UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Drafted Date: Sept. 12, 2022
Finalized Date: *Dated as shown on electronic signature*

Subj: Inspection Report
Clean Water Act - National Pollutant Discharge Elimination System ("NPDES")
Grafton RR Hopedale Site

From: Andrew Spejewski, Enforcement Officer

ANDREW SPEJEWSKI
Digitally signed by ANDREW SPEJEWSKI
Date: 2022.09.26 10:05:03 -04'00'

Thru: Stephanie Tougas

To: File

I. Facility Information

A. *Facility Name:* Grafton Upton Railroad Hopedale Site

B. *Facility Location*: 364 West St
Hopedale, MA 01747

C. *Facility Contacts:* Michael Milanoski, General Manager
42 Westboro Road
Grafton, MA 01536
508-965-3493, mmilanoski@graftonuptonrr.com

D. *NPDES ID No(s).:* MAR1003HV

II. Background Information

A. *Date(s) of inspection:* September 6, 2022

B. *Weather Conditions:* Continual rain, at times heavy

C. *US EPA Representative(s):*
Andrew Spejewski

D. *State/Local Representative(s):* None

E. Federally Enforceable Requirements Covered During the Inspection: EPA general permit for stormwater discharges from construction activities.

F. Previous Enforcement Actions:
None. A previous EPA inspection took place on May 26, 2022.

III. Type and Purpose of Inspection

Evaluation of EPA general permit for stormwater discharges from construction activities.

IV. Facility Description

The site is formerly wooded land lying south of Route 140/West St. in Hopedale. The main site begins about 300 yards south. A gravel road runs into the site from West St., running through woods, and passing over a stream.

The main site is the side of a hill sloping down to the northeast and then slightly to the north. It extends about 500 yards from the foot of the hill, up to a gas line easement along the west side of the site. Roughly halfway up the hill, a single railroad line runs along the side of the hill, from the south edge of the site north, then curving west to the west edge of the site.

Around and south of where the access road enters the main site is a lower staging area. An area of uncleared woods (flagged with blue tape) lies between this lower staging area and the rest of the site to the south.

At the east side of the site, a 'lollipop' shaped area had been cleared, a road-width running east to a slightly larger cleared area in the woods east of the main site.

South of the lower staging area and north of the 'lollipop', a section of woods extends west into the site, forming a 'peninsula' of uncleared woods.

At the time of the inspection, the site had been logged, wood and debris and small trees removed, but over most of the areas of the site inspected larger stumps were still in place. A gravel road led from the base of the hill (where the gravel road from West St entered the main site), up the hill about halfway, near the north edge of the site.

Temporary stormwater basins were in place partway up the hill at the north side, at the center of the east side, at the south of the east side, and halfway up the hill, just above the railroad tracks

V. Inspection

At 11:30 AM Sept 6, Mr. Spejewski phoned Mr. Milanoski to announce the inspection and confirm site access. They agreed to meet on site at 12:45 PM that day.

At about 12:45, Mr. Spejewski arrived at the site and met Mr. Milanoski, John DeWaele (site foreman for the Grafton Upton Railroad) and a Mr. Lavore (introduced as the engineer for the site).

A. Opening Conference

Mr. Spejewski presented his credentials to Mr. Milanoski.

Mr. Milanoski stated that work was currently halted due to litigation. He said that the site had been completely logged, but no stumps had been removed (except along a road and very limited staging areas).

Mr. Milanoski stated he had already toured the site earlier that day, and found one area of failed fence which he had directed his site worker to fix.

B. Records Review

Mr. Milanoski stated that they had, according to previous EPA feedback, revised their use of the operator site inspection forms. Mr. Milanoski showed a notebook containing the multipage forms, with one form filled out per inspection. [See photos for one report].

Mr. Milanoski stated that operator site inspection responsibility had just been transferred to their engineer, who would be carrying out inspections in the future.

C. Facility Tour

Mr. Milanoski and Mr. Spejewski toured the site (the other two individuals left the site at this point).

The site entrance was a bed of large gravel, extending at least ten yards down the road. There were only a couple very small patches of dirt at the entrance; it appeared to be still capable of removing dirt from tires.

A small area south of the road near the entrance was cleared, with the border of the cleared area curving back to meet the entrance road at the stream crossing. Larger stumps were observed in place in the fairly flat area and there was silt fence around it.

There was silt fence around the road at the stream crossing, with no signs of significant deposit in the stream.

Another cleared area was south of the road on the southwest of the stream crossing. It was also fairly flat, with larger stumps still in place, and had silt fence in place. Blue flagging tape was present on trees just outside the silt fence, from the stream crossing and south.

