REGION 1
BOSTON, MA 02109

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U.S. EPA REGION null
HEARING CLERK

**EXPEDITED SETTLEMENT AGREEMENT**
Docket Number: CWA-01-2026-0015, NPDES PERMIT No. MAR1005Q0

The undersigned representatives of the United States Environmental Protection Agency (EPA) and Hawthorn Preserve, LLC, a corporation (Respondent), enter into this Expedited Settlement Agreement ("Agreement") to resolve Respondent's civil penalty liability for alleged violations of the National Pollutant Discharge Elimination System stormwater permit cited above (Permit) at the residential development located at 338 Elm Street, Braintree, Massachusetts**.**

The EPA finds that: (1) Respondent failed to comply with the Permit, and the Permit was issued pursuant to Section 402 of the Clean Water Act (the "Act"), 33 U.S.C. § 1342; (2) Respondent is a "person" as defined in Section 502(5) of the Act, 33 U.S.C. § 1362(5); and (3) Respondent is responsible for the alleged violations specified in the attached Expedited Settlement Offer Worksheet – Findings and Alleged Violations ("Deficiencies Form"). The Deficiencies Form is incorporated into this Agreement by reference.

EPA finds, and Respondent admits, that EPA has jurisdiction over this matter pursuant to Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and 40 C.F.R. Part 22. Respondent neither admits nor denies the specific factual allegations in the first two Paragraphs of this Agreement and in the Deficiencies Form.

Respondent agrees to pay a civil penalty of **$3,660**. Respondent waives the rights (1) to contest the allegations in the Deficiencies Form and (2) to appeal any final order an EPA Regional Judicial Officer may issue to ratify this Agreement (Final Order). The civil penalty will be due no later than 10 days after the Final Order becomes final and shall be made using any payment method provided at: https://www.epa.gov/financial/makepayment. Respondent shall email proof of payment to Cristeen Schena, EPA Region 1, at: schena.cristeen@epa.gov, and to the Regional Hearing Clerk, EPA Region 1 at: r1_hearing_clerk_filings@epa.gov.

By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and also waives any right to challenge the lawfulness of the Final Order accompanying the Agreement.

By signing this Agreement, Respondent certifies that: (1) the alleged violations listed in the Deficiencies Form have been corrected, and Respondent has submitted true and accurate documentation to the EPA of such correction; and (2) consistent with section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), Respondent will not deduct penalties paid under this Agreement for federal tax purposes.

This Agreement, upon incorporation into the Final Order and full satisfaction by the parties, shall be a complete and full resolution of Respondent's liability for federal civil penalties for the violations of the Permit and section 301(a) of the Clean Water Act alleged in the Deficiencies Form. This Agreement does not affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law or to issue an administrative compliance order, e.g., for any uncorrected violations listed in the Deficiencies Form. Nothing

in this Agreement shall relieve Respondent of the duty to comply with the Act and any regulation, order, or permit issued pursuant to the Act.

Respondent agrees to acceptance of the Complainant's: i. digital or an original signature on this Agreement; and ii. service of the fully executed Agreement on the Respondent by mail or electronically by email at the email address provided under Respondent's signature to this Agreement. Respondent understands that the mailing or email address may be made public when the Agreement and Certificate of Service are filed and uploaded to a searchable database. Complainant agrees to acceptance of the Respondent's digital or original signature on this Agreement.

Prior to requesting that an EPA Regional Judicial Officer issue the Final Order, EPA will provide public notice of this Agreement and a reasonable opportunity for the public to comment on it. EPA will address any comments on this Agreement in accordance with Section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45.

This Agreement is binding on the Parties signing below and becomes final 30 days from the date that a signed copy of the Final Order is transmitted from the Regional Judicial Officer to the Regional Hearing Clerk unless a petition to set aside this Agreement is filed by a commenter pursuant to Section 309(g)(5) of the Act, 33 U.S.C. § 1319(g)(5), following public noticing of this Agreement.

