



**The Dubay Group, Inc.**

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August 9, 2022

Mr. Andrew Hadik,  
Town Planner, Chester Planning Board  
84 Chester Street  
Chester, NH 03036

**RE: Map 5 Lot 85 – Garabedian  
Chester, NH**

Dear Mr. Hadik:

The following are our responses to the comment letter received March 9th, 2022, regarding the Stormwater Pollution Protection Plan (SWPPP).

**General:** The Stormwater Pollution Prevention Plan (SWPPP) has been updated in compliance with the 2022 Construction General Permit (CGP).

1. Nowhere in the document does it reference the owner of the property.

**TDG Response:** *The NPDES CGP does not require the owner of the parcel to be listed on the SWPPP. An operator of a site is the responsible party and is the one required to submit an NOI and ultimately is required to perform the inspections. Per Appendix A of the CGP, Operator is defined as below.*

“Operator” – for the purposes of this permit and in the context of stormwater discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. *in most cases this is the owner of the site*); or
2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., *they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor of the project*).

*In this case, Groundhog has the day-to-day operational control and is responsible for permit compliance.*

2. Page 3, SWPPP indicates hours as 7:00 AM to 5:30 PM (is that correct or should it be 5:00 PM)? Does not match hours listed in Note 9.H. on page 2 of the 09-20-21 plan set. These hours are: 7AM-5PM M-Sat.

**TDG Response:** *The SWPPP (page 5) has been updated to match the hours of operations listed on page 2 of the plan set.*



3. Page 5, Minor typo – “Gavel” Pit.

**TDG Response:** *Typographical error has been fixed.*

4. Page 6 should include diesel fuel on list.

**TDG Response:** *The Pollutant-Generating Activities section has been updated on sheet 6.*

5. Page 7, Phase I stabilization measure should stay in place until the 5 acres are reclaimed and seeded and monitored for one year of growth.

**TDG Response:** *All phase stabilization measures will be continually monitored and re-applied/re-established if needed.*

6. Page 7, Phase II Phase II should not start until Phase I complete and reclaimed. Dates for Phases I and II should not overlap.

**TDG Response:** *The projects' construction is a linear process. It is inevitable that the phases will overlap in some capacity. Note 21 on plan sheet 2 has been updated.*

7. Page 7, Verify these phases match the phases on the final / approved plan.

**TDG Response:** *Phasing has been updated in the 2022 SWPPP Report.*

8. Page 7, Only two phases? If more, they should be listed.

**TDG Response:** *A total of 4 phases are proposed at this time. If it is determined that additional phases are required, the SWPPP will be updated accordingly.*

9. Page 9, Excavation should not be going below the water table, therefore, there should be no need for construction dewatering water.

**TDG Response:** *Excavation will not occur below the water table. Page 10 of the SWPPP has been updated.*

10. Page 10, Appendix A does not include all necessary details for site (only shows 5 acres). Does not address before or after grading slopes.

**TDG Response:** *The Active Construction Plan is a living document. As the project moves forward, the ACP will be updated. Each phase will be surveyed to ensure the accuracy of the ACP.*



11. Page 19, SWPPP Inspector every 7 days. Condition of approval should require inspection reports with photos to be submitted to the town within 7 days of inspection.

**TDG Response:** *A note has been added to the plans (Sheet 6) requiring the submission of the inspection reports to the town.*

12. Page 20, Sediment track-out. Text refers to stone and pavement. Where is the pavement to be placed? Stowe Road?

**TDG Response:** *There is no pavement being placed. That section has been updated.*

13. Page 23, Dust controls. Addresses road surfaces only. Dust also needs to be controlled at work areas and stockpiles.

**TDG Response:** *Section 4.6 has been updated to specify that dust control is required for all access ways, excavation areas, and stockpiles. Groundhog has the proper equipment to control the dust and air quality including truck mounted sprayer and water dispensers on their crushing machines, if needed.*

14. Page 24, Steep slopes. Text says that the site design does not include steep slopes, yet final plans show areas of 1:1 slope. These are considered steep and addressed for safety and erosion. Text should be modified to discuss steep slope controls.

**TDG Response:** *The 1:1 slope is intended to be a ledge cut with a chain link fence on the top for safety. Since the face of the 1:1 is rock, there is not concern for erosion.*

15. Page 26, General statement needs rewording. Sentence is confusing.

**TDG Response:** *Statement updated for clarity.*

16. Page 29, Excavation should not go below the water table; therefore, no dewatering of groundwater should be allowed. Stormwater only.