The northeast corner of the site, where the access road entered, was a former staging area for logging. Stockpiles and logs/debris present during the May 2022 EPA inspection were no longer present.

The northern edge of the site, running uphill, was generally at the level of the surrounding terrain; silt fence was in place along the lower part of it. At one point, a small amount of water was running up to the silt fence, and filtering through, with no signs of sediment escaping.

A stormwater basin was present between the foot of the hill and the upper staging area, near the northwest edge of the site, collecting drainage from the slope and from the gravel road up to the staging areas. The basin was overflowing slightly. The drainage went slightly downhill and spread out as it ran into undisturbed woods, with no signs of significant sediment carried away.

The site above the upper staging area appeared to have been logged with larger stumps left in place.

The staging area had stumps removed and had been disturbed by activities; though no stockpiles or other material were still present, other than small amounts of woody debris. South of the staging area, on the hillside, was an area that had some stumps still in place, but the surface had tire tracks and other disturbance without any debris or plants still in place.

A channel with rapidly flowing water led downhill to the east, just south of the upper staging area. The channel was steep at places, and had eroded into the hillside (there was no rip-rap stabilization or other erosion control in place).

The stream led to an area just uphill of the tracks. The area appeared to have been constructed as a stormwater basin, but it was almost completely filled with deposited dirt, so the flow was straight across without any detention time or much slowing of the flow. The stream continued through a culvert under the tracks and down the hill to the east.

Mr. Milanoski said he believed there was another culvert under the tracks, farther south, but no culvert could be found. At one spot, a depression existed on the uphill (west) side of the tracks, but there was not significant flow into the depression and it appeared to infiltrate all the water that did enter it.

To the east of the north-south section of rail (in the southern part of the site), the ground sloped steeply down to the east, flattening out around the edge of the site.

Mr. Milanoski said that the slope above the rail line would be cut down, into several terraces, which would have buildings and a spur rail line running sideways up the terraces. Below the existing rail line, fill would be placed and a second rail line built parallel to the first.

At the foot of the slope below the rail line, near the south end, a flat area had standing water in interconnected pools, and was draining off-site to the adjacent woods. There were no silt fences or other perimeter protection in this area.

Farther north, the southernmost stormwater basin had failed, with the lower dirt wall almost completely eroded away, with little water being kept in the basin. The discharge

went downhill, past a short line of silt fence that had been pushed over by the water, and over a row of silt tubes (the water was deep enough to flow over the top). The discharge then flowed east through the wooded area. In pools adjacent to the main flow, silt deposit and staining could be observed.

Mr. Milanoski stated that earlier in the day he had noticed the breach and ordered his site worker to install additional controls.

Farther north, the area on the site adjacent to the 'lollipop' had another small stormwater basin. The basin was partially filled with mud and sediment and was also overflowing. The flow mostly spread out in the flat area adjacent to the basin, which was at about the same level as the adjacent woods. The entire area, including the logged areas on the site and the adjacent still-existing woods, was very wet with pools and standing water over much of the area; exact flow paths could not be determined. In particular, the areas north and south of the 'stick' of the 'lollipop' were very wet and the stick was nearly completely under water. Silt fence was in place here along the permitted of the main site and the 'lollipop'. The silt fence appeared to generally be upright.

North of that, the 'peninsula' of woods was surrounded by silt fence. At the extreme west end of the 'peninsula' the silt fence had two feet of water against it, and had fallen over in one spot. Mr. Milanoski took an extra stake and repaired the fallen section of fence. There was blue flagging tape at spots along the border around the peninsula; Mr. Milanoski confirmed this was wetlands borders (it was not discussed who delineated the wetlands or what criteria they used).

The lower staging area was fairly flat, with little flow across it. Silt fence was in place around the area, as was blue flagging tape.

A partially excavated hole was in the eastern side of the lower staging area, near the entrance road. Mr. Milanoski explained this had been intended to be a stormwater basin, but the presence of ledge made it untenable to complete.

D. Closing Conference

Mr. Spejewski discussed the necessity of repairing the failed basin, particularly as sediment was observed off-site. There was some discussion about whether moving heavy equipment in the area during the rain would cause more damage than repairing the basin would prevent. Mr. Spejewski also stressed that when the stumps observed on site were removed, there would be much more sediment and better perimeter controls would likely be necessary. Mr. Spejewski noted that all the flow channels within the site were bare dirt, and that adding erosion protection and velocity control to those channels would reduce sediment loads on the stormwater basins.