Attachment: Deficiencies Form

APPROVED BY EPA:

JAMES CHOW

Digitally signed by JAMES CHOW
Date: 2025.12.03 11:43:09 -05'00'

James Chow, Director
Enforcement and Compliance Assurance Division

APPROVED BY RESPONDENT:

Name (print): Sean P. Clements

Title (print): Project Manager

Signature:

Date: 12/2/2025

**Provide Respondent's or Respondent's representative's email address for electronic service below:**

Sean@HawthornPreserveBraintree.com

FINAL ORDER: More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and the EPA has received no comments concerning this matter.

Having determined that this Agreement is authorized by law, IT IS SO ORDERED:

Michael J. Knapp
Regional Judicial Officer

## Expedited Settlement Offer Worksheet
## Findings and Alleged Violations

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | **LEGAL NAME AND MAILING ADDRESS OF OPERATOR** | **Operator Email** | **Telephone Number** | | **NPDES Permit Number** | | | |
| 1 | | Sean Clements | sean@hawthornpreservebraintree.com | (617) 750-5417 | | MAR1005Q0 | | | |
| | | Hawthorn Preserve, LLC | | | | | | | |
| | | 63 Monatiquot Avenue | | Inspector Name: | | Eleanor Horvath | | | |
| | | Braintree, Massachusetts 02184 | | Inspector Agency: | | U.S. Environmental Protection Agency | | | |
| | | | | Entrance Interview Conducted: | | | | Yes | |
| | | | | Exit Interview Conducted: | | | | Yes | |
| | | **LOCATION AND ADDRESS OF SITE** | | Exit Interview given to: | | Sean Clements | | | |
| 2 | | 338 Elm Street | | Exit Interview time: | | 10:00 | | Date: | 07/15/2025 |
| | | Braintree, Massachusetts 02184 | | | | | | | |
| | | **FACILITY DESCRIPTION / CONTACT NAMES** | | | | | | | |
| 3 | | **Name of Site Contact (ESO Worksheet recipient):** | | **Sean Clements** | | | | | |
| | | **Name of Authorized Official (40 CFR 122.22):** | | **Sean Clements** | | | | | |
| | | **Inspection Date:** | | **07/15/2025** | | | | | |
| | | **Start Construction Date:** | | **06/15/2025** | | | | | |
| | | **Estimated Completion Construction Date:** | | **09/30/2026** | | | | | |
| | | **If Unpermitted, Number of Months Unpermitted:** | | **N/A** | | | | | |
| | | **Name of Receiving Water Body (Indicate whether 303(d) listed):** | | **Monatiquot River** | | | | | |
| | | **Acres Disturbed \| Acres for Whole Common Plan:** | | **8.00** | **12.00** | | | | |
| | | **Has Operator Requested Rainfall Erosivity or TMDL Waiver per 40 CFR 122.26(b)(15)?** | | | | No | | | |

