UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JAN 10 2017

CERTIFIED MAIL 7016 0600 0000 3846 7879
RETURN RECEIPT REQUESTED

City of Cape Coral
Attn: Jeff Pearson
Utilities Director, City of Cape Coral
Post Office Box 150027
Cape Coral, Florida 33915

Re: Information Request – Section 308 of the Clean Water Act
NPDES Permit No. FL0030007
Everest Parkway Water Reclamation Facility (WRF)

Dear Mr. Pearson:

Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, the U.S. Environmental Protection Agency hereby requests the City of Cape Coral (the City) to provide the information set forth in Enclosure A regarding the facility noted above and its associated sanitary sewer collection system. The City is required to respond to this information request within 30 days of its receipt of this letter. The response should be directed to:

Ms. Sara Janovitz
U.S. Environmental Protection Agency, Region 4
NPDES Permitting and Enforcement Branch
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

The EPA is issuing this information request to determine the City's progress in developing and implementing written Management, Operations, and Maintenance programs and rehabilitation of the Wastewater Collection and Transmission System as described in the Notice of Violation issued to the City on February 3, 2014.

The City's response to this information request should specifically reference the particular section and number of the request and should be organized for the purpose of clarity. In addition, all information submitted must be accompanied by the following certification signed by a responsible City official in accordance with 40 C.F.R. § 122.22:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly

responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to comply with this information request may result in enforcement proceedings under Section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for the falsification of any response to the requested information.

The City shall preserve until further notice all records (either written or electronic) which exist at the time of receipt of this letter that relate to any of the matters set forth in this letter. The term "records" shall be interpreted in the broadest sense to include information of every sort. The response to this information request shall include assurance that these record protection provisions were put in place, as required. No such records shall be disposed of until written authorization is received from the Chief of the NPDES Permitting and Enforcement Branch at the U.S. EPA, Region 4.

If you believe that any of the requested information constitutes confidential business information, you may assert a confidentiality claim with respect to such information except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

Also enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* which may assist you in understanding the compliance assistance resources and tools available. However, any decision to seek compliance assistance at this time does not relieve the City of its obligations to EPA or the State of Florida, does not create any new rights or defenses, and will not affect EPA's decision to pursue enforcement action.

If you have questions regarding this notice and information request, please feel free to contact Ms. Sara Janovitz at (404) 562-9870.

Sincerely,

Denisse D. Diaz, Chief
NPDES Permitting and Enforcement Branch
Water Protection Division

Enclosures (3)

cc: Ms. Jessica Kleinfelter
Florida Department of Environmental Protection

Mr. Nolin Moon
Florida Department of Environmental Protection

ENCLOSURE A

SSO PROGRAM
City of Cape Coral, Florida

1. Provide the following:

   a. The size of the City's Sanitary Sewer Collection System (SSS) (linear feet or miles);
   b. A list of the pump stations in the SSS, including size (gpm), and indicate if back up power is available and if it is adequate to fully operate the pump station;
   c. A list of all constructed overflow points (any unpermitted constructed discharge points) in the SSS (including pump stations) prior to the headworks of the City's WRF;
   d. The average design flow of the City's WRF;
   e. The peak design flow of the City's WRF;
   f. The annual average flow of the City's WRF; and
   g. The population served by the City's WRF and its respective SSS.

2. For purposes of this Information Request, a sanitary sewer overflow (SSO) is an overflow, spill, release, or diversion of wastewater from the SSS. SSOs include overflows or releases of wastewater that reach waters of the United States (U.S.); overflows or releases of wastewater that do not reach waters of the U.S.; and wastewater backups into buildings that are caused by blockages or flow conditions in a sanitary sewer other than a building lateral. Wastewater backups into buildings caused by a blockage or other malfunction of a building lateral that is privately owned is not an SSO.

   Provide a listing of all SSOs that occurred from December 2011 to the present. For each SSO provide the following:

   a. Date(s) of the SSO;
   b. Time (and Date if other than a. above) when the City was notified that the SSO event occurred;
   c. Time (and Date if other than a. above) when the City (or contractor) crew responded to the SSO;
   d. Time (and Date if other than a. above) when the SSO ceased;
   e. Time (and Date if other than a. above) when corrective action was completed;
   f. Location of the SSO, including source (pump station, manhole, etc.);
   g. Ultimate destination of the SSO, such as surface waterbody (by name, if available), storm drain leading to surface waterbody (by name, if available), dry land, building, etc.;
   h. Volume of the SSO;
   i. Cause of the SSO such as grease, roots, other blockages, wet weather (infiltration and inflow), loss of power at pump station, pump failure, etc.;
   j. Corrective actions taken to stop the SSO; and
   k. Corrective actions taken to prevent this or similar SSOs in the future.

If available, please provide the above information in a Microsoft compatible spreadsheet format.

3. If the City has a formal written plan for responding to, addressing, and reporting SSOs (i.e., a Sewer Overflow Response Plan ("SORP")), provide a copy of the plan.

4. Provide a copy of any additional City procedures not included in the SORP (as referenced in Question 3 above) for the following activities:

   a. Documenting SSOs;
   b. Estimating SSO volume;
   c. Identifying root causes of SSOs;
   d. Containment and clean-up of SSOs, including any specific procedures addressing backups into buildings caused by mainline problems;
   e. Identifying wet weather related SSOs and reconnaissance of these during rain events; and
   f. All reporting of SSOs to the permitting authority, the State of Florida.

5. Provide the name of the person (or position title) responsible for each of the activities identified in the City's SORP and/or listed in Question 4 above.

ENCLOSURE B

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS
(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

40 C.F.R. §2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.