United States Environmental Protection Agency
Region 1 – EPA New England
5 Post Office Square – Suite 100
Boston, MA 02109-3912

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

MAY 09 2016

Philip E. Lemnios, Town Manager
Town of Hull
253 Atlantic Avenue
Hull, MA 02045

Re: In the Matter of Town of Hull, Massachusetts, Administrative Order on Consent, Docket No. CWA-01-AO-16-09

Dear Mr. Lemnios,

Enclosed is the fully executed copy of the Administrative Order on Consent ("AOC") entered into between the U.S. Environmental Protection Agency and the Town of Hull.

If your staff have questions as they implement the AOC, they are welcome to contact David Turin at 617-918-1598.

Sincerely,

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship

Enclosure

CC (Via Electronic Mail):
James Dow, Assistant Director of Public Works-Sewer
David Burns, Mass DEP

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

IN THE MATTER OF	)	**DOCKET NO. CWA-AO-R01-FY16-09**
	)	
Town of Hull	)	**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. 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(a) of the Act, 33 U.S.C. § 1311(a). 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 Town of Hull ("Hull" or "Town") is a person under Section 502(5) of the Act, 33 U.S.C. § 1362(5).

2. The Town is the owner and operator of a Publicly Owned Treatment Works ("POTW"), which includes a wastewater collection system ("Collection System") consisting of sewerage conveyance pipelines, pump stations, and a Wastewater Treatment Facility ("WWTF") from which pollutants, as defined in Section 502(6) and (12) of the Act, 33 U.S.C. §§ 1362(6) and (12), are discharged to Massachusetts Bay and the Atlantic Ocean.

3. On September 1, 2009, the Town was issued NPDES Permit No. MA0101231 ("NPDES Permit") by EPA under the authority of Section 402 of the Act, 33 U.S.C. § 1342. The NPDES Permit became effective October 1, 2009 and superseded a permit issued on May 6, 2002. The towns of Cohasset and Hingham, Massachusetts are co-permittees. The NPDES Permit expired on September 30, 2014. Based on the Town's timely re-application, the conditions of the NPDES Permit remain in effect, pursuant to 40 C.F.R., § 122.6.

4. The NPDES Permit authorizes Hull to discharge pollutants from WWTF Outfall 001 to the Massachusetts Bay/Atlantic Ocean. The discharge is subject to the effluent limitations, monitoring requirements and other conditions specified in the NPDES Permit.

5. 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.

6. Since at least February 1, 2011, Hull has periodically discharged untreated sewage from various components of its Collection System during dry and wet weather to Massachusetts Bay and the Atlantic Ocean without authorization by the Permit.

7. Massachusetts Bay and the Atlantic Ocean are waters of the United States and, as such, are navigable waters under Section 502(7) of the Act, 33 U.S.C. § 1362(7), and the regulations promulgated thereunder.

8. 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 and enterococci bacteria.

9. The various unauthorized components of the Collection System from which the Town has discharged untreated sewage are point sources, as defined in Section 502(14) of the Act, 33 U.S.C. § 1362(14).

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

IV. ORDER

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

1. By July 31, 2016, submit an Unauthorized Discharge Summary to EPA and MADEP. The Unauthorized Discharge Summary shall include a list of unauthorized discharges from the Collection System that have occurred between January 1, 2013, and December 31, 2015, categorized as follows: Unauthorized discharge events to surface waters (this category shall include all releases with a reasonable potential to reach surface waters, such as releases to streets or areas with storm drain catch basins) and unauthorized discharge events at businesses and/or residences (such as building/private property backups). The listings shall be organized chronologically and include, at a minimum, the following:

    a. the type of asset from which the unauthorized discharge occurred (e.g., pump station, manhole, sewer main);

    b. the location (nearest address or latitude and longitude) of each unauthorized discharge;

    c. the cause of the unauthorized discharge, including but not limited to, whether it was caused by a sewerage line blockage or break; mechanical, electrical, or structural failures; hydraulic overload; operator error, or vandalism;

    d. if the unauthorized discharge was caused by a blockage, identify the type of blockage (e.g., grease, rags, debris);

    e. if the unauthorized discharge was caused by a mechanical, electrical, or structural failure, the date of the last inspection, maintenance, or repair of the failed asset;

    f. the date and time on which each unauthorized discharge began;

    g. the date and time on which each unauthorized discharge stopped;

h. the source of the notification (e.g., property owner, field crew, police);

i. the estimated gallons of wastewater released;

j. the method used to estimate the volume;

k. A clear statement of whether or not the release reached a storm water catch basin or any other portion of the Town's Municipal Separate Storm Sewer System ("MS4"). If the release occurred to the ground or street, regardless of whether the discharge reached any portion of the Town's MS4, the Town shall provide the location of the nearest down-gradient stormwater catch basin and the name of the receiving water to which the catch basin discharges;

l. A clear statement of whether or not the release reached a wetland or surface water. If the release reached a surface water, the Town shall include the name of the surface water or the name of the first downstream named surface water and a description of the exact location where the release reached the surface water;

m. the measures taken to minimize the volume and duration of the unauthorized discharge;

n. the measures taken to clean the area where the unauthorized discharge occurred;

o. the corrective actions taken to prevent reoccurrence of unauthorized discharges at the same location; and

p. the date of the last unauthorized discharge in the same general location.

