

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

IN THE MATTER OF)	DOCKET NO. 15-004
)	
Greater New Haven Water Pollution Control Authority)	FINDINGS OF VIOLATION
)	
)	AND
Proceedings Under Sections 308(a) and 309(a)(3) of the Clean Water Act, as Amended, 33 U.S.C. §§ 1318(a) and 1319(a)(3))	ORDER FOR COMPLIANCE
)	
)	ON CONSENT

I. STATUTORY AUTHORITY

The following Findings are made and ORDER ON CONSENT (“Order”) issued pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act, as amended (the “Act”), 33 U.S.C. §§ 1318(a) and 1319(a)(3). Section 309(a)(3) of the Act grants the Administrator of the U.S. Environmental Protection Agency (“EPA”) the authority to issue orders requiring persons to comply with Section 301, 302, 306, 307, 308, 318, and 405 of the Act and any permit condition or limitation implementing any of such sections in a National Pollutant Discharge Elimination System (“NPDES”) permit issued under Section 402 of the act, 33 U.S.C. § 1342. Section 308(a) of the Act, 33 U.S.C. § 1318(a), authorizes EPA to require submission of any information required to carry out the objectives of the Act. These authorities have been delegated to EPA, Region 1’s Administrator, and in turn to the Director of EPA, Region 1’s Office of Environmental Stewardship (“Director”).

The Order herein is based on findings of violation of Section 301 of the Act, 33 U.S.C. § 1311 and the conditions of NPDES Permit No. CT0100366. Pursuant to Section 309(a)(5)(A) of the Act, 33 U.S.C. § 1319(a)(5)(A), the Order provides a schedule for compliance which the Director has determined to be reasonable.

II. DEFINITIONS

Unless otherwise defined herein, terms used in this Order shall have the meaning given to those terms in the Act, 33 U.S.C. § 1251 *et seq.*, the regulations promulgated thereunder, and any applicable NPDES permit. For the purposes of this Order, “NPDES Permit” means the Greater New Haven Water Pollution Control Authority’s NPDES Permit No. CT0100366, and all amendments or modifications thereto and renewals thereof as are applicable, and in effect at the time. For purposes of this Order, “bypass” means the diversion of wastes from any portion of the wastewater collection or treatment facilities.

III. FINDINGS

The Director makes the following findings of fact:

1. The Greater New Haven Water Pollution Control Authority (the “Authority”) is a regional public authority having jurisdiction over the disposal of wastewater established under the laws of the State of Connecticut, and is, therefore, a municipality, as defined in Section 502(4) of the Act, 33 U.S.C. § 1362(4).
2. The Authority is a person under Section 502(5) of the Act, 33 U.S.C. § 1362(5). The Authority is the owner and operator of a publically owned treatment works, from which it discharges pollutants, as defined in Sections 502(6) and (12) of the Act, 33 U.S.C. § 1362(14), to the West River, the Mill River, the Quinnipiac River, and New Haven Harbor.
3. The West River, the Mill River, and the Quinnipiac River each flow to New Haven Harbor. All are navigable waters of the United States as defined in 40 CFR § 122.2 and, therefore, navigable waters under Section 502(7) of the Act, 33 U.S.C. § 1362(7).

4. On October 1, 2010, the Chief of the Bureau of Water Protection and Land Reuse (“WPLR Bureau Chief”) of the Connecticut Department of Environmental Protection (which was reorganized into the Connecticut Department of Energy and Environmental Protection in July 2011) reissued a NPDES Permit to the Authority under the authority of Section 402 of the Clean Water Act, 33 U.S.C. § 1342. This authority has been delegated by the EPA, Region 1 Administrator to the Commissioner of the Connecticut Department of Energy and Environmental Protection (“CT DEEP”), who in turn delegated this authority to the WPLR Bureau Chief.
5. The NPDES Permit authorizes the Authority to discharge pollutants from the wastewater treatment facility at Outfall 001-1 to New Haven Harbor.
6. During wet weather, the NPDES Permit authorizes the Authority to discharge pollutant from the Combined Sewer Overflow outfalls listed in the permit.
7. GNHWPCA completed a CMOM Program Assessment and developed a CMOM Corrective Action Plan in June 2008.
8. GNHWPCA completed a CMOM Program Manual in March 2011.
9. Between December 16 and 18, 2013, PG Environmental, LLC, an EPA contractor, inspected the Authority’s Collection System to determine the Authority’s compliance with its NPDES Permit.
10. On April 18, 2014, EPA provided GNHWPCA with a Wastewater Collection System Compliance Inspection Report which identified seven key findings.
11. Since April 2014, GNHWPCA has taken steps to address each of the key findings identified in the Wastewater Collection System Compliance Inspection Report.

