



**Buzzards Bay Project**  
*National Estuary Program*

Christopher Lynch, Owner  
Lawrence-Lynch Corporation  
P.O. Box 913  
Falmouth, MA 02541-0913

August 23, 2004

Mr. Lynch:

The Chairman of the Falmouth Conservation Commission has requested technical assistance from the Buzzards Bay Project National Estuary Program and asked that we contact you regarding the ongoing discharge of sand onto Gifford Street from your sand and gravel mining operation and asphalt manufacturing industrial facility.

We recognize that Lawrence-Lynch Corporation periodically uses street sweepers in front of your facility, however, considerable amounts of sand accumulates to the catch basins and is discharged to the Sols Pond across the street from your facility and truck activity on the roads. Evidence of this is demonstrated by the sediment deltas in front of each discharge pipe in Sols Pond visible when the pond is in low water conditions during summer. Additional information about this problem is contained in my letters to the Town of Falmouth dated August 16, 2004 to Steve Pisch, Assistant Engineer and Phase II NPDES permit coordinator for the Town of Falmouth, and a letter dated August 3, 2004 to Eric McLaughlin, Conservation Commission Chairman. You should have received these documents previously.

To comply with the Conservation Commission's request for technical assistance, we have contacted Massachusetts Department of Environmental Protection, and the US Environmental Protection Agency to determine the status of your stormwater permits. However, in the process, we determined that your company does not have the following permits on file.

- 1) Phase II Multi-Sector General Permit (MSGP) for stormwater discharges from an Industrial Facilities (i.e. sand and gravel mining and asphalt manufacture). This permit is obtained from EPA.
- 2) A wetlands permit for your sediment discharge under the Massachusetts Wetlands Protection Act and section 401 and section 404 permits under the Clean Water Act.

Please note that your discharge is also considered an "illicit discharge" under the EPA Phase II stormwater regulations, and that discharge can be regulated by the Falmouth Department of Public Works pursuant to their Phase II MS4 permit. This permit was issued to the town by the US EPA in September 2003.



Because the Buzzards Bay Project is not the regulatory agency that issues any of these permits, we cannot state authoritatively which permits you require. However, if you desire, the Buzzards Bay Project can arrange for a meeting between you and the appropriate regulatory authority to discuss this matter.

It is worth noting, that to comply with the MSGP permit, and to eliminate the need to obtain an order of conditions from the Falmouth Conservation Commission, or regulations pursuant to the Town's MS4 permit, Lawrence-Lynch could implement a series of BMPs, together with elimination of stormwater discharges from your property.

Among the BMPs you could consider is the construction of a wash pad station. All trucks would need to enter the wash pad to be hosed or washed down to eliminate dirt and sand before they enter the town road layout. This, together with redirection and treatment of all stormwater on your property could eliminate the need to comply with the programs described above.

Because the Town of Falmouth road layout incorporates the turnouts to Lawrence-Lynch and outer parking area immediately abutting your buildings, one conceivable scenario might be to implement stormwater treatment systems in partnership with the Falmouth DPW. Such collaboration could help treat stormwater on Gifford Street, before it is discharged into Sols Pond.

However, before your company initiates any actions, you will want to contact the US EPA about any obligations you may have under a Multi-Sector General Permit. You may call either Thelma Murphy at (617) 918 1615 or Abby Swaine at (617) 918-1841.

Please let me know if you would like the assistance of the Buzzards Bay Project in arranging meetings with the appropriate regulatory agencies.

Sincerely

Joseph E. Costa, PhD  
Executive Director

cc: Joseph Canzano, Thelma Murphy, EPA Region I  
Linda Domizio, Phase II Coordinator, DEP  
Elizabeth Kouleheras, DEP-SERO, Wetlands  
Bill Owens, Falmouth DPW  
Steve Pisch, Phase II coordinator, Town of Falmouth DPW  
Falmouth Board of Selectmen  
Falmouth Conservation Commission