UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

IN THE MATTER OF	)	**DOCKET NO.**
	)	**CWA-AO-R01-FY16-04**
City of Bridgeport, CT	)	
	)	
	)	
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). 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.* and the regulations promulgated thereunder.

III. FINDINGS

The Director makes the following findings of fact:

1. The City of Bridgeport, Connecticut (the "City") is a person under Section 502(5) of the Act, 33 U.S.C. § 1362(5).
2. The City is the owner and operator of a sanitary sewer ("Collection System"). The City's Collection System conveys municipal wastewater to two wastewater treatment

plants, one on the west side ("West Side WPCF") and one on the east side ("East Side WPCF") of the City.

3. The West Side WPCF has an NPDES permit (CT0100056) which authorizes discharges of treated sewage only from Discharge Serial No. 001-1. The West Side WPCF's NPDES permit also authorizes certain discharges during wet-weather events from specified combined sewer overflow ("CSO") outfalls listed in Attachment 3 to the NPDES permit, when the total available transportation, treatment and storage capabilities of the West Side WPCF are exceeded.

4. The East Side WPCF has an NPDES permit (CT0101010) which authorizes discharges of treated sewage only from Discharge Serial No. 001-1. The East Side WPCF's NPDES permit also authorizes certain discharges from specified combined sewer overflow ("CSO") outfalls listed in Attachment 3 to the NPDES permit, when the total available transportation, treatment and storage capabilities of the East Side WPCF are exceeded.

5. The City also owns and operates a municipal separate storm sewer system ("MS4"), which is a system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) designed to collect, convey, and directly discharge storm water to receiving waters.

6. The National Pollutant Discharge Elimination System ("NPDES") General Permit for the Discharge of Stormwater from Small MS4s ("MS4 Permit") issued by the Connecticut Department of Energy and Environmental Protection ("CT DEEP") on

January 9, 2004, authorizes the City to discharge stormwater from its MS4.[1] The MS4 General Permit does not authorize the discharge of untreated sewage from the MS4.

7. Section 301(a) of the Act, 33 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.

8. The City has discharged untreated sewage from various components of its Collection System, which are "point sources" as defined in Section 502(14) of the Act, 33 U.S.C. § 1362(14), both directly, and through its MS4, to waters of the United States, without authorization of an NPDES Permit.

9. The City's unauthorized discharges of pollutants to waters of the United States violate Section 301(a) of the Act, 33 U.S.C. § 1311(a).

10. On February 26, 2016, EPA sent the City a Request for Information ("Information Request") (see Attachment 1) pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318, related to the unauthorized discharges described above.

11. On March 17, 2016, the City requested an extension to comply with certain requirements in the Information Request.

12. The parties to this Order for Compliance on Consent agree that the City's compliance with the schedule in the Order is in the public interest. Therefore, without admission of any of factual Findings described in this Section, the City agrees to comply with the compliance schedule in this Order.

[1] CTDEEP re-issued the January 9, 2004 MS4 General Permit on January 9, 2009, and on January 12, 2016 re-issued it again, extending it to June 30, 2017. A modified MS4 General Permit will become effective July 1, 2017.

IV. ORDER

Accordingly, pursuant to Sections 308 and 309(a)(3) of the Act, it is hereby ordered that the City shall:

Schedule for Responding to Information Request

1. Submit a response to Item VIII of the Information Request by October 15, 2016. This shall include submission of the City's updated or new Stormwater Management Plan. The City shall also provide a status report to EPA and CTDEEP on its progress in responding to Item VIII by September 1, 2016.

2. Submit a response to Item IX.C by August 31, 2016. If there is no rain event that meets the sampling requirements for Item IX.C. the City shall provide EPA and CTDEEP with quarterly reports beginning on September 30, 2016 and continuing quarterly thereafter on the City's efforts to meet this deadline until such time as the sampling takes place.

3. The City shall implement the "Rainfall and CSO Annual Discharge Simulations, Pilot Telemetry Monitoring and Training Proposal" ("Telemetry Program") as described in the April 8, 2016 letter from Arcadis, U.S., Inc. to William E. Robinson, Acting General Manager, City of Bridgeport, according to the schedule in the Telemetry Program, as approved by EPA on June 3, 2016. Beginning on July 15, 2016, and continuously monthly thereafter, the City shall provide EPA and CTDEEP with monthly progress reports delineating how the work for Item X is progressing and anticipated future steps.[2]

[2] Item X.A.2.e. in the Information Request should refer to "STRAT."

