CAPITAL REGION WATER

April 16, 2020

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
601 D Street NW
Washington, D.C. 20004
Re: DOJ No. 90-5-1-1-10157

Pamela J. Lazos
Senior Assistant Regional Counsel
Office of Regional Counsel (3RC20)
U.S. Environmental Protection Agency, Region 3
1650 Arch St.
Philadelphia, PA 19103-2029

Chief
NPDES Enforcement Branch (3WP42)
Water Protection Division
U.S. Environmental Protection Agency, Region 3
1650 Arch St.
Philadelphia, PA 19103-2029

Program Manager – Clean Water Program
Department of Environmental Protection
South Central Regional Office
909 Elmerton Avenue
Harrisburg, PA 17110-8200

RE: Civil Action No. 1:15-cv-00291-WWC: Nine Minimum Control Plan V5.0 – Response to EPA Comments

To Plaintiffs, Civil Action No. 1:15-cv-00291-WWC:

Capital Region Water (CRW) received the EPA comment letter dated March 5, 2020 requesting responses to your review of CRW's Nine Minimum Control Plan V5.0 dated August 2019. This letter provides responses to each of the comments provided in the letter.

Forward - Control of Solid and Floatable Material in CSO Discharges:

The most significant shortfall that EPA observed in the NMCP is the lack of Solids and Floatable Controls on the combined sewer outfalls. Floatables/solids capture is not optional but required under the USEPA 1994 Combined Sewer Overflow Policy. CRW has not completed repairing and replacing all its catch basins nor does CRW currently have end-of-pipe solids/floatable removal devices installed on its outfalls. EPA is concerned that the materials collected by CRW following CSO events may be only a fraction of the total amount of materials discharged from the CSO outfalls during wet weather events. CRW cannot meet this NMC requirement until solids and floatable controls are installed on CSO outfalls.

Response:

As described in previous responses to NMC Plan comments, CRW does not agree with EPA's assertion that being in compliance with NMC 6 mandates system-wide end-of-pipe controls, but rather allows the regulated community to develop a systemwide approach to floatables and solids control involving source controls, in-system structural controls, and end-of-pipe controls, as and where appropriate for the CRW system. Previous responses have explained CRW activities to control solids and floatables through daily CSO regulator structure inspections and cleaning, inlet/catch basin cleaning, street sweeping, and solid waste/litter control. With 60 outfalls to control, CRW elected not to use end-of-pipe controls for NMC compliance, which would require significant engineering study and capital expense, but rather use sumps, hoods and baffles within individual catch basins which is an allowable alternative for NMC 6 under the CSO policy. As CRW crews have systematically been cleaning and rehabilitating its network of catch basins, in full compliance with its NMC Plan, hoods or baffles are installed to prevent floatables from entering the sewer collection system, and the majority of inlets include sumps to trap sewer gasses and prevent solids from entering the collection system. In addition, CRW's new standard inlet detail requires both a hood and sump. CRW will start recording this information in Cityworks and make it a GIS attribute for all inlets/catch basins to get an accurate number of inlet/catch basins with or without hoods or baffles and with or without sump.

CRW crews have been successful in implementing its program of cleaning, repairing, and/or replacing its inlets and catch basins. All the inlets and catch basins have been cleaned at least once over the last four years in the CRW sewer system. Updates on the inlet cleaning and repair progress are provided in each Semi-Annual Report. Through December 2019, 4,611 inlets have been cleaned and 1,077 inlets have been repaired out of a total of 3,863 inlets.

<u>Minimum Control #1 - Review of Operation & Maintenance Program:</u>

Section 1.2.2.2 - Field Maintenance Equipment:

Based on the equipment that CRW already has, a sewer cleaning crew should be able to conduct routine cleaning of at least 1,000 feet of sewers smaller than 24-inches in diameter each workday. Utilizing its three Vactor trucks 200 days per year, CRW should be able to perform routine cleaning on over 100 miles of sewers smaller than 24-inches in diameter each year. Typically, specialized equipment is required to clean larger sewers which many agencies subcontract out. Section 1.6.3 suggests that CRW also intends to subcontract the cleaning of its larger sewers. Therefore, it appears that CRW has enough equipment to clean all of its smaller sewers annually and still have additional capability using its jetter truck for cleaning "hot spot" blockage locations as needed.