| | | **PERMIT COVERAGE** | **Findings** | **CGP Citation** | **RCA*** | **No. of Deficien-cies** | | **Penalty Amount** | **Total** |
|---|---|---|---|---|---|---|---|---|---|
| 4 | | Operator discharged stormwater without a permit on one or more days during _____months (# of months with an unauthorized discharge equals number of violations) | | CWA 301 | | | X | $600.00 | $0 |
| | | **USE OF CATIONIC TREATMENT CHEMICALS (WHERE APPLICABLE)** | | | | | | | |
| 5 | | Proper notice was not provided for use of cationic treatment chemicals prior to submittal of the NOI. NOTE that this applies only to the failure to provide notice in the absence of a discharge to a storm drain or water. | | 1.1.9 | | | | $300.00 | $0 |
| | | **POST NOTICE OF PERMIT COVERAGE** | | | | | | | |
| 6 | A | Sign/notice not posted as required. (If no sign/notice posted, leave element B blank.) | | 1.5 | | | | $300.00 | $0 |
| | B | Sign/Notice was missing one or more elements required by the Permit. (Count each omission under B as one violation.) | | 1.5.a-d | | | X | $60.00 | $0 |
| | | **SWPPP REVIEW** | | | | | | | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 7 | | No SWPPP prepared at time of inspection. (If no SWPPP, leave elements 8 - 21 blank) | | 7.1 | | | | $6,000.00 | $0 |
| 8 | | SWPPP prepared after construction start (# of months = # of violations with a maximum penalty of $6,000). NOTE that elements 9 - 21 only apply to the months when the operator had a SWPPP. The maximum penalty for all SWPPP violations is $6,000. | | 7.1 | | | X | $1,000.00 | $0 |
| 9 | A | SWPPP does not list all operators for the project site and the areas of the site over which each operator has control. | | 7.2.1 | | | | $600.00 | $0 |
| | B | SWPPP does not identify stormwater team and respective responsibilities. | | 7.2.2 | | | | $300.00 | $0 |
| 10 | | SWPPP does not include: | | | | | | | |
| | A | Description of the nature of construction activities. | | 7.2.3.a | | | | $120.00 | $0 |
| | B | The size of the property; the total area expected to be disturbed by the construction activities; the maximum area expected to be disturbed at any one time including onsite and offsite construction support activity areas. | | 7.2.3 b, c, e | | | X | $120.00 | $0 |
| | C | A description of any onsite/offsite construction support activities. | | 7.2.3.d | | | | $600.00 | $0 |
| | D | A description and projected schedule for each portion of the site that includes all elements/dates required by the Permit. (Count each omitted category as one violation.) | | 7.2.3.f | | | X | $300.00 | $0 |
| | E | A list and description of all pollutant-generating activities. | | 7.2.3.g | | | | $300.00 | $0 |
| | F | Public Emergencies: Required information for public emergency situations. NOTE that operator has 30 days to complete SWPPP after commencing construction. | | 7.2.3.i & 1.4 | | | | $300.00 | $0 |
| 11 | | Site Map | | | | | | | |
| | A | Site map not included in SWPPP. | | 7.2.4 | | | | $600.00 | $0 |
| | B | Site map does not include all elements required by the Permit. (Count each omission as one violation up to $600.) | Appendix A ("Site Map") does not include all requirements from Permit: Locations where construction activities will occur, including items b.i-vii; Locations of any receiving waters within the site and all receiving waters within one mile downstream of the site's discharge point(s); Type and extent of pre-construction cover on the site; Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities; Stormwater and authorized non-stormwater discharge locations, including items g.i-iii; Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit. | 7.2.4.a-j | | 6 | X | $60.00 | $360 |
| 12 | | SWPPP does not: | | | | | | | |
| | A | Identify all authorized non-storm water discharges that will or may occur. | | 7.2.5 | | | | $600.00 | $0 |
| | B | Describe the specific controls to be implemented to meet the effluent limits for erosion and sediment controls. (Count one violation for each missing control measure up to a maximum of $900.) | | 7.2.6., 2.2 | | | | $300.00 | $0 |
