



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912

Sent via Electronic Mail (*Dated as shown on electronic signature*)

Jason Hutchens, President
Raw Seafoods, Inc.
481 Curren Road
Fall River, Massachusetts 02720
jhutchens@rawseafoods.com

Subject: June 6, 2024 EPA Inspection and Request for Follow-up Information

Dear Mr. Hutchens:

On June 6, 2024, the U.S. Environmental Protection Agency ("EPA") performed an inspection at Ice Cube Cold Storage and Logistics regarding compliance with the National Pollutant Discharge Elimination System ("NPDES") Program of the Clean Water Act (the "Act"). A copy of the inspection report is enclosed with this letter.

The construction activities taking place at Ice Cube Cold Storage and Logistics, 615 Innovation Way, Fall River, Massachusetts (the "Site") fall under the jurisdiction of EPA's 2022 Construction General Permit ("CGP"). EPA notes that the Site was previously covered under the 2017 CGP, but did not reapply for coverage under the 2022 CGP. The 2017 CGP expired on February 16, 2022. This means that, as currently configured, stormwater discharges from construction activities at the Site are not authorized, and are being discharged in violation of the Act, unless and until you obtain permit coverage under the 2022 CGP.

Within 30 calendar days of receipt of this letter, provide the information requested below. Please answer each question as clearly and completely as possible, and provide a response in an electronic format to the following technical contact:

Eleanor Horvath, Clean Water Act Inspector
(617) 918-1061
horvath.eleanor@epa.gov

1. General Business Information:

- a. Specify the full legal name(s) with exact spelling, the business mailing address, telephone number, and address(es) of each entity's operations for each of the following:

- i. Hutchens Holding III, LLC

- ii. Ice Cube Logistics, LLC
 - iii. Raw Seafoods, Inc.
- b. Provide a chart/diagram that illustrates the corporate and management structure of the three entities listed above, including parent companies, subsidiaries, and affiliated entities. In addition, explain whether “Ice Cube Cold Storage and Logistics” is a tradestyle, and its relationship to the three entities listed above.

2. Site Construction Information:

- a. Provide the date that construction commenced at the Site (615 Innovation Way, Fall River, MA).
- b. For periods of active construction at the Site:
 - i. Provide the beginning and end date of each stage of construction, as well as the specific activities that took place during each stage.
 - ii. Provide a Site map that shows the areas of the Site that were being actively worked on during each stage.
 - iii. Describe the erosion control measures that were used to stabilize the Site during periods of active construction.
 - iv. How frequently were erosion control inspections completed during active construction? Who completed the erosion control inspections?
 - v. Provide copies of Site erosion control inspection reports or documentation for, at minimum, the past 3 months of active construction.
- c. If there were periods of inactivity at the Site:
 - i. Provide the beginning and end date of each inactive period.
 - ii. Describe the erosion control measures that were used to stabilize the Site during periods of inactivity.
 - iii. How frequently were erosion control inspections completed during each period of inactivity? Who completed the erosion control inspections?
 - iv. Provide copies of Site erosion control inspection reports or documentation for, at minimum, the past 3 months of Site inactivity.
- d. Describe the status of the Site today, including existing erosion control measures and current construction activities.

- e. During the inspection, EPA identified locations where existing erosion controls were in poor condition (photos 5-11, 13, 16 in attached photolog). Provide narrative and photographic evidence that these issues were addressed.
- f. Describe the plans for the Site in the future, including planned erosion control measures and forthcoming construction activities.
- g. Provide any available stormwater drainage plans for the Site.
- h. Provide any available Site plans detailing future construction.

Please refer any questions related to technical issues in this letter to Eleanor Horvath at (617) 918-1061 or horvath.eleanor@epa.gov. Legal issues may be directed to Jeff Kopf, Senior Enforcement Counsel, at (617) 918-1796 or kopf.jeff@epa.gov.

Sincerely,

 Digitally signed by
ALEX ROSENBERG
Date: 2024.06.18
13:41:21 -04'00'

Alex Rosenberg, Acting Manager
Water Compliance Section 1
Enforcement and Compliance Assurance Division

Enclosures:

Inspection Report for June 6, 2024 EPA Inspection
Inspection Photolog for June 6, 2024 EPA Inspection

CCs (electronic only):

Eleanor Horvath, Clean Water Act Inspector, U.S. EPA
Jeff Kopf, Senior Enforcement Counsel, U.S. 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")
Ice Cube - Cold Storage & Logistics

From: Eleanor Horvath, Inspector
Enforcement & Compliance Assurance Division
Water Compliance Section 1