12. Since March 30, 2010, on at least seventeen occasions, the Authority discharged untreated sewage to the Quinnipiac River, Farm River, Mill River, Morris Creek, West River, and New Haven Harbor or other waters of the United States from various components of the collection system not authorized by the NPDES permit. A list of these discharges is included with this Order as Attachment 1.
13. Each of the various components of the collection system from which the Authority discharged untreated sewage to waters of the United States is a point source within the meaning of Section 502(14) of the Act, 33 U.S.C. § 1362(14).
14. Untreated sewage contains pollutants as defined in Sections 502(6) and (12) of the Act, 33 U.S.C. §§ 1362(6) and (12), including fecal coliform, *Escherichia coli* (“*E. coli*”), and *enterococci* bacteria.
15. Section 301(a) of the Act, 22 U.S.C. § 1311(a), makes unlawful the discharge of pollutants to waters of the United States except, among other things, in compliance with the terms and conditions of an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
16. The Authority’s unauthorized discharges of pollutants to waters of the United States from various components of the collection system violate Section 301(a) of the Act, 33 U.S.C. § 1311(a).

IV. ORDER

Capacity Management, Operation, and Maintenance Program Assessment

1. By January 31, 2016, the Authority will submit a Capacity, Management, Operation and Maintenance (“CMOM”) Program Assessment to EPA and CTDEEP. The CMOM Program Self-Assessment shall be conducted in a manner consistent with

EPA’s “Guide for Evaluating Capacity, Management, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems” (EPA 305-b-05-002). Provide a paragraph summarizing the status and clearly identify if the Authority plans future actions based on self-assessment findings. The CMOM Program Assessment shall include, at a minimum, the following elements:

- a. Training and Safety:
 - i. An assessment of the training provided to each member of the staff with duties including collection system operation and maintenance;
 - ii. An assessment of the safety equipment provided for each member of the staff with duties including collection system operation and maintenance;
- b. Computerized Maintenance Management System (CMMS):
 - i. An assessment of procedures for the management of customer service requests, including entry and close-out of requests in the CMMS;
 - ii. An assessment of procedures for notification of work crews of customer service requests;
 - iii. An assessment of procedures for incorporating work crew observations into collection system conditions records and bypasses reports;
 - iv. An assessment of procedures for timely performance of and documentation of all required bypass notifications;
 - v. An assessment of the Authority’s programs to coordinate rehabilitation and replacement projects with information entered into the CMMS;
- c. Hydrogen Sulfide Monitoring and Control: An assessment of the comprehensive monitoring program described in the Authority’s CMOM Plan.

- d. Inspections and Condition Assessments:
 - i. An assessment of the implementation of the Preventative Maintenance Program described in the Authority's CMOM Plan, including the Authority's Preventative Maintenance Program.
 - ii. An assessment of the the Authority's programs to tabulate the age, condition, materials, and last date of inspection of each element of the collection system;
 - iii. An assessment of the Authority's programs for sewer inspections;
- e. Capacity: An assessment of the Authority's programs to evaluate the capacity of critical elements of the collection system, including the Union Pump Station and other locations associated with unauthorized bypasses during wet weather;
- f. Inflow and Infiltration (I/I):
 - i. An assessment of the Authority's legal authority to remove roof leaders, sump pumps, and other drainage connections to the collection system;
 - ii. An assessment of the Authority's program for removing roof leaders, sump pumps, and other drainage connections in partially separated sewer areas;
 - iii. Identification of the legal authorities that the City of New Haven, the Town of East Haven, the Town of Hamden, and the Town of Woodbridge have to remove roof leaders, sump pumps, and other drainage connections to the sewer collection system;
 - iv. An assessment of the Authority's programs to control inflow of storm water at Combined Sewer Overflow (CSO) regulators;

- v. An assessment of the Authority's programs for funding and implementing I/I studies and Sewer System Evaluation Surveys (SSESs).
- g. Collection System Maintenance:
 - i. An assessment of the Authority's programs for rehabilitating or replacing sewers to address operational problems, such as blockages;
 - ii. An assessment of the Authority's programs for rehabilitating or replacing sewers to address structural problems identified in inspections, condition assessments, I/I studies, and SSESs.
- h. Fats, Oils, and Grease (FOG): An assessment of the efficacy of the Authority's FOG programs, including public education programs to address blockages in residential neighborhoods;
- i. Pump Stations:
 - i. An assessment of the Authority's program for performing routine inspections and maintenance at all pump stations;
 - ii. An assessment of the Authority's schedules for comprehensive conditions assessments for all pump stations;
 - iii. An assessment of the Authority's programs to evaluate conditions for all pump stations;
 - iv. An assessment of the availability of an alternate power source at each pump station and CSO storage tank;
 - v. An assessment of the planned deployment of portable generators during a system-wide electrical outage;