Based on the equipment that CRW owns, a sewer televising crew should be able to televise 1,000 to 1,500 feet per day of sewers smaller than 24-inches in diameter. Utilizing its single CCTV truck 100 days per year for routine sewer condition assessment, CRW should be able to perform 20 to 30 miles of CCTV per year.

Typically, specialized equipment is required to televise larger sewers which many agencies subcontract. Section 1.6.3 suggests that CRW also intends to subcontract the inspection of its larger sewers. Therefore, it appears that CRW has enough equipment to televise its smaller sewers within four to five years and still have adequate resources for televising sewers in emergency situations.

EPA requests that CRW document that there will be an adequate amount of personal protective equipment for the number of sewer cleaning, CCTV, CSO outfall inspection, and sewer maintenance crews that will be out in the field.

Response:

Although CRW currently has three vactor trucks, one of the units is near the end of its useful life and is not dedicated to sewer cleaning operations. CRW only deploys one to two vactor trucks and cleaning crews at a time. CRW's field maintenance staff of eight employees have multiple responsibilities. Sewer cleaning activities are also weather dependent to ensure the solids are captured and not simply flushed downstream along the collection system. CRW is aggressively televising its system to identify remedial maintenance and renewal needs and will re-inspect on a 5-year cycle. This will provide the data needed to determine the appropriate frequency of cleaning and level of staffing.

CRW cleaned 25.9 miles of sewer in 2019, which is in line with the rate of 1,000 feet per day for 137 days (or 50% of the available workdays). CRW performed CCTV inspection of 26.9 miles of sewer in 2019. Further data on sewer cleaning and televising progress is provided in each Semi-Annual Report. CRW will continue to contract out additional sewer cleaning and inspection; for example, in 2019 a contractor cleaned and televised 7.7 miles of sewer. In the NMC Plan, CRW proposes to complete cleaning and CCTV of its entire collection system by the end of 2024. CRW is ahead of schedule and anticipates early completion of this activity by the end of 2022.

CRW confirms that adequate personal protective equipment is provided for all staff. As detailed in the Operations and Maintenance Manual (OMM), there is a full set of PPE for each employee.

Section 1.2.3 - Remedial Work Prioritization:

EPA concurs with the risk management and remediation prioritization protocols presented in Figures 1-3 and 1-4 respectively.

Response:

Acknowledged.

Section 1.4.1 - O&M of CSO Regulator Structures - Inspection Procedures/Schedules:

The third paragraph on page 1-24, presents time frames required to complete the daily inspections of the CSO structures under different operational and site conditions. EPA request that CRW needs to confirm they

have appropriate number of field inspection crews employed to perform these daily inspections and the inspection procedures referenced in CRW's Operation & Maintenance Manual (OMM) Sections 4.1.3 through 4.1.6. Past conversations with CRW suggest that CRW expects a single inspection crew to complete these daily inspections. Further, it appears that there are opportunities to automate all or part of this daily inspection process to both reduce labor cost and enhance responsiveness to environmental issues. EPA recommends that CRW consider the installation of remote-reading flow level sensors, such as "Smart Covers" to continuously monitor flow regulator performance, particularly at larger CSO regulators and CSO outfall locations where there is potential for river/creek intrusion into the interceptor sewer system.

Response:

CRW confirms that there is appropriate staff to perform the daily inspections. The completed CAMP Study included the assessment of "smart cover' technologies, and follow-up correspondence have documented that the current methods of inspection are efficient and cost-effective, and the use of system-wide continuous monitoring equipment is not appropriate at this time. Remote reading flow sensors may be considered for installation in certain selected sewershed areas as part of LTCP implementation.