2. By August 31, 2016, the Town shall develop and submit an Emergency Response Plan to EPA and MADEP for review and comment, and incorporate any comments provided by EPA or MADEP into the final Emergency Response Plan. The Emergency Response Plan shall be designed to ensure that should an unauthorized discharge occur, the volume of untreated wastewater discharged to the environment and the impact of the discharge on the environment and public health is minimized. The Emergency Response Plan shall have a goal of identifying and halting unauthorized discharges as quickly as possible, appropriately mitigating the impacts, and identifying measures to prevent a reoccurrence. Upon its submission, the Town shall immediately and continuously implement the Emergency Response Plan. The Emergency Response Plan shall include, at a minimum, the following:

a. an emergency 24-hour telephone number that can be used by the public to report unauthorized discharges, including those to buildings and private property;
b. procedures to publicize on the Town's website, newspapers, and other methods of public communication, that all unauthorized discharges should be reported to the emergency 24-hour telephone number;
c. procedures to provide oral notice within 24-hours of the Town learning of the unauthorized discharge and a written submission within 5 days, in accordance with the NPDES Permit and MADEP requirements at: http://www.mass.gov/eea/agencies/massdep/service/approvals/sanitary-sewer-overflow-bypass-backup-notification.html;
d. procedures to make the public aware of any unauthorized discharges and to limit public access and exposure to areas affected by unauthorized discharges;
e. procedures to ensure the rapid dispatch of personnel and equipment necessary to correct or repair the condition causing or contributing to any unauthorized discharge, such that it is contained, and stopped in a timely manner;
f. procedures for minimizing and mitigating the impacts of the unauthorized discharge on human health and the environment;
g. procedures to provide relief, as needed, to residents experiencing building and private property backups associated with unauthorized discharges from the Collection System;
h. procedures to clean up building/private property backups, as required by applicable claims policies;
i. procedures to document the information outlined in item IV.1 of this Order for all unauthorized discharges from the Collection System;
j. procedures to ensure the preparedness, including responsiveness training of the Town's employees and contractors necessary for the effective implementation of the Emergency Response Plan;
k. periodic reviews to ensure that the Town has available staff and equipment necessary to respond to unauthorized discharges and to implement this Emergency Response Plan;
l. provisions for safety training for all Collection System personnel;

3. By August 31, 2016, the Town shall develop and submit an updated Inflow and Infiltration ("I/I") Control Plan for review and comment to EPA and MADEP. The Town shall immediately and continuously implement the I/I Control Plan upon submission. The Town shall incorporate any comments provided by EPA or MADEP into the I/I Control Plan. The I/I Control Plan shall, at a minimum, include:

   a. A summary of the existing I/I control plan, including a discussion of the program developed under the current NPDES permit to identify and remove sources of I/I and the funding that has been provided each year to implement the program since the NPDES Permit was reissued in September 2009;
   b. A description of the sewer rehabilitation projects that have performed by the Town since January 1, 2005 to remove or reduce infiltration;
   c. A description of the public and private inflow sources (e.g., illegal sump pumps and roof down spouts) that removed since January 1, 2005;
   d. Annual estimates of the following flows for current conditions:
      i. Peak I/I
      ii. Total yearly I/I;
   e. A description of the Town's future plans for identify and remove I/I.

4. By October 31, 2016, the Town shall complete and submit a Capacity, Management, Operation and Maintenance ("CMOM") Program Assessment of the Town's operation and maintenance practices (the "CMOM Program Self-Assessment") for review and comment to EPA and MADEP. The Town shall determine whether improvements to the Town's preventive maintenance practices are necessary in order to preserve the infrastructure of the Collection System and to prevent future unauthorized discharges from the Collection System. The CMOM Program Assessment shall be conducted in accordance with EPA's Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems (EPA 305-B-05-002, January 2005), which is available on-line at http://www.epa.gov/npdes/pubs/cmom_guide_for_collection_systems.pdf. As part of the CMOM Program Assessment, the Town shall complete and submit the Wastewater Collection System CMOM Program Assessment Checklist ("CMOM Program Self-Assessment Checklist") (see Attachment

No. 1), which is a Region 1 modification of the checklist that accompanies the above-referenced guidance.