| | | For each specific erosion and sediment control identified in the SWPPP, include all information required by the Permit. (Count 1 violation for each control with incomplete information.) | SWPPP does not include sediment/erosion control locations, installation schedule, maintenance specifications. Apendix M ("BMP Construction Details") includes 18 types of controls. EPA observed at least 3: CONSTRUCTION ENTRANCE TRACK PAD, SILT FENCE, STRAW WATTLE/MULCH LOG | 7.2.6 | | 3 | X | $100.00 | $300 |
| | C | Describe the speciific controls to be implemented to meet the effluent limits for pollution prevention. (Count one violation for each missing control measure up to a maximum of $900.) | | 7.2.6, 2.3 | | | x | $300.00 | $0 |
| | | For each specific pollution prevention control measure identified in the SWPPP, include all information required by the Permit. (Count each control with incomplete information as 1 violation.) | | 7.2.6 | | | X | $100.00 | $0 |
| | | Describe the specific controls to be implemented to meet the effluent limits for construction dewatering. | | 7.2.6, 2.4 | | | X | $300.00 | $0 |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | D | For each specific dewatering control measure identified in the SWPPP, include all information required by the Permit. (Count each control with incomplete information as 1 violation.) | | 7.2.6 | | | | | |
| | E | Document for sites affected by unforeseen circumstances that delay initiation and/or completion of Vegetative Stabilization: the circumstances and the schedule for initiating and completing stabilization. | | 7.2.6.b.vi (d); 2.2.14 | | | | $300.00 | $0 |
| 13 | A | SWPPP does not describe the procedures for Inspection, Maintenance and Corrective Action. | | 7.2.7; 2.1.4; 4; 5 | | | | $600.00 | $0 |
| | B | Description of Inspection, Maintenance and Corrective Action procedures does not include all information required by the Permit. (Count each applicable omission as one violation.) | | 7.2.7.a-d | | | X | $120.00 | $0 |
| 14 | | SWPPP does not include documentation that required personnel were, or will be, trained in accordance with Permit requirements. | | 7.2.8; 6 | | | | $300.00 | $0 |
| 15 | | Threatened and Endangered Species Act documentation is not included in SWPPP. | | 7.2.9.a | | | | $600.00 | $0 |
| 16 | | Historic Properties documentation is not included in SWPPP. | | 7.2.9.b | | | | $600.00 | $0 |
| 17 | | SWPPP does not document contacts, where applicable, with UIC regulatory authority regarding compliance with SDWA UIC Requirements for Certain Subsurface Stormwater Controls. | | 7.2.9.c | | | | $600.00 | $0 |
| 18 | | SWPPP not signed/dated/certified. | | 7.2.10 | | | | $600.00 | $0 |
| 19 | | Copy of NOI and relevant correspondence, acknowledgement letter received from NeT, or Permit (can be electronic) not included as part of SWPPP. (Count each omission as one violation.) | | 7.2.11 a- c | | | X | $300.00 | $0 |
| 20 | | Copy of SWPPP is not retained on site or otherwise easily accessible. | | 7.3 | | | | $600.00 | $0 |
| 21 | A | SWPPP (including site map) has not been updated/modified as required by the Permit. (Count each omission as one violation.) | | 7.4.1 | | | X | $60.00 | $0 |
| | B | SWPPP modifications do not meet record keeping, approval or notification requirements. (Count each omission as 1 violation.) | | 7.4.2; 7.4.3; 7.4.4 | | | X | $60.00 | $0 |
| 22 | | **INSPECTIONS** | | | | | | | |
| | A | Number of Inspections required if performed every 7 days: | | | | | | | |
| | B | Number of Inspections required if performed every 14 days: | | | | | | | |
| | C | If known, and if applicable, number of days of rainfall of > 0.25" : | | | | | | | |
| | D | Number of inspections required under a reduced frequency | | | | | | | |
| | E | TOTAL number of required inspections | | | | | | | |
| | F | **TOTAL number of inspections conducted/documented** | | | | | | | |
| 23 | A | All required inspections were not conducted and timely documented. **(If NO inspections were conducted and documented, then leave elements 24-28 blank)** | | | | | | True or False | |
| | B | Inspections not performed and timely documented. (Count each failure to inspect and document as one violation.) | | 4.2 - 4.4; 4.7.1 | | | X | $300.00 | $0 |
