



Town of Swampscott Department of Public Works

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March 1, 2017

Mr. Neil Handler
Senior Enforcement Officer
Water Technical Unit
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Mail Code OES04-4
Boston, MA 02109-3912

**SUBJECT: Consent Decree Compliance Report
Period 8/1/2016 to 1/31/2017**

Dear Mr. Handler:

Pursuant to Paragraph 66 of the Consent Decree between the U.S. EPA and the Town of Swampscott, MA, I am providing the following certification statement with regard to the preparation and submittal of: **Compliance Reporting – Period 8/1/2016 to 1/31/2017**

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.

Gino A. Cresta, Jr.
Director of Public Works



MEMORANDUM

TO: Neil Handler | US EPA

FROM: David Peterson | Kleinfelder

CC: Gino Cresta | Town of Swampscott

DATE: March 1, 2017

**SUBJECT: COMPLIANCE REPORTING - CASE 1:15-CV-13388-DJC
SWAMPSCOTT, MASSACHUSETTS**

Purpose:

This Compliance Report is provided pursuant to Paragraph 33 of the subject Consent Decree between the United States of America and the Town of Swampscott, MA. This report covers the reporting period noted below:

Reporting Period: August 1, 2016 through January 31, 2017

Through this reporting period, the Town completed 21,000 feet of targeted smoke testing within the Phase 1A project area; completed 13 building inspections as a follow-up to the smoke testing; made additional site visits to the Palleschi Drive area where sewers were repaired by the Town in 2016; completed the design of sewer improvements within the Phase 1 project area, spanning over four construction phases (Phases 1A through 1D); and publically bid Phase 1A of the project. Note, during the public bidding period, the Town and its consultant, Kleinfelder, received technical comments from the EPA that caused Phase 1A to be redesigned during bidding. The bid opening was subsequently delayed and the redesign of Phase 1A was issued as Addendum 2. This report summarizes these activities completed.

Field Inspection Program

The remaining elements of the Town's field inspection program within the Phase 1 Project Area were completed during this reporting period. Specifically, the Town completed approximately 21,000 feet of storm drain smoke testing and 13 building inspections.

Drain smoke testing was completed in the Stacey's Brook drainage area from 8/17/2016-8/19/2016. The smoke testing identified 15 households that exhibited smoke emanating from either the sewer vent stack (14 locations) or a sewer cleanout (1 location). Six (6) of the locations exhibiting positive smoke test results also were directly adjacent to smoke emanating from a



nearby sewer manhole. Table 1, below, summarizes the building addresses with observed smoke.

Table 1: Summary of homes with smoke observed during drain smoke testing

Inspection Date	Address	Source	Location Observed
8/17/2016	3 Merrymount Dr	Sewer Service Clean Out	Front Yard
8/17/2016	399 Essex St	Sewer Roof Vent	Back Yard
8/17/2016	395 Essex St	Sewer Roof Vent	Back Yard
8/17/2016	120 Stetson Av	Sewer Roof Vent	Side Yard
8/17/2016	50 Stetson Av	Sewer Roof Vent	Side Yard
8/17/2016	54 Stetson Av	Sewer Roof Vent	Side Yard
8/17/2016	58 Stetson Av	Sewer Roof Vent	Side Yard
8/17/2016	41 Stetson Av	Sewer Roof Vent	Side Yard
8/17/2016	92 Stetson Av	Sewer Roof Vent	Side Yard
8/17/2016	1 Suffolk Av	Sewer Roof Vent	Side Yard
8/17/2016	40 Stetson Av	Sewer Roof Vent	Back Yard
8/18/2016	24 Hampden St	Sewer Roof Vent	Back Yard
8/18/2016	81 Middlesex Av	Sewer Roof Vent	Back Yard
8/18/2016	1 Ellis Rd	Sewer Roof Vent	Side Yard
8/19/2016	86 Paradise Rd	Sewer Roof Vent	Side Yard

As a follow up to the smoke testing results, Kleinfelder and the Town completed building inspections and sanitary fixture dye testing targeted at the buildings listed in Table 1. The inspections were conducted on 11/04/16, 11/18/16 and 11/28/16.