5. By February 28, 2017, the Town shall submit a CMOM Corrective Action plan (the "CMOM CAP") for review and comment to EPA and MADEP. The Town shall immediately and continuously implement the CMOM CAP. The Town shall incorporate any comments provided by EPA or MADEP into its CMOM CAP. The CMOM CAP shall, at a minimum, include the following:

   a. a list of any action items identified by the CMOM Program Self-Assessment;
   b. a list of causes and contributing factors that lead to the unauthorized discharges identified in the Collection System Unauthorized Discharge Summary, described in IV. 1, above;
   c. a description of the specific short and long-term actions that the Town is taking, or plans to take, to address any of the deficiencies identified in IV. 5. a or b;
   d. a schedule for the completion of actions required to bring back on-line back-up equipment at the WWTF that currently is not operational; and
   e. a schedule for implementation of the CMOM CAP (the "CMOM CAP Implementation Schedule").

6. By June 30, 2017, the Town shall submit a CMOM Program Manual to EPA and MADEP for review and comment. The CMOM Program Manual shall contain all information used by the Town to properly operate and maintain the Collection System and minimize the frequency, duration, and volume of unauthorized discharges. The CMOM Program document shall be maintained at a location that is readily accessible to the Town's maintenance staff and shall be updated periodically thereafter in an iterative manner. The subject areas shall include, but are not limited to, the following topics:

   a. Collection System Management
      i. Organizational Structure
      ii. Training
      iii. Internal Communication
      iv. Customer Service
      v. Management Information Systems
      vi. Unauthorized Discharge Notification Systems

vii. Legal Authority;

b. Collection System Operation

i. Budgeting

ii. Monitoring

iii. Hydrogen Sulfide Monitoring and Control

iv. Safety

v. Emergency Preparedness and Response

vi. Modeling

vii. Mapping

viii. New Construction

ix. Pump Stations;

c. Equipment and Collection System Maintenance

i. Maintenance Budgeting

ii. Planned and Unplanned Maintenance

iii. Sewer Cleaning

iv. Parts and Equipment Inventory;

d. Sewer System Capacity Evaluation – Testing and Inspection

i. Flow Monitoring

ii. Sewer System Testing

iii. Sewer System Inspection;

e. Sewer System Rehabilitation.

7. Until further notice, beginning March 31, 2017, and each March 31st annually thereafter, the Town shall submit a CMOM Program Implementation Annual Report (the "CMOM Annual Report") to EPA and MADEP, detailing the actions taken by the Town during the prior calendar year, or known by the Town to have been taken by other parties, to resolve the deficiencies identified in the CMOM Corrective Action Plan and to comply with this Order. The CMOM Program Implementation Annual Report shall also include:

a. a summary listing of all unauthorized discharges that have occurred during the last calendar year, including all of the information outlined in item IV.1 of this Order;

b. a map or maps of the Town's Collection System showing the location of each unauthorized discharge included in the summary listing;

c. a detailed description of the actions taken during the previous calendar year to address any action items included in the CMOM Corrective Action Plan, including updates to the CMOM Program Manual, required in IV.6, above; and

d. a description of the actions that will be taken during the current calendar year to address any action items included in the CMOM Corrective Action Plan.

8. By July 31, 2019, the City shall submit an updated Third Year CMOM Program Self-Assessment Checklist to EPA and MADEP.

9. All work pursuant to this Order shall be performed using sound engineering practices to ensure that construction, management, operation and maintenance of the Town's Collection System complies with the CWA, including practices to improve the resilience of the sewer system to the impacts of climate change.

V. NOTIFICATION PROCEDURES

1. Where this Order requires a specific action to be performed within a certain time frame, the Town 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 Town 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 Town 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: OES04-3
Boston, MA 02109-3912
Attn: David Turin

and

Massachusetts Department of Environmental Protection
Southeast Region Main Office
20 Riverside Drive
Lakeville, MA 02347
Attn: David Burns

In addition, electronic copies of submissions shall be emailed to the following addresses: turin.david@epa.gov and david.burns@state.ma.us. EPA or MADEP shall notify the Town 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 the NPDES Permit. The 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. The Town waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Town may have with respect to any issue of fact or law set forth in this Order, including, but not limited to, any right of judicial review of the Section 309(a)(3) Compliance Order on Consent under the Administrative Procedure Act, 5 U.S.C. §§ 701-708.
3. 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 and MADEP 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").

05/06/2016
Date

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

Consented to by:

5-4-2016
Date

Philip E. Lemnios, Town Manager
Hull, Massachusetts