Thru: Stephanie Tougas

To: File

**ELEANOR
HORVATH** Digitally signed by
ELEANOR HORVATH
Date: 2024.06.18
09:53:45 -04'00'

I. Facility Information

- A. *Facility Name:* Ice Cube Cold Storage & Logistics
- B. *Facility Location:* 615 Innovation Way
Fall River, MA 02720
- C. *Facility Contacts:* Angelo Nicolisi, General Manager
Jason Hutchens, Owner

Ice Cube - Cold Storage & Logistics
481 Currant Road
Fall River, MA 02720
- D. *ID No(s):* MAR1003EO (Expired)

II. Background Information

- A. *Date(s) of inspection:* June 6, 2024
- B. *Weather Conditions:* 70 degrees Fahrenheit; light to moderate rain
- C. *US EPA Representative(s):*
Eleanor Horvath, Inspector
Stephanie Tougas, Inspector

D. State/Local Representative(s):

None

E. Federally Enforceable Requirements Covered During the Inspection:

National Pollutant Discharge Elimination System

2022 Construction General Permit ("CGP")

Effective July 12, 2021

Expired February 14, 2022

F. Previous Enforcement Actions:

None

III. Type and Purpose of Inspection

Compliance Evaluation; Expired Permit

IV. Facility Description

The entire site is approximately 16 acres, including a large, complete building, and is located off Innovation Way in Fall River, Massachusetts. The site is surrounded by open space to the north, east, and south. There is a marked conservation easement east of the site, as well as wetlands approximately 200 feet from the edge of the site. A tributary of Rattlesnake Brook is approximately 500 feet southeast of the site.

V. Inspection

EPA arrived onsite at approximately 10:15 AM for an unannounced inspection.

A. Opening Conference

Upon arrival, Inspectors Horvath and Tougas met Mr. Angelo Nicolisi, presented their credentials, and explained the purpose of the inspection. Mr. Nicolisi granted site access and joined EPA on the inspection. The opening conference occurred in a conference room within the completed building at 615 Innovation Way. Inspectors Horvath and Tougas explained that EPA was present for a routine site visit, not due to a complaint.

B. Facility Tour

EPA and Mr. Nicolisi began the site tour at the southwestern corner of the site near Innovation Way. Mr. Nicolisi informed EPA that J.B. Lanagan & Company of Dartmouth, Massachusetts leads construction. He explained to EPA that the completed building was the first phase of construction on the site.

The group walked east, initially along a paved lot and road, and later along a stabilized slope at the southeastern corner of the site. EPA observed unstabilized stockpiles east of the completed building; Mr. Nicolisi explained that they were being actively worked on. At the southeastern corner of the site, EPA observed a retention pond, which was separated from the exposed and unstabilized areas by vegetated slopes.

The group walked north from the retention pond along the eastern edge of the site. EPA observed unstabilized slopes surrounding the existing stockpiles, with silt socks and fences at the bottom of the slopes between the disturbed area and surrounding open space. EPA observed multiple topped silt socks and fences, as well as areas of pooling sediment beyond the erosion controls. Inspector Tougas informed Mr. Nicolisi that these erosion control measures would need attention.

Along the northern edge of the site, slopes were stabilized with riprap or seeded, although the seeded slopes were not yet vegetated. EPA observed topped silt socks and fences at the bottom of the seeded slopes, as well as a catch basin that was partially blocked by an unmaintained catch basin insert and sediment. Inspector Tougas informed Mr. Nicolisi that this catch basin was another potential area of concern that may need to be addressed.

The site walk concluded at the northwestern corner of the site at approximately 10:45 AM.

C. Closing Conference

The group reentered the completed building and Mr. Nicolisi introduced Inspectors Horvath and Tougas to Mr. Jason Hutchens. They asked Mr. Hutchens about the site's SWPPP and erosion control inspections and informed him about the downed silt fences. He indicated that EPA could direct the questions to J.B. Lanagan, who handles the construction onsite. Inspectors Horvath and Tougas said that they would request the documents via email and that they would follow up with a copy of the inspection report within 60 days.

EPA departed at approximately 11:00 AM.

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.

VI. Inspection Photos

Photo ID	Photo Description
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1	
2	Removing stockpile now
3	Retention pond
4	Downslope of stockpile they are removing
5	Silt fence
6	Another silt fence needs attention
7	topped fences
8	Sediment
9	sediment leaving site
10	Sediment
11	Other section with sediment
12	Ravines
13	Silt fence needs attention
14	Conservation easement sign
15	Need to clean catch basin
16	Seeded but still breached
17	Seeded slope
18	Sediment needs attention