From:	Dierker, Carl
To:	Williams, Ann
Subject:	FW: Winter Flounder Mitigation Area Silt Curtains
Date:	Monday, April 22, 2013 10:50:35 AM
Attachments:	Winter Flounder Letter 4-19-13.pdf ~WRD000.jpg

Fyi, in case you didn't get the letter, either…

From: Colarusso, Phil
Sent: Monday, April 22, 2013 10:38 AM
To: Marsh, Michael; LeClair, Jacqueline; Dierker, Carl
Subject: FW: Winter Flounder Mitigation Area Silt Curtains

Mike, Jackie,

Attached is a proposal from the Commonwealth to change how they control turbidity at the winter flounder mitigation site. Our determination document required silt curtains around the site. Based on their recent experience with silt curtains and the proximity to the federal navigation channel, they are very hesitant to use them on the flounder mitigation site. They have proposed an alternative. I have reviewed the proposal and am okay with it. The Commonwealth would like an answer sooner rather than later, so take a look and let me know if you have any questions/concerns.

Phil

From: Chet Myers [mailto:cmyers@apexcos.com]
Sent: Friday, April 19, 2013 3:50 PM
To: Lederer, Dave
Cc: Dierker, Carl; Colarusso, Phil; Jay Borkland; Eric Hines; 'White Bill'; cmorris@masscec.com; Christen Anton
Subject: Winter Flounder Mitigation Area Silt Curtains

Hi Dave, Carl and Phil,

As we discussed last week in our meeting with Carl and Phil, attached please find a request from the Commonwealth for a revision to the requirement within the Water Quality Performance Standards that silt curtains be utilized year round surrounding the Winter Flounder Mitigation Area. The Commonwealth believes that this condition creates an unreasonable public safety hazard for the reasons stipulated within its letter, and as such requests that EPA reconsider the requirement.

As you know, the Contractor begins work shortly, and the work involving placement of material at the Winter Flounder Area may begin as soon as three weeks from Monday, April 22, 2013. The Commonwealth's contractor intends to proceed with the work whether or not the silt curtain restriction is lifted, and the Commonwealth is concerned that its contractor may have no choice but to utilize the silt curtains as stipulated by EPA, which will create the public safety hazard as previously mentioned.

SDMS Doc ID 550592

The Commonwealth has proposed an alternate method for controlling siltation within its letter. The Commonwealth understands that a full revision to the Final Determination may take some time; therefore the Commonwealth is requesting temporary approval to implement the alternate method while EPA makes its broader changes (assuming they are agreeable) in order to avoid the public safety hazard.

Thanks,

Chet Myers
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