Section 1.5.1 - O&M of Outfalls/Backflow Prevention Gates - Inspection Procedures/Schedules:

The third paragraph on page 1-27 discusses the potential for river/creek intrusion into the interceptor sewer system. EPA requests that CRW provide information on:

- *The locations where intrusions have occurred,*
- *The three outfalls along Paxton Creek where diversion weir elevation is comparable to high water conditions,*
- *The number of intrusions that have occurred at each of these locations over the past five years,*
- *The circumstances causing each intrusion (i.e. stream level) at each location; and,*
- *The mitigation measures CRW has taken or plans to undertake to prevent future intrusions, including the installation of automated real-time intrusion monitoring sensors.*

Response:

The following table summarizes the relative frequency of river/creek intrusion for all CSO regulators. 2018 was a particularly "wet" year resulting in high river/creek elevations, so most CSO regulators had at least a few field observations of river/creek intrusion. During 2019, which was an "average" year (with respect to precipitation), river/creek intrusions were mostly limited to the Paxton Creek Interceptor, and most of the CSO regulators only had a few instances of intrusion.

CSO Regulator	River/ Creek Intrusion (Field Observations)		
	2018 ("Wet" Year)	2019 ("Average" Year)	Frequency
Front Street Interceptor			
CSO-004	2	0	During 2018 Only
CSO-005	14	1	Rarely
CSO-049	4	0	During 2018 Only
CSO-050	4	0	During 2018 Only
CSO-051	5	0	During 2018 Only
CSO-006	39	5	Rarely
CSO-007	16	1	Rarely
CSO-008	38	6	Occasionally
CSO-009	6	0	During 2018 Only
CSO-010	4	0	During 2018 Only
CSO-011	2	0	During 2018 Only
CSO-012	1	0	During 2018 Only
CSO-013	2	0	During 2018 Only
CSO-014	0	0	None
CSO-015	0	0	None
CSO-016	0	0	None
CSO-052	0	0	None
CSO-053	0	0	None
CSO-054	0	0	None
CSO-055	0	0	None
CSO-056	0	0	None
CSO-017	2	0	During 2018 Only
CSO-057	0	0	None
CSO-018	17	1	Rarely

CSO Regulator	River/ Creek Intrusion (Field Observations)		
	2018 ("Wet" Year)	2019 ("Average" Year)	Frequency
CSO-019	19	4	Rarely
CSO-058	41	4	Rarely
CSO-020	14	2	Rarely
Paxton Creek Interceptor			
CSO-021	287	35	Often
CSO-022	86	24	Sometimes
CSO-023	3	0	During 2018 Only
CSO-024	159	45	Often
CSO-025	50	21	Sometimes
CSO-026	50	20	Sometimes
CSO-027	18	6	Occasionally
CSO-028	12	3	Rarely
CSO-029	31	12	Occasionally
CSO-030	15	3	Rarely
CSO-031	4	1	Rarely
CSO-032	85	18	Sometimes
CSO-033	34	10	Occasionally
CSO-034	6	1	Rarely
CSO-037	1	0	During 2018 Only
CSO-038	11	3	Rarely
CSO-039	57	20	Sometimes
CSO-040	23	8	Occasionally
CSO-041	33	13	Occasionally
CSO-042	14	3	Rarely
CSO-059	0	0	None
CSO-043	14	2	Rarely
CSO-044	2	0	During 2018 Only
CSO-045	4	0	During 2018 Only

	River/ Creek Intrusion (Field Observations)		
CSO Regulator	2018 ("Wet" Year)	2019 ("Average" Year)	Frequency
CSO-046	4	0	During 2018 Only
CSO-048	11	0	During 2018 Only
Hemlock Street Interceptor			
CSO-060	5	0	During 2018 Only
CSO-061	4	0	During 2018 Only
CSO-062	6	0	During 2018 Only
CSO-063	4	0	During 2018 Only
CSO-064	3	0	During 2018 Only

