



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

**5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912**

VIA EMAIL

Michael Corsetti
Empire Design and Construction LLC
19 Ocean Avenue
Gloucester, MA 01930
Mike.Corsetti@EmpireDCS.com

Subject: May 7, 2021, U.S. EPA Inspection

Dear Mr. Corsetti,

On May 7, 2021, the U.S. Environmental Protection Agency ("EPA") performed an inspection at the Boulder Lane Construction site located at 128 Boulder Lane, in Beverly, Massachusetts ("the site") to evaluate compliance with the federal Clean Water Act ("CWA"). A copy of the inspection report is included as Attachment A of this letter.

The EPA inspector observed recent clearing, grading and excavating activities that disturbed at least one acre of land at the site. It also appears that during certain precipitation events there may have been, or there will be stormwater discharges associated with these construction activities from the site into waters of the U.S. In particular, stormwater discharges are expected to occur from the southern edge of the site, from near the stream crossing under Boulder Road, and from the sediment track-out area on Grapevine Road (where sediment may be washed off the road into the stream crossing Grapevine Road just to the north). Even with the relatively small amount of precipitation so far this year, sediment deposits were observed up to the very edge of the southern border of the site. As the site becomes more compacted and smoothly graded, runoff will likely increase, increasing the potential for stormwater discharges and associated sediment to be conveyed off the site to the wetlands to the west and to the Ipswich River.

Given the strong possibility of stormwater discharges from the site at some point during the construction activities, we urge Empire Design and Construction LLC and any other potential "operator" of the site (e.g., the owner) to seek authorization under the Construction General Permit ("CGP"). Please be aware that under the authority of Section 308 of the CWA, EPA may re-inspect this site during a precipitation event to observe stormwater movement on the site. If there are stormwater discharges from the site without permit authorization, or in violation of a permit, you would be subject to penalties of up to \$22,584 per day for each day during which the violation continues. Information related to seeking permit authorization can be found here: <https://www.epa.gov/npdes/2017-construction-general-permit-cgp>.

If CGP authorization is obtained, Empire Design and Construction LLC would need to follow the terms of the permit, specifically including: implementing a stormwater pollution prevention plan (SWPPP), installing perimeter controls at the southern edge of the site (and potentially other controls as necessary to prevent sediment discharge), installing track-out protection to prevent sediment from being carried onto the paved Grapevine Road, temporarily or permanently

stabilizing any areas or stockpiles inactive for more than 14 days, and regularly inspecting erosion controls at the site.

Within 14 calendar days of the date of this letter, please email a response to these comments to Andrew Spejewski at Spejewski.Andrew@epa.gov.

If you have any technical questions related to this letter or the CGP, please contact Mr. Spejewski. Legal issues may be directed to Tahani Rivers, Enforcement Counsel, at (617) 918-1299.

Sincerely,

ELIZABETH
KUDARAUSKAS

Digitally signed by
ELIZABETH KUDARAUSKAS
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Elizabeth Kudarauskas
Team Lead
Water Compliance Section
Enforcement and Compliance Assurance Division

Enclosures: Attachment A - Inspection Report for May 7, 2021, EPA Inspection

CCs (electronic only):

Jenna Pirotta, City of Beverly
Gary Corsetti
Tahani Rivers, US EPA
Andrew Spejewski, US EPA