dan O'Donnell, Town of North Reading

Jennifer Davis, MADEP Northeast Region

Jeff Kopf, US EPA

Damian Bednarz, US EPA