Capacity, Management, Operation, and Maintenance Corrective Action Plan and Implementation Schedule

4. Within 180 calendar days of the effective date of this Order, submit a plan (the Capacity, Management, Operation, and Maintenance ("CMOM") Corrective Action Plan ("CAP") to EPA and CTDEEP that includes the following:

   a. A description of the specific short and long-term actions that the City is taking, or plans to take, to address any of the deficiencies identified during the completion of:

      i. the CMOM Program Self-Assessment Checklist submitted pursuant to Section VII of the July 30, 2015 Request for Information (Docket No. 308-15-01-29)

      ii. any reassessment of the City's operation and maintenance programs completed pursuant to findings made during the March 2016 EPA sewer outfall and sampling inspections;

   b. the anticipated needs of data management support tools in order to utilize the dataset of continuous flow monitoring and stormwater outfall inspections that will be collected pursuant to the requirements of the February 26, 2016 Information Request. The CMOM CAP must include at a minimum the following elements:

      i. A routine cleaning program of the entire sewer collection system, beginning with any identified priority areas. The City shall perform routine cleaning of at least 10% of the Collection System each year until the City has internally cleaned 100% of the Collection System;

ii. Protocols for drafting an annual summary report of the routine cleaning performed (including total percentage and linear feet of system cleaned) and how its information will be used to further the preventative maintenance goals of the City;

iii. A Closed Circuit Television ("CCTV") assessment program of at least a unique 10% of the sanitary sewer collection system and manholes using the National Association of Sewer System Companies ("NASSCO") procedures by NASSCO Pipeline Assessment Certification Program ("PACP") and Manhole Assessment Certification Program ("MACP") certified personnel to complete an assessment of 100% of the Collection System by no later than May 1st, 2026;

iv. Based on the data collected under items 4.b.i., 4.b.ii., and 4.b.iii., the City shall produce enhanced annual reports to the EPA using this data for a period of not less than three years. After the submission of the City's third annual report, the City shall evaluate the effectiveness of the protocols and assignments identified in items 4.c.i. and 4.c.ii, and submit such evaluation to EPA for review. The City's evaluation shall include an assessment of the effectiveness of its preventative maintenance program, including an evaluation of the costs and benefits of enhancing the program with the following:

1. Protocols for integrating PACP and MACP data from the CCTV assessment program into a Computer Management and

Maintenance System ("CMMS") program within 30 day of its collection; and

2. Assignment of unique individual asset identifiers for collection system structures (manholes, diversion structures, outfalls, hydrobrakes, etc.) for entry into the CMMS program to be used for the tracking of maintenance activities and operational performance such as tracking all service requests, and work orders, including predictive maintenance practices.

c. A schedule for implementation of the CMOM CAP (the "CMOM CAP Implementation Schedule").

5. EPA will consult with CTDEEP on the CMOM CAP Implementation Schedule, and either provide comments to the City on the CMOM CAP Implementation Schedule, or approve it. Upon approval by EPA, the CMOM CAP Implementation Schedule shall be implemented by the City and enforceable hereunder.

V. NOTIFICATION PROCEDURES

1. Where this Order requires a specific action to be performed within a certain time frame, the City shall submit a written notice of compliance or noncompliance with each deadline. Notification of compliance shall be mailed within 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 City 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 City 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:

Alex Rosenberg
U.S. Environmental Protection Agency
5 Post Office Square - Suite 100
Mail Code: OES04-4
Boston, MA 02109-3912

and

Ann A. Straut, Sanitary Engineer 3
Municipal Facilities
Planning & Standards Division
Bureau of Water Protection and Land Reuse
Connecticut Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127

In addition, electronic copies of submissions shall be emailed to the following addresses: rosenberg.alex@epa.gov and ann.straut@ct.gov. EPA and/or CT DEEP shall notify the City in writing of any changes to the contact persons or addresses.

VI. GENERAL PROVISIONS

1. This Order does not constitute a waiver or modification of the terms and conditions of any of the City's NPDES permits. The City's NPDES permit remains in full force and

effect. EPA reserves the right to seek any and all remedies available under Section 309 of the Act, 33 U.S.C. § 1319, as amended, for any violation cited in this Order.

2. For purposes of entering into this Order on Consent only, the City agrees to EPA's authority and jurisdiction to issue this Order on Consent, and agrees not to contest the issuance of this Order on Consent including, but not limited to, any right of judicial review of this Section 309(a)(3) Compliance Order on Consent under the Administrative Procedure Act, 5 U.S.C. §§701-708, but not with respect to its compliance with this Order.

3. Any material modification to the terms of this Order shall be by written agreement of the Parties only. Any nonmaterial modifications to the terms of this Order, such as approval of modifications to submissions to EPA and CT DEEP or the due dates of such submissions, shall be effective upon written approval from EPA.

4. This Order shall become effective upon signature by both parties (the "Effective Date").

08/25/2016
Date

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

Consented to by:

Aug 22, 2016
Date

William E. Robinson, Acting General Manager
City of Bridgeport Water Pollution Control Authority