- vi. An assessment of equipment redundancy available for each pump station and CSO storage tank;
- j. Siphons: An assessment of procedures for operation and maintenance of the Authority's siphons.
- k. Force Mains: An assessment of procedures for operation and maintenance of the Authority's force mains.
- l. Easements:
 - i. An assessment of the Authority's easement clearing program;
 - ii. An assessment of the Authority's program to repair, raise to grade, and permanently mark sewer manholes in easements;
 - iii. An assessment of the Authority's program to inspect gravity sewers above grade following each significant rain event;

CMOM Corrective Action Plan

- 2. By April 30, 2016, the Authority will submit a CMOM Corrective Action Plan to EPA and CTDEEP that includes the following:
 - a. A description of the specific short and long-term actions that the Authority is taking, or plans to take, to address any of the deficiencies identified during the completion of the CMOM Program Assessment and
 - b. A schedule for implementation of the CMOM Corrective Action Plan (the "CMOM Corrective Action Plan Implementation Schedule").

CMOM Corrective Action Plan Annual Report

- 3. Until all action items identified in the CMOM Program Assessment are fully addressed, beginning October 31, 2016, and each October 31 annually thereafter,

submit a CMOM Corrective Action Plan Annual Report. At a minimum, the CMOM Corrective Action Plan Annual Report shall include the following:

- a. A detailed description of the actions taken by the Authority during the previous calendar year, or known by the Authority to have been taken by other parties, to address any action items included in the CMOM Corrective Action Plan;
- b. A summary listing of all unauthorized bypasses in the Authority's collection system. The listing shall be provided electronic spreadsheet and shall include all information from CT DEEP's Bypass Report Form, plus:
 - i. A clear statement of whether the release did or did not reach any surface water;
 - ii. A clear statement of whether the release did or did not reach a stormwater catch basin or any other portion of the City's municipal separate storm sewer system ("MS4");
 - iii. If the release reached any portion of the City's MS4, the Authority shall provide a description of the exact location where the release reached the surface water;
- c. A projection of the actions that will be taken during the current calendar year to resolve any deficiencies identified in the CMOM Corrective Action Plan.

CMOM Program Manual

By May 31, 2017, the Authority will submit an updated CMOM Program Manual to EPA and CTDEEP. The CMOM Program Manual shall contain all information needed by the Authority to properly operate and maintain the sewer collection system and to minimize the frequency, duration, and volume of unauthorized bypasses from the sewer collection system and shall be based upon the Authority's CMOM Program Manual dated March 2011, the CMOM Program Assessment conducted pursuant to Section IV, paragraph 1 of this Consent Order, and the CMOM Corrective Action Plan pursuant to Section IV, paragraph 2 of this Consent Order. The CMOM Program Manual shall be updated periodically thereafter in an iterative manner to modernize program elements and address issues as they may arise or become apparent to the Authority.

V. NOTIFICATION PROCEDURES

1. Where this Order requires a specific action to be performed within a certain time frame, the Authority shall submit a written notice of compliance or noncompliance with each deadline. Notification of compliance shall be mailed within fourteen (14) days after each required deadline. The timely submission of a required report shall satisfy the requirement that a notice of compliance be submitted.
2. If noncompliance is reported, notification shall include the following information:
 - a. A description of the noncompliance;
 - b. A description of any actions taken or proposed by the Authority to comply with the lapsed schedule requirements;
 - c. A description of any factors that tend to explain or mitigate the noncompliance;
and
 - d. An approximate date by which the Authority will perform the required action.
3. After a notification of noncompliance has been filed, compliance with the past-due requirement shall be reported by submitting any required documents or providing EPA with a written report indicating that the required action has been achieved.

4. Submissions required by this Order shall be in writing and shall be mailed to the following addresses:

U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code: OES04-1
Boston, MA 02109-3912
Attn: John Melcher

and

Connecticut Department of Energy and Environmental Protection
Bureau of Water Protection & Land Reuse
Planning & Standards Division
79 Elm Street
Hartford, CT 06106-5127
Attn: George Hicks

In addition, electronic copies of submissions shall be emailed to the following addresses: melcher.john@epa.gov and george.hicks@ct.gov. EPA and/or CT DEEP shall notify the Authority in writing of any changes to the contact persons or addresses.

V. GENERAL PROVISIONS

1. Any material modification to the terms of this Order shall be by written agreement of the Parties. Any nonmaterial modifications to the terms of this Order, such as approval of modifications to submissions to EPA or the due dates of such submissions, shall be effective upon written approval from EPA.
2. This Order shall become effective upon signature by both parties (the “Effective Date”).

Draft

Date

Susan Studlien, Director
Office of Environmental Stewardship
Environmental Protection Agency, Region 1

Consented to by:

Date

Sidney Holbrook, Executive Director
Greater New Haven Water Pollution Control Authority