A plumbing inspection and dye test was performed at 13 out of the 15 homes that exhibited smoke emanating from either the sewer vent stack or a sewer cleanout during the smoke testing performed in August of 2016. No direct sanitary sewer connections to the storm drain were identified during testing. Dye was observed by inspectors entering sanitary sewer manholes downstream of each of the 13 homes and no issues were identified during the plumbing inspections.



Kleinfelder did not get access to enter the two remaining buildings. The resident at 41 Stetson Avenue could not be reached to schedule an inspection, and the building at 58 Stetson Avenue was not inspected because it was in the process of being sold and was vacant. The Town does not intend to pursue inspecting either of the two remaining buildings.

Palleschi Drive

As reported in the 9/1/16 compliance report, the Town became aware of a potential illicit connection through the IDDE program in the spring of 2016. The Town made two separate repairs to sewers in the vicinity of Palleschi Drive near a MS4 outfall.

During this reporting period, the Town returned to Palleschi Drive on three occasions to sample for enterococcus bacteria. These visits were made on 8/1/2016, 8/15/2016 and 9/6/2016. The first two visits were during dry weather conditions and the third visit was made after a rain event of approximately 0.5 inches during a 36 hours period. On all three occasions flow was observed at the outfall and no sample was taken. At this time, the Town considers the issue resolved.

Final Design, Redesign, and Bidding

The Town and Kleinfelder completed final design of the Phase 1 comprehensive sewer improvements project. The sewer improvements are focused on priority sewer sub-areas within the Stacey's Brook drainage area. The design was submitted to US EPA on 10/28/2016. As submitted to the US EPA, the project will be phased over four construction phases (1A, 1B, 1C and 1D).

The Phase 1A construction contract was published in the Central Register to solicit public bids on 12/14/2016. The initial bid opening date was advertised as 1/5/2017. However, as written in Addendum 1, the bid date was pushed back to 1/31/2017 in order for Kleinfelder to address comments received from the US EPA. The comments substantially altered the scope of the Phase 1A construction contract. Kleinfelder summarized the proposed changes to the Phase 1A construction contract in a Memorandum to the US EPA dated 12/28/2016, which was subsequently approved by the US EPA. Kleinfelder issued revised contract drawings as part of Addendum 2, which was published on 1/5/2017.

Bid Opening and Award Recommendation

A total of eleven (11) bids were received for the Phase 1A construction contract during bid opening on 1/31/2017. The apparent responsive low bidder was DeFelice Corporation (Dracut, MA) with a total bid amount of \$923,250.

Kleinfelder reviewed bidder references and made a recommendation to the Town to award the construction contract to DeFelice. As of the date of this report, the construction contract between the Town and DeFelice is pending.



Tracking Data Tables:

In accordance with Paragraph 33 of the Consent Decree, a series of tracking tables are presented furnishing the information requested.

- a) Chronology of SSO Events Occurring during Reporting Period
- b) Catchment Area Inspections completed during Reporting Period
- c) Percentage of Catchment Area Investigated and Addressed
- d) Listing of Illicit Discharges Verified during Reporting Period
 - i) Illicit Connections
 - ii) Sanitary Sewer Defects
- e) Map of Location of Each Illicit Discharge Verified during Reporting Period
- f) Chart of Inspections Completed and Enforcement Actions Taken during Reporting Period
- g) List of Plans, Reports and other Submissions Required by this Consent Decree made during the Reporting Period
- h) Copies of Sampling Results Received during Reporting Period
- i) Planned Activities during the 6 Months Following the Reporting Period
- j) Summary of Non-Compliance with this Consent Decree during the Reporting Period