Notes:
1. Dark orange shading indicates higher river/creek intrusion field observations.
2. Frequency Key:
   Rarely - 1 to 5 daily field observations during 2019
   Occasionally - 6 to 15 daily field observations during 2019
   Sometimes - 16 to 25 daily field observations during 2019
   Often - > 25 daily field observations during 2019

River/creek intrusion is primarily limited to CSO regulators along Paxton Creek, which is due to low weir crest elevations relative to Paxton Creek. In particular, CSOs 021, 024, and 032 are especially prone to creek intrusion when the Paxton Creek elevation is higher than normal, although this is often just a "trickle" over the weir. Since October 2017, CRW field crews have documented observed or inferred river/creek intrusion as part of the daily CSO regulator inspections. The following table summarizes the number of times creek intrusion has occurred at the three regulators most prone to intrusion. Note that 2018 was an outlier year with respect to much higher than normal rainfall which resulted in sustained high river/creek levels that are not typical conditions. 2018 annual precipitation was 66.8 inches, 165% higher than Typical Year volume. The river/creek intrusion during 2019 is more representative of a typical year.

Year	Month	River / Creek Intrusion (Count)		
		CSO-021	CSO-024	CSO-032
2017	10	0	3	12
2017	11	0	1	10
2017	12	0	1	4
2018	1	1	11	5
2018	2	18	26	9
2018	3	30	20	1
2018	4	18	8	1
2018	5	25	4	3
2018	6	19	1	1
2018	7	28	6	6
2018	8	30	5	1
2018	9	29	8	4
2018	10	26	1	0
2018	11	25	11	4
2018	12	3	8	6
Total (2018)		**252**	**109**	**41**
2019	1	8	12	4
2019	2	3	4	1
2019	3	5	4	3
2019	4	0	2	1
2019	5	3	8	1
2019	6	0	3	1
2019	7	1	3	1
2019	8	0	0	0
2019	9	1	1	0
2019	10	0	4	2
2019	11	4	2	4
2019	12	10	2	0
Total (2019)		**35**	**45**	**18**

Notes:
1. Dark orange shading indicates higher river/creek intrusion field observations.

CRW identified the following outfalls for early action flap gate repair or replacement: 006, 008, 021, 022, 024, 032, and 051. CRW's field staff determined that repairs were not feasible, and the flap gate replacements will be significant projects that will be incorporated as part of a future capital project during CBH_2OPP implementation or as a separate IDIQ contract. CRW has addressed the structural issue at 062 and is moving forward to address the structural issues at 010, 034, and 053 in 2020.

Section 1.6.1 - O&M of Interceptors - Inspection Procedures/Schedules:

The second paragraph of Section 1.6.3 indicates that CRW plans to clean and inspect its interceptors on a five-year cycle. This appears to be adequate to maintain the interceptors at their peak hydraulic performance. EPA requests that CRW also perform annual monitoring to identify locations in the interceptors where debris build-ups occur more rapidly and remove the debris from any locations when the build-up exceeds 15 percent of the height of the interceptor at those locations.

Response:

As noted in the current Operation and Maintenance Manual, CRW will begin conducting annual inspections at key interceptor manholes to monitor debris levels along interceptor pipes. CRW will evaluate the impact of debris levels on the interceptor capacity and develop cleaning schedules for localized reaches identified with problematic debris accumulations, as deemed appropriate.

Section 1.7.1 - O&M of Pump Stations - Inspection Procedures/Schedules:

The NMC Plan states that the Front Street and Spring Street Pump Stations are inspected four times per day in dry weather and six times per day in wet weather. EPA requests that CRW list all its pump stations even if they are located in the separate collection system. The NMC Plan further states that maintenance documentation requirements are presented in CRW OMM Section 4.3.9 and maintenance documentation forms and checklists are presented in NMC Plan Appendix A. EPA requests that CRW confirm the number of field inspection crews employed to perform these daily inspections.