| 24 | | Inspections not conducted by qualified personnel. (Count each inspection conducted without qualified personnel as one violation.) | | 4.1 | | | X | $60.00 | $0 |
| 25 | | **Areas to be inspected:** Failed to inspect all required areas as identified in the Permit. (Count each omission as one violation.) | | 4.5; 4.6.1 | | | X | $60.00 | $0 |
| 26 | | Site inspection report does not include all information required by the Permit. (Count each omission as one violation.) | | 4.6.6, 4.7.1.a -e | | | X | $60.00 | $0 |
| 27 | A | Inspection reports not properly signed/certified. (Count each failure to sign/certify as one violation.) | | 4.7.2 | | | X | $60.00 | $0 |
| | B | Copies of inspection reports have not been retained onsite or at easily accessible location. | | 4.7.3; 4.7.4 | | | | $600.00 | $0 |
| | | **BEST MANAGEMENT PRACTICES** | | | | | | | |
| 28 | | **General Maintenance Requirements:** | | | | | | | |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | A | Failure to ensure that all stormwater controls are maintained and remain in effective operating condition (i.e., all routine maintenance and corrective actions are performed within the timeframes required by the Permit). (Count each failure to timely maintain each control as one violation.) | | 2.1.4; 2.2; 5.2 | | | X | $300.00 | $0 |
| | B | Failure to complete a Corrective Action report when required in accordance with Permit requirements. (Count each missing/deficient report as 1 violation.) | | 5.4.1, 5.4.2, 5.4.4 | | | X | $300.00 | $0 |
| | C | Corrective Action Reports not properly signed. (Count each failure to sign as one violation.) | | 5.4.3 | | | X | $60.00 | $0 |
| | | **Control measures are not properly selected, installed or maintained:** | | | | | | | |
| 29 | | Failure to provide a 50-ft undisturbed natural buffer or equivalent erosion and sediment control when a water of the US is located within 50 feet of the site's earth disturbances. (Count each failure as one violation.) | | 2.2.1 | | | X | $600.00 | $0 |
| 30 | | Failure to direct stormwater to vegetated areas to maximize infiltration and filtering (unless infeasible). (Count each failure as one violation.) | | 2.2.2 | | | X | $600.00 | $0 |
| 31 | | Failure to install sediment controls along all perimeter areas of the site that will receive pollutant discharges (or, for linear construction sites where such controls are infeasible, to implement other appropriate practices). (Count each failure as one violation.) | Failure to install appropriate perimeter controls to account for site characteristics. Failure to install appropriate controls in all necessary locations (e.g., along abutters' fence line in southeastern area of site). | | | | | | |
| | A | If Common Drainage is 10+ acres | | 2.2.3 | | 1 | X | $1,200.00 | $1,200 |
| | B | If Common Drainage is less than 10 acres | | 2.2.3 | | | X | $600.00 | $0 |
| 32 | | Failure to minimize sediment trackout in accordance with Permit requirements. (Count each failure as one violation.) | | 2.2.4.a-c | | | X | $600.00 | $0 |
| 33 | | Failure to properly manage stockpiles or land clearing debris piles composed of sediment and/or soil. (Count each failure as one violation.) | | 2.2.5.a-d | | | X | $600.00 | $0 |
| 34 | | Failure to minimize dust through appropriate application of water or other dust suppression techniques. (Count each failure as one violation.) | | 2.2.6 | | | X | $600.00 | $0 |
| 35 | | Failure to minimize disturbances of "steep slopes". (Count each failure as one violation.) | Entire site is sloped and no phased construction was implemented to minimize disturbance. | 2.2.7 | | 1 | X | $600.00 | $600 |
| 36 | | Failure to preserve native topsoil (unless infeasible). (Count each failure as one violation.) | | 2.2.8 | | | X | $600.00 | $0 |
| 37 | | Failure to minimize soil compaction in areas where final vegetative stabilization will occur or where infiltration practices will be installed. (Count each failure as one violation.) | | 2.2.9 | | | X | $600.00 | $0 |