a) Chronology of SSO Events Occurring during Reporting Period

Paragraph -->	i.	i.	x.	ii.	iii.	iii.	iii.	iv.	iv.	v.	vi.	vii.	vii.	viii.	ix.	ix.	xi.	xii.
#	Date/Time Reported	Date/Time Event Stopped	Date Reported to EPA and DEP	Location	Final Disposition	Property Backup (address)	Receiving Drainage Structure	Receiving Surface Water	Location Release Reached Surface Water	Source of Notification	Cause(s) of Release	Cause = Blockage	Cause = Capacity Issue	Measures Taken to Stop Discharge	Volume of Release (Gallons)	Basis of Estimate	Measures Taken to Prevent Future SSOs	Date of Last SSO at this Location
NO SSOs were reported during this period																		

xiii. GIS Map Locating each Illicit Discharge and SSO Event

Illicit discharges reported in Section d) are illustrated on the map in Attachment A. No SSOs were reported during this reporting period.



b) Catchment Area Inspections completed during Reporting Period
c) Percentage of Catchment Area Investigated and Addressed

Note that this reporting is in relation to meeting the Remedial Measures stipulated in Section VII of the consent decree. In order to meet the objectives of the consent decree the Town's scope of work is not specifically following an IDDE Plan, but rather, is directly following the Remedial Measures themselves. During this reporting period approximately 21,000 feet of drain was smoke tested to search for illicit sanitary connections from buildings within the Phase 1 project area to the MS4.

33.b.i, ii	Sub-Catchment Area ID	Number of Drain Manholes in Sub-Catchment	Number of Drain Manholes Inspected						Number of Drain Manholes Addressed					
			Previous Reporting Periods		This Reporting Period		To-Date		Previous Reporting Periods		This Reporting Period		To-Date	
			QTY	%	QTY	%	QTY	%	QTY	%	QTY	%	QTY	%
1	Stacey's Brook	236	21	9%	0	0%	21	9%	6	3%	0	0%	6	3%
2	Other	372	47	13%	0	0%	47	13%	0	0%	0	0	0	0
		TOTAL	68		0		68		6		0		6	

33.b.iii, 33.c	Sub-Catchment Area ID	Length of Drain in Sub-Catchment	Length of Drain Inspected						Length of Drain Addressed					
			Previous Reporting Periods		This Reporting Period		To-Date		Previous Reporting Periods		This Reporting Period		To-Date	
			FT	%	FT	%	FT	%	FT	%	FT	%	FT	%
1	Stacey's Brook	55,600	0	0	21,000	38%	21,000	38%	650	1%	0	0%	650	1%
2	Other	95,000	0	0	0	0	0	0	0	0%	0	0	0	0
		TOTAL	0		21,000		21,000		650		0		650	



d) Listing of Illicit Discharges Verified during Reporting Period

										Total Volume Removed (Gallons)							
										Prior Reporting Periods		181,316					
										Reporting Period		unknown					
										Cumulative To Date		181,316					
Discharge Type	Date Verified	Location / Address	SOURCE: Building Type	SOURCE: Sewer Exfiltration	Estimated Flow (GPM)	Actions Taken to Remove	Date Removed	Cost to Remove	Volume Removed (Reporting Period)	Actively Discharging > 60 Days	Explanation	Schedule for Removal	Private Discharges Persisting > 90 days	Town's Legal Enforcement Actions	Reasons for Delay		
Paragraph->	i.	i.	i.	i.	ii.	iii.	iv.	v.	vi.	vii.	vii.	viii.	ix.	ix.	x.		
Sewer Defect	12/28/2016	37 Devens Road	Res Building	Sewer Service Repair	not estimated	DPW re-laid the house service from the building to the edge of the road using 4" PVC and sleeved the remaining length of sewer to the main line using 4" PVC.	12/28/2016	unknown	unknown	No	n/a	completed	No	None	N/a		
Sewer Defect	11/14/2016	154 Humphrey Street	Res Building	Sewer Service Repair	not estimated	DPW made a repair to the sewer service. Re-laid service from inside foundation to 4-feet outside of house	11/14/2016	unknown	unknown	No	n/a	completed	No	None	N/a		
Sewer Defect	10/24/2016	47 Franklin Street	Res Building	Sewer Service Repair	not estimated	DPW made a repair to the sewer service. Re-laid service from house foundation to edge of road	10/24/2016	unknown	unknown	No	n/a	completed	No	None	N/a		
Sewer Defect	10/13/2016	15 Essex Street	Res Building	Sewer Service Repair	not estimated	DPW made a repair to the sewer service.	10/13/2016	unknown	unknown	No	n/a	completed	No	None	N/a		