**TDG Response:** *Excavation dewatering section has been updated. It is specified that excavation below the water table is prohibited. Procedures for dewatering remain in the SWPPP in case accumulated stormwater needs to be dealt with.*

17. Page 31, Temporary Site Stabilization. The wording in the description needs to be modified. The word “more” should be “for”. How is the foresee future defined. I thought the 20 acres of excavation was laid out in four, three-year phases totaling about 12 years.

**TDG Response:** *Wording error has been corrected. Also, updated the ‘foreseeable future’ to a minimum of 7-10 year.*



18. Page 32, Same comment on foreseeable future.

**TDG Response:** *Updated the 'foreseeable future' to a minimum of 7-10 year.*

19. Page 35, A spill prevention and response plan should be prepared before any construction activities are started.

**TDG Response:** *The Groundhog plans to utilize a 3<sup>rd</sup> party mobile fueling source. No fuel will be stored on site and per NHDES guidance, mobile fueling notes have been added to the plan (sheet 6).*

20. Page 46, Training. Proof for training should be documented and sent to the town within 30 days of training.

**TDG Response:** *Until February 2023, when the inspector is required to be certified, there is no formal training procedure. The Dubay Group has assumed the role of inspector for the project. I will be the primary inspector and I am a Professional in Certified Erosion & Sediment Controls (CPESC).*

21. Page 47, Needs to be signed.

**TDG Response:** *Section 8 will be signed by the Groundhog representative.*

22. Page 59 of PDF, Appendix B - 68-page NPDES permit approved 02-16-17 starts. Do not understand how it applies to this specific site? Why is it attached?

**TDG Response:** *I believe your question is referring to the Construction General Permit. The 2017 CGP came into effect in February 2017 to protect the waters of the US and to ensure construction sites are in compliance with the Clean Water Act. Based on SWPPP template provided by the EPA, Appendix B is the CGP. It is there for any contractor/operator to reference. Since the last submission to the Town, the EPA has released an updated 2022 version of the CGP. In the resubmission, the 2022 permit will be in Appendix B.*

23. Appendix A shouldn't this figure show all phases as well as slopes before and after.

**TDG Response:** *Our intention is to re-survey the site periodically for updated topography and to assess the progression of the project. The Active Construction Plan (ACP) is a living document and will be updated as construction moves forward. The ACP is intended to be the plan in which the inspections follow. There will a new ACP for all the subsequent phases. I will include a full set of the approved excavation plans within the SWPPP to show the full extent and intent of the project.*

24. Appendix B, Page 59, 68-page NPDES permit approved 02-16-17 starts. Do not understand how it applies to this specific site? Why is it attached?

**TDG Response:** *See response for comment 22.*



25. Appendix B, NOI Begins on page 128. All the projects start dates should be changed to a future date not the past dates where they were excavating without a permit.

**TDG Response:** *The NOI and this SWPPP is unrelated to state or local permits. The date of when construction started is correct for the purposes of the SWPPP. Whether or not they had state or local permits is not relevant. The NOI has already been submitted and approved by the EPA. There are limited changes that can be made to that document at this time.*

26. Appendix B, Page 129, False statement made. Earth activities have already been started.

**TDG Response:** *I am unable to follow the page reference and appendix B is the CGP Permit. If you are referring to the NOI, at the time the NOI was submitted to the EPA's online database, construction was not started.*

27. Appendix B, Page 133, Will require 3<sup>rd</sup>-party inspections by someone other than Groundhog Excavation, The Dubay Group, DuBois & King or the Town of Chester. Preferably an environmental monitoring outfit.

**TDG Response:** *The EPA does not require the inspector to be from a 3<sup>rd</sup> party source. In many cases, it's the owner of the property or the site contractor. The only requirement is that the person is qualified. The CGP's definition of a qualified person is listed below.*

*"Qualified Person" – a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.*

*That said, The Dubay Group has assumed the role of inspector for the project. I will be the primary inspector and I am a Professional in Certified Erosion & Sediment Controls (CPESC).*

28. Appendix B, Page 146, Natural Heritage. Blanding Turtles were identified on Towle Brook downgradient by Spring Hill Farm. Perhaps a note to watch/inspect for turtles in the area and egg laying in the gravel pit operations or turtle migration from Towle Brook to onsite wetlands in the spring.

**TDG Response:** *The NHB data check for this project has been submitted as part of the Alteration of Terrain Bureau permit. AoT and NH Fish and Game have reviewed the plans and notes have been added to the plan set cover as requested.*



Please let me know if there are any further questions or comments.

Sincerely,

**The Dubay Group, Inc.**

*Jacob Doerfler*

Jake Doerfler, EIT, CPESC  
Project Engineer