| 38 | | Failure to protect storm drain inlets by installing inlet protection measures that remove sediment from discharges prior to entry into a storm drain inlet. (Count each failure as one violation.) | | 2.2.10.a | | | X | $600.00 | $0 |
| 39 | | Failure to use erosion controls and velocity dissipation devices within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to minimize erosion. (Count each failure as one violation.) | | 2.2.11 | | | X | $600.00 | $0 |
| 40 | | Failure to properly design or locate sediment basin or similar impoundment in accordance with Permit requirements. (Count each failure as one violation.) | No designed/engineered sediment basin. De facto basin was created ("bermed up") during storm event. | 2.2.12.a-e | | 1 | X | $1,200.00 | $1,200 |
| 41 | | Failure to comply with Permit requirements for use of treatment chemicals. (Count each failure as one violation.) | | 2.2.13.a-f | | | X | $200.00 | $0 |
| 42 | | Failure to initiate and complete stabilization measures within the deadlines required by the Permit. (Count each failure as one violation.) | | 2.2.14.a | | | X | $600.00 | $0 |
| 43 | | Final Stabilization Criteria not achieved as required. | | 2.2.14.b | | | | $1,200.00 | $0 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 44 | | Other needed control measures not properly selected or installed. (Each omission is 1 violation. ) | | 2.1 | | | X | $600.00 | $0 |
| | | **Pollution Prevention Requirements** | | | | | | | |
| 45 | | Failure to provide effective controls for equipment and vehicle fueling and maintenance activities. (Count each failure as one violation.) | | 2.3.1.a-f | | | X | $600.00 | $0 |
| 46 | | Failure to effectively minimize the discharge of pollutants from equipment and vehicle washing. (Count each failure as one violation.) NOTE that discharges of soaps, solvents or detergents to a storm drain or receiving water are not eligible for an ESA. | | 1.2.2; 2.3.2.a-c | | | X | $600.00 | $0 |
| 47 | | Failure to implement appropriate controls to prevent/minimize the discharge of pollutants from any of the following: building materials/products; landscaping chemicals and materials; petroleum products and other chemicals; hazardous and toxic waste; construction and domestic wastes; and/or sanitary wastes. (Count each failure as one violation.) NOTE that any nonallowable, non-stormwater discharges to a storm drain or receiving water are not eligible for an ESA. | | 2.3.3.a-f | | | X | $600.00 | $0 |
| 48 | | Failure to provide effective controls for concrete washout. NOTE that nonallowable, non-stormwater discharges to a storm drain or water are not eligible for an ESA. | | 2.3.4.a-c | | | | $1,000.00 | |
| 49 | | Failure to provide effective controls for washing applicators/containers for stucco, paint, form release oils, curing compounds or other materials. (Count each failure as one violation.) NOTE that nonallowable, non-stormwater discharges to a storm drain or receiving water are not eligible for an ESA. | | 2.3.4.a-c | | | X | $600.00 | $0 |
| 50 | | Failure to comply with requirements for application of fertilizers. | | 2.3.5.a-f | | | | $600.00 | $0 |
| 51 | | Failure to comply with Permit requirements for construction dewatering in order to minimize the discharge of pollutants. (Count each failure as 1 violation.) Use of waters of the US as part of the treatment area is not eligible for an ESA. | | 2.4 | | | X | $600.00 | $0 |
| | | **SMALL BUSINESS EVALUATION** | | | | | | | |
| 52 | | Is the Owner/Operator a Small Business? | | | | | | Yes or No | |
| | | A *small business* is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year. | | | | | | | |
| | | | **Total Expedited Settlement:** | | | | | | **$3,660** |
| 53 | | **ADJUSTMENT FOR A REPEAT VIOLATOR:** **Repeat Violator: To adjust the settlement amount for Repeat Violators, multiply the Total Expedited Settlement Amount by the appropriate Escalation Factor. To do that, enter either 0.25 or 0.5 into Column G, as appropriate. <u>If this is not a Repeat Violator, leave this row blank.</u>** | **Adjustment for Repeat Violator:** | | | | X | $3,660.00 | **$0** |

| | |
|---|---|
| **FINAL TOTAL EXPEDITED SETTLEMENT FOR REPEAT VIOLATOR:** | **$3,660** |