Response:

The OMM indicates the inspection frequencies for the Market Street Pump Station, twice a day during dry weather and six times per day in wet weather, and the City Island Pump Stations, once a day during dry weather and twice a day during events on City Island. These inspections are performed by the AWTF Operations crew. There are four rotating crews that staff the facility and pump station crews 24/7/365. This information will be added to the August 2020 NMC Plan Update.

Section 1.8.1 - O&M of Force Mains - Inspection Procedures/Schedules:

The NMC Plan indicates that the Front Street and Spring Street Force Mains are walked "periodically" to look for leaks; however, "periodically" is not defined in the NMC Plan. The NMC Plan states that force main

inspection forms are presented in Plan Appendix A. This information was not included in the CRW NMC Plan and the O&M Manual that EPA was provided for review. EPA requests that CRW provide the meaning of "periodically." EPA requests that the Force Mains are walked at least once a year.

Response:

CRW will conduct annual force main alignment walkthroughs and update the next OMM and NMC Plan submissions accordingly.

Section 1.9.1 - O&M of Collection System Sewers - Inspection Procedures/Schedules:

The NMC Plan states that the "hot spot" cleaning locations are listed in Appendix A3.3. However, this information was not included in the CRW NMC Plan document that EPA was provided for review. EPA requests that CRW provides the "hot spot" list.

In the third paragraph on page 1-35, CRW proposes to complete cleaning and CCTV of its entire collection system by the end of 2024. This schedule appears reasonable and will allow CRW to maximize the use of its own cleaning and CCTV equipment.

Response:

CRW submits an updated Operation and Maintenance Manual (OMM) each year by March 31st in conjunction with the Annual Chapter 94 Report. Appendix A in the OMM contains all of the reference documents listed in Table A-1: Summary of Operation and Maintenance Documents. However, in Appendix A of the NMC Plan only Table A-1 is included to provide a summary of the information that is available for review in the OMM. This is indicated in red text as shown below:

Appendix A

CRW Operation and Maintenance Documents

Please note that this document list is only included for reference in the NMC Plan, please refer to the OMM for the actual documents and data CD.

Table A-1 Summary of Operation and Maintenance Documents

Code	Document	Completed By	Reviewed By	Frequency
1. CSO Regulator Structures / Overflows - Field Forms				
A1-0	**CSO Inspection Forms** Document CSO regulator conditions; record overflows.	Field Operations	Management	Daily

In the next NMC Plan Update we will also clarify this within the report narratives, as some references refer to Appendix A, rather than OMM Appendix A. It is not CRW's intention to provide duplicate copies of all OMM Appendix A documents within the NMC Plan. The most recent OMM update was submitted on March 31, 2020.

An example hot spot list is provided in Appendix A3.3 of the OMM. This list evolves as described in the OMM and is updated periodically in Cityworks. The current hot spot list is provided below.

Location	Asset Prefix	Asset Id #
17th and Sumner Streets	SSMH-	001787
17th & Putnam Streets	SSMH-	001834
15th & Albert Alley	SSMH-	001953
22nd & Kensington Streets	SSMH-	001919
2200 Block of Swatara Street	SSMH-	001879
2410 Berryhill Street	SSMH-	001872
Hale Avenue and Rudy Road	SSMH-	001882
455 Hale Avenue (Rear)	SSMH-	003058
Yew Place	SSMH-	002138
Heather Place	SSMH-	002693
25TH & Market	SSMH-	002651
Parkway Blvd near S 28th	SSMH-	002650
Pear & Capital	SSMH-	001057
5th & Antoine Streets	SSMH-	000136
2630 Waldo St	SSMH-	002865

Section 1.9.3 - O&M of Collection System Sewers - Documentation of Current Control Practices:

The NMC Plan states that collection system maintenance activity documentation forms are presented in Plan Appendix A. However, this information was not included in the CRW NMC Plan document that EPA was provided for review. EPA requests a copy of the collection system maintenance activity documentation forms.