e) Map of Location of Each Illicit Discharge Verified during Reporting Period

Illicit discharges reported in Section d) are illustrated on the map in Attachment A.

f) Chart of Inspections Completed and Enforcement Actions Taken during Reporting Period

Number of Routine Inspections	Number of Complaint-Response Related Inspections	Number of Total Construction Inspections
13	0	

Enforcement Actions Taken (Type)	Enforcement Actions Taken (Number)
Notifications to Property Owner	0
Entry To Perform Duties	13
Penalty (Fines)	0
Orders	0
Civil Relief	0
Town Resolved using own means (no enforcement)	0

NOTES:

1. In response to the smoke testing completed in August 2016, the Town completed 13 house inspections to inspect the plumbing and conduct a dye test. All inspections confirmed the sanitary sewer service was connected to the sewer main in the street and no illicit connections were identified.



g) List of Plans, Reports and other Submissions Required by this Consent Decree made during the Reporting Period

Submission Description	Date Completed	Consent Decree Paragraph Reference
Annual GIS Mapping Update	1/31/2017	26
Design of Infrastructure Improvements within Stacey's Brook outfall area	10/28/2016	17

h) Copies of Sampling Results Received during Reporting Period

No samples were taken during the reporting period.

i) Planned Activities during the 6 Months Following the Reporting Period

During the period February 1, 2017 through July 31, 2017 the following activities are anticipated:

- Town will award the Phase 1A construction contract to the lowest responsive bidder.
- Construction is anticipated to begin during the reporting period.
- The Town will be begin to develop the scope of work for the drainage areas outside of the Stacey's Brook area. This remedial measure is described in Paragraph 18 of the Consent Decree and is due by September 30, 2017.



j) Summary of Non-Compliance with this Consent Decree during the Reporting Period

There has been no non-compliance during this report period.

Description	Consent Decree Paragraph Ref	Actions Taken/Proposed to Comply	Rationale Explaining Non-Compliance	Proposed Date Action will be Taken



ATTACHMENT A

Map of Illicit Discharge Locations
During Reporting Period



LEGEND

- Illicit Discharge Locations
- MS4 Outfall
- Catch Basin
- Drain Manhole
- Drain Culvert
- Drain Pipe
- Underdrain Manhole
- Sewer Manhole
- Sewer Pump Station
- Sewer - Gravity
- Sewer - Force Main
- Under Drains

303d Listed Waters

- Fish Consumption, Not Supporting
- Shellfish Harvesting, Not Supporting
- Water Bodies
- Parcels
- Town Borders



The information displayed on this graphic representation has been compiled from a variety of sources and is subject to change without notice. The user is responsible for verifying the accuracy, completeness, timeliness, or any other information that is critical to the user's intended use of the information contained in the graphic representation at the time of the printing of this graphic representation.

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PROJECT NO.	20172822	ATTACHMENT A ILLICIT DISCHARGE LOCATIONS REPORTING PERIOD: 8/1/16 to 1/31/17
DRAWN BY:	DS	
CHECKED BY:	DTP	EPA Consent Decree Swampscott, Massachusetts
FILE NAME:	Compliance Reporting	