Mr. Spejewski also noted that the permit has specific sizing requirements for stormwater basins during construction, and that EPA may request sizing calculations for the basins on site.

Mr. Spejewski departed at approximately 2:30 PM.

Picture List:

IMG_2686.JPG	Operator Inspection Report, page 1
IMG_2687.JPG	Operator Inspection Report, page 2
IMG_2688.JPG	Operator Inspection Report, page 3
IMG_2689.JPG	Operator Inspection Report, page 4
IMG_2690.JPG	Site Plan right side
IMG_2691.JPG	Site plan
IMG_2692.JPG	Site Entrance, facing onto site from West Road
IMG_2693.JPG	Small cleared area, east of gravel entrance road at West Road.
IMG_2694.JPG	East side of stream crossing
IMG_2695.JPG	Stream crossing, facing into main site along southeast side of road
IMG_2696.JPG	Facing into main site, from northwest side of stream crossing
IMG_2697.JPG	Area southeast of road, just southwest of stream crossing
IMG_2698.JPG	North side of lower staging area
IMG_2699.JPG	Facing into main site, along north side, at foot of hill
IMG_2700.JPG	Detail of silt fence, along north side of site, close to foot of hill
IMG_2701.JPG	Basin at north side of site
IMG_2702.JPG	discharge from north side basin
IMG_2703.JPG	gravel road, near upper staging area
IMG_2704.JPG	facing downhill from upper staging area
IMG_2705.JPG	clearing north of upper staging area
IMG_2706.JPG	Facing toward SW corner from upper staging area
IMG_2707.JPG	Upper staging area
IMG_2708.JPG	Flow, just south of upper staging area
IMG_2709.JPG	Slope, south of upper staging area
IMG_2710.JPG	Facing north over upper staging area
IMG_2711.JPG	Facing west, over flow near upper staging area
IMG_2712.JPG	Facing east from south of upper staging area
IMG_2713.JPG	small basin southeast of upper staging area
IMG_2714.JPG	Facing southeast, over culvert under tracks, southeast of upper staging area
IMG_2715.JPG	facing north over lower site from RR tracks
IMG_2716.JPG	Facing south along tracks
IMG_2717.JPG	Facing south and west along tracks
IMG_2718.JPG	flat area at southern end of slope below tracks
IMG_2719.JPG	Facing onto site, over flat area below tracks at south
IMG_2720.JPG	Flow off site from flat area
IMG_2721.JPG	Outflow from southern basin
IMG_2722.JPG	Discharge off-site from southern basin
IMG_2723.JPG	Staining in woods below southern basin
IMG_2724.JPG	Discharge in woods below southern basin
IMG_2725.JPG	Below southern basin
IMG_2726.JPG	Failed wall of southern basin

IMG_2727.JPG	Looking over southern basin
IMG_2728.JPG	Lower wall of southern basin
IMG_2729.JPG	Flow, between southern and central basin
IMG_2730.JPG	Border of site, between southern and central basin
IMG_2731.JPG	Facing east off site, between southern and central basin
IMG_2732.JPG	Entrance to 'lollipop' area at east edge of site
IMG_2733.JPG	center pond, looking northwest
IMG_2734.JPG	Facing north across 'lollipop'
IMG_2735.JPG	Facing over 'lollipop'
IMG_2736.JPG	facing east over cleared area at east end of 'lollipop'
IMG_2737.JPG	East edge of cleared end of 'lollipop'
IMG_2738.JPG	facing toward main site from 'lollipop'
IMG_2739.JPG	Facing onto main site, from 'lollipop'
IMG_2740.JPG	Wooded area north of 'lollipop' road
IMG_2741.JPG	Facing south, from north of 'lollipop' entrance
IMG_2742.JPG	Foot of hill, above center basin
IMG_2743.JPG	Facing toward north edge of site, from north of center basin
IMG_2744.JPG	Facing north at edge of wetland peninsula
IMG_2745.JPG	Facing west to northern basin
IMG_2746.JPG	Facing east to wetland peninsula
IMG_2747.JPG`	Repaired silt fence at wetland peninsula
IMG_2748.JPG	northern basin
IMG_2749.JPG	Facing east over lower staging area
IMG_2750.JPG	East corner of lower staging area
IMG_2751.JPG	Unfinished basin, east side of lower staging area
IMG_2752.JPG	Facing south from lower staging area towards wetlands
IMG_2753.JPG	Facing northeast down access road from lower staging area
IMG_2754.JPG	Facing northeast down access road, from stream crossing

*

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.