Response:

Refer to the Section 1.9.1 Response above regarding the OMM Appendix A documents.

Section 1.10.1 - O&M of Inlets/Catch Basins - Inspection Procedures/Schedules:

CRW did not provide several documents for inlet/catch-basin cleaning and inspection procedures. This included "Inlet and Catch Basin Activities Checklist" presented in CRW OMM Section 4.7.4, and "Field

Maintenance Information summary tables" discussed in Appendix A. EPA requests the checklist and summary tables.

The first paragraph on page 1-37 states that: "CRW plans to complete all of the inlet cleaning and repair by the end of 2021." EPA concurs with this schedule, but catch basins are not discussed. EPA requests that CRW needs to confirm that catch basin cleaning and repair are also included.

Response:

Refer to Section 1.9.1 Response above regarding the OMM Appendix A documents. Similarly, the checklist is included in OMM Section 4.7.4.

In the context of inlet and catch basin cleaning, the term "inlet" includes all catch basins.

Minimum Control #2 - Maximum Use of the Collection System for Storage:

Section 2.2 - Combined Sewer Inspection:

The CRW NMC Plan states that approximately 45,000-feet (7 percent) of its collection system is comprised of interceptor sewers 2-feet in diameter to 5-feet by 6-feet. The Plan further states that these interceptors have been cleaned and inspected in accordance with the requirements of the partial CD. The inspection revealed that approximately 34,000-feet of interceptors are in critical need of repair within the next five years. The CRW NMC Plan does not present a schedule for completing these repairs. EPA requests the revised NMC Plan have a copy of the schedule for completing these repairs. The CRW NMC Plan states that CRW will conduct future interceptor inspections on a five year cycle. Based on the information provided, this reinspection schedule appears to be adequate to monitor debris build-up and ongoing deterioration in those interceptors not repaired.

The CRW NMC Plan cites CRW's daily CSO regulator and outfall inspection program as part of its effort to maximize the use of its collection system. Based on the information provided, the inspection program appears to be adequate to maintain the function of flow regulators provided that this program is properly staffed.

Response:

CRW has been proactively working to repair the identified critical defects and has reported progress and setbacks to EPA on a regular basis. The scope and magnitude of the needed repairs and rehabilitation work exceed what would be considered a Nine Minimum Control and are being implemented under the Partial Consent Decree.

Section 2.4 - Adjustment of Regulator Settings:

In the second full paragraph on page 2-6, the CRW NMC Plan states that adjustments of regulators have not yet been performed but are part of CRW's future collection system improvement program. EPA requests that CRW provide a schedule for performing the regulator adjustments, if not already included in the LTCP.

Response:

As has been addressed in previous correspondence with EPA, the adjustment of the regulator structure settings to maximize wet weather capture cannot be performed until the rehabilitation work on the interceptors is completed and the structural integrity of the pipes is sufficiently restored to be able to safely receive and convey the additional flow.

Section 2.5 - Installation of In-System Controls:

In the first full paragraph on page 2-7, the CRW NMC Plan states that in-system flow controls have not yet been installed but are under consideration. EPA requests that CRW provide a location plan and completion schedule for installation of in-system controls.

Response:

The NMC Plan states this issue will be considered, evaluated, and addressed during implementation of the City Beautiful H_2O Program Plan. Locations and schedules for in-system controls are part of the CBH_2OPP, not the NMC Plan.

Minimum Control #3 - Review & Modification of Industrial Pretreatment Programs:

Based upon the information presented, it appears that the CRW NMC Plan is currently in conformance with USEPA' s CSO Policy. The third full paragraph on page 3-9 states that CRW will annually review its industrial user inventory and make changes necessary to include new users and remove users no longer discharging to the CRW collection system. New non-domestic users will be required to submit an "Industrial Wastewater Discharge Application" for evaluation and appropriate action by CRW.

Response:

Acknowledged. CRW conducts these annual reviews.

