

News Release

U.S. Environmental Protection Agency

New England Regional Office

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3 Mass. Real Estate Development and Construction Companies Fined for Clean Water Violations

(Boston, Mass. – July 21, 2010) – Subject to court approval, three related real estate development, construction and engineering companies will pay a \$150,000 penalty for illegally discharging polluted stormwater from multiple Mass. construction sites. In addition the companies will perform a Supplemental Environmental Project (“SEP”) valued at approximately \$300,000 which will further reduce stormwater pollution to the environment.

Several EPA inspections revealed that Fafard Real Estate and Development Corporation, FRE Building Company, Inc., and Benchmark Engineering Corp. (collectively referred to as “Fafard”) had engaged in construction activities at approximately 13 construction sites in eastern Massachusetts in towns such as Holliston, Natick, Uxbridge, Milford, Marlborough, and others, without having, or without fully complying with federal stormwater permits. Of particular concern were sites where Best Management Practices (“BMPs”) were not being implemented to reduce the impact of stormwater discharges on the environment from these construction sites.

Should the court approve a federal consent decree which was lodged in the federal district court of Massachusetts today, Fafard will pay a cash penalty of \$150,000 to resolve the violations. In addition, Fafard will implement a SEP in the form of imposing a permanent restriction on land that it will offer to donate to the Town of Uxbridge, Mass. to be preserved for environmental conservation and stormwater management. Fafard will also construct two water quality basins and associated stormwater management infrastructure on the land to reduce stormwater runoff impacts. The SEP will greatly reduce the amount of Total Suspended Solids that get washed into a stream that runs through the land each year. The SEP is estimated to cost Fafard \$300,000.

Uncontrolled runoff from construction sites is a water quality concern because of the negative effect that sedimentation can have on local water bodies, especially small streams. In addition, the increase in the amount of runoff during storms resulting from removal of vegetation, soil compaction and the increase in impervious cover such as new pavement can overwhelm a small stream channel’s capacity, resulting in streambed scour, stream-bank erosion, and destruction of near-stream vegetative cover.

Construction activities also yield pollutants such as pesticides, petroleum products, construction chemicals, solvents, asphalts, and acids that can contaminate stormwater runoff. Total suspended solids concentrations from uncontrolled construction sites contribute to many water quality, habitat, and aesthetic problems in our waterways, such as increased turbidity and destruction of habitat for fish and other organisms.

Under the terms of the settlement Fafard is required to implement a management and reporting system designed to provide increased oversight of on-the-ground operations and ensure greater compliance with the stormwater requirements. Specific measures include: (1) establishing the

position of stormwater manager who will be responsible for stormwater compliance within the company, including the designation of trained, qualified staff at every construction site; (2) a requirement to conduct pre-construction inspections and quarterly oversight inspections and reviews at all sites in addition to the routine inspections required by NPDES permits; (3) a requirement to use EPA-approved forms for pre-construction inspections, routine inspections, and quarterly inspections and reviews; and, (4) a requirement to implement stormwater training programs for stormwater managers and stormwater orientation programs for stormwater consultants and contractors.

Construction activities that disturb one acre or more are regulated under the NPDES stormwater program. In Massachusetts, operators of regulated construction sites are required to develop and implement Storm Water Pollution Prevention Plans and to obtain permit coverage from EPA prior to commencement of construction activity.

In recent years, EPA has taken several enforcement actions against some of the largest homebuilders in the country who have not complied with federal and state stormwater control standards.

More Information:

[Storm Water Permits](http://epa.gov/region1/npdes/stormwater) (epa.gov/region1/npdes/stormwater)

[Clean Water Enforcement in New England](http://epa.gov/region1/enforcement/water) (epa.gov/region1/enforcement/water)

[National Homebuilder Cases](http://epa.gov/compliance/resources/cases/civil/cwa/homebuilders.html)

(epa.gov/compliance/resources/cases/civil/cwa/homebuilders.html)

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