



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2852**

August 16, 2022

VIA ELECTRONIC MAIL

Mr. Paul Goodwin
334 Woodbury Ave
Martinsburg, WV 25404
[REDACTED]

RE: Temporary Stabilization Plan
Order for Compliance, Docket No. CWA-03-2022-0039DW

Dear Mr. Goodwin:

The United States Environmental Protection Agency, Region III (“EPA”) has reviewed the revised Temporary Stabilization Plan (“Plan”), entitled “DIXIE WINDS LANE STABILIZATION PLAN”, dated July 29, 2022, prepared by Wetlands Studies and Solutions, Inc. and submitted by you pursuant to an Administrative Order on Consent (“Order”) (EPA Docket # CWA-03-2022-0039DW). Paragraph 12 of the Order required the Temporary Stabilization Plan to address all unstabilized areas on Parcel 60-A-26 near Dixie Winds Lane, Breomo Bluff, Fluvanna County, Virginia (the “Site”), and propose measures to prevent the migration/erosion of soil or sediment-laden water into all receiving waters.

The EPA is approving the Plan with the following conditions:

- Stabilization activities and staging of equipment and materials should be implemented in such a way to avoid or minimize additional impacts to the stream and wetland areas, to the maximum extent practicable.
- Because this Plan contains measures designed with the objective of providing temporary stabilization, while the restoration plan is being developed and implemented, this conditional approval letter does not authorize the permanent placement of fill in waters of the United States. Any fill material placed in waters of the United States through the implementation of this Temporary Stabilization Plan will either be
 - (a) removed during implementation of the Restoration Plan, and the area restored to pre-impact condition, or
 - (b) identified in the Restoration Plan as fill proposed to remain in place, and you shall submit the required request for authorization of the fill material.

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These areas could specifically include:

- On Sheet 6 of 8, the Plan proposes to discharge of 57.25 tons of rock to improve 2,290 sq. ft. or 0.05 acres of access road to provide access for equipment and materials to implement the Plan. While the proposal to improve the access road does not satisfy the primary objective of a Temporary Stabilization Plan, as defined by Paragraph 12 of the Order, EPA recognizes the need for access to implement the Plan and subsequent restoration activities. However, the quantity of rock and area of road to be improved must be minimized, to the extent practicable, to satisfy the stabilization and restoration objectives. At the conclusion of the restoration activities onsite, the area is to be restored to pre-impact condition or otherwise reconciled during implementation of the restoration plan with condition (b) above.
- On Sheet 6 of 8, the Plan proposes the replacement of culvert 2 with an 18” reinforced concrete pipe, backfilled with coarse aggregate. To serve as outlet protection, 2.0 tons of rock is proposed to be placed over 20.25 sq. ft. Sheet 8 of 8 details the proposed “TEMPORARY CULVERT CROSSING” in Vesch 3.24. At the conclusion of the restoration activities onsite, the temporary culvert, coarse aggregate, outlet protection must be removed, and the area is to be restored to pre-impact condition or otherwise reconciled during implementation of the restoration plan with condition (b) above.

Following your receipt of this approval letter, you should begin implementation of the Temporary Stabilization plan immediately. Pursuant to Paragraph 13 of the Order, you are required to complete implementation of the temporary stabilization measures no later than thirty (30) days from receipt of this approval. Please notify EPA prior to beginning and within ten (10) days of completing the stabilization work. This approval does not obviate the need for you to obtain any other necessary Federal, State, or local permits associated with this activity. Should you have any questions, please feel free to contact Mr. Robert George of my staff, at 215-814-2713 or by email at george.robert@epa.gov.

Sincerely,

**Richard A.
Rogers**

Richard A. Rogers, Chief
Water Branch

Enforcement & Compliance Assurance Division

Digitally signed by Richard A.
Rogers
Date: 2022.08.16 10:49:13 -04'00'

Enclosure

cc: Natalie Katz, EPA (katz.natalie@epa.gov)
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