Minimum Control #4 - Maximize Flows to the POTWs:

As noted under EPA's review of NMC #2, CRW has performed cleaning of its interceptor sewers to maximize their flow-carrying capacity, but CRW has not yet developed or implemented regulator modifications or in-system controls to maximize storage in CRW's collection system. Also as stated in the second paragraph of Section 4.2.3 on page 4-4, CRW has not yet identified or implemented infiltration and inflow reduction measures to reduce flows in its collection system. Finally, as stated in the second paragraph of Section 4.3.2 on page 4-5, CRW has not yet addressed increasing the wet-weather capacity of its wastewater treatment plant. Therefore, CRW is not currently in compliance with NMC #4. CRW may come into compliance upon implementation of the LTCP improvements.

Response:

As explained previously in the Section 2.4 response, CRW cannot not maximize flow to the POTW until critical interceptor rehabilitation and pumping station projects are complete. Both tasks are ongoing under the Partial Consent Decree and the levels and complexities of engineering design exceed those of the NMCs. As was explained at previous meetings between CRW and EPA, the completed and ongoing flow monitoring activities and the calibrated H/H models indicate relatively low levels of RDII in its separate sanitary collection systems. These quantified RDII levels are not excessive and would likely not be cost effective to remove. Infiltration and inflow reduction measures will be evaluated if any individual collection system areas are found in the future to demonstrate excessive levels of RDII.

The completed construction activities at the AWTF, documented in previously submitted Partial Consent Decree documentation, has increased and maximized the wet weather capacity within the physical constraints of the facility footprint.

Minimum Control #5 - Prohibiting CSO Discharges During Dry Weather:

CRW's program of daily inspections of CSO regulator structures and outfalls are expected to be effective in achieving compliance with NMC #5 if that inspection effort is properly staffed.

Response:

Acknowledged. CRW has confirmed that the inspection effort is properly staffed.

Minimum Control #6 - Control of Solid and Floatable Material in CSO Discharges:

As stated in Section 6.3.3: "CRW does not currently have end-of-pipe solids/floatables removal devices on their outfalls." Therefore, CRW is not in compliance with NMC #6. The second paragraph of Section 6.3.3 on page 6-4 states that: "During the implementation of CRW's Long Term Control Plan (LTCP), end-of-pipe controls such as nets and outfall booms will be incorporated in specific projects where they are determined to be feasible." This statement raises concern that CRW may not fully comply with NMC #6, even after LTCP improvements are completed. CRW is required to have solid and floatable controls on all CSO outfalls.

Response:

As described in the previous response to the Forward comment and in previous responses to NMC Plan comments through the years, CRW does not agree with EPA's assertion that being in compliance with NMC 6 mandates end-of-pipe controls at every outfall. Rather the CSO Policy allows the regulated community to develop a systemwide approach to floatables and solids control involving source controls, in-system structural controls, and end-of-pipe controls, as appropriate for the CRW system.

Minimum Control #7 - Pollution Prevention Programs:

Based upon the information presented in the CRW NMC Plan. it appears that CRW is in compliance with the requirements of NMC #7.

Response:

Acknowledged.

Minimum Control #8 - Public Notification:

Upon installation of the new CSO outfall signage presented in the CRW NMC Plan, it appears that CRW will be in compliance with the requirements of NMC #8. Once the new CSO signs are installed, EPA requests that CRW notify EPA to confirm installation.

Response:

Acknowledged.

Minimum Control #9 - Inspection, Monitoring, and Reporting:

Based upon the information presented in the CRW NMC Plan, it appears that CRW is in general compliance with the requirements of NMC #9.

Response:

Acknowledged.

Please contact me directly to discuss any question or concerns you may have.

Sincerely yours,

Claire Maulhardt, P.L.A.
City Beautiful H_2O Program Manager
Capital Region Water

cc: Charlotte Katzenmoyer, CEO, CRW
Dave Stewart, P.E., BCEE, CRW
Fredric Andes, Esq.
John Aldrich, P.E., D.WRE, CDM Smith