



Town of Swampscott Department of Public Works

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March 1, 2018

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 8/1/2017 to 1/31/2018**

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 8/1/2017 to 1/31/2018**

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

CC: Gino Cresta | Town of Swampscott

FROM: David Peterson | Kleinfelder

DATE: March 1, 2018

**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, 2017 through January 31, 2018

Through this reporting period, activities primarily included the construction of Phase 1A and preliminary planning for Phase 1B of the sewer rehabilitation within the Stacey's Brook area. The following report summarizes the activities performed during the Reporting Period.

Construction Summary

Substantial completion of for Phase 1A was issued on October 24, 2017 following the successful execution of the project which finished on schedule and under budget. During Phase 1A, DeFelice Corporation installed 5,898 linear feet of 8" PVC sewer pipe, 2 precast manholes and made repairs to 25 Type 1 under drain manholes. Unforeseen conditions encountered by the Contractor included the removal of approximately 590 cubic yards of ledge, repair of mismarked water services and drain laterals, repair of a home owner's sewer service lateral, and lost time due to unmarked utilities and train tracks beneath the roadway surface.

The base bid contract price for Phase 1A was \$823,250 with an additional unforeseen conditions allowance of \$100,000, which was paid to the contractor in the form of change orders for extra work. The final construction cost for Phase 1A was \$908,377.38.

The final payment requisition will be executed and the as-built record drawings will be delivered to the Town during the next reporting period.



Annual GIS Update

The annual GIS update was completed during the current reporting period and the five maps were submitted to the EPA on February 1, 2018. This GIS update included:

- Incorporating edits of any MS4 or sewer collection system assets that were identified to be missing or misrepresented in the Town's GIS database.
- Updating attributes of sewer features in the GIS database that were replaced, cleaned or repaired

The maps submitted to the EPA included overviews of the sewer collection system, the MS4, water resources, cleaning and repairs performed in 2018, and the remaining planned capital improvement projects.

Phase 1B Bidding and Construction

The budget, schedule and design approach for Phase 1B was discussed between Kleinfelder, the Town and the EPA during the current reporting period. A meeting was held on December 13, 2017 between the Town, Kleinfelder and Neil Handler from the EPA. Discussion points pertaining to Phase 1B included:

- It was agreed that the Town would rehabilitate those Type 2 underdrain manholes that are located within the Phase 1 project area.
- We discussed changing the approach to organizing the scope of work for Phase 1B such that the contractor would perform main line CIPP, lateral CIPP and sewer manhole rehabilitation comprehensively in a specific neighborhood. This "neighborhood approach" is described in more detail below.
- The EPA suggested that the Town has the capacity to increase sewer user rates to facilitate faster implementation of the Stacey's Brook Phase 1 Program.
- Gino Cresta agreed to determine how much budget from the Phase 1A project is available to potentially roll over for Phase 1B. This budget will supplement the capital request that Gino has recommended to the capital improvement committee.

The neighborhood approach is an advantageous design method for Phase 1B for the following reasons:

- A smaller construction footprint will disrupt less residents and motorists.
- Completing the sewer mainline CIPP and service lateral CIPP rehabilitation during the same construction contract is believed to yield a superior end product and less potential for claims made by separate contractors over numerous contracts.
- CIPP rehabilitation of both the mainline and lateral simultaneously reduces the potential risk of defects of the mainline CIPP liner at service laterals not being identified until a later phase of the Project.
- Minimize the amount of locations the contractor is required to mobilize to during the project.



On January 16, 2018 Gino Cresta, Director of Public Works of the Town of Swampscott, sent an email to Neil Handler with a chart summarizing the expenditures related to Phase 1A and indicated that \$300,000 would be available to supplement the \$2,000,000 appropriation he is seeking for Phase 1B from the 2018 May Annual Town Meeting.

Neil Handler responded to email from Gino Cresta on January 19, 2018 and expressed the EPA's preference for the Town to complete the lining of the sewer mainlines and service laterals in the Stacey's Brook Phase 1 project area in the next 3-4 years.

On January 23, 2018, Kleinfelder and the Town met with Mark Ryan, Town Engineer of Norwood, MA, to discuss his experience with the neighborhood approach for CIPP rehabilitation of sewer mainlines and service laterals. The meeting aimed to validate the approach and acquire the knowledge Mark Ryan obtained during the course of the project. Mark Ryan expressed his support of the approach and indicated that it is preferred by installers.

Subsequent to the meetings noted above, the Town has been able to identify an additional \$200,000 to put towards construction, making the total project budget a total of \$2,500,000.

Kleinfelder and the Town have agreed to design and construct the Phase 1B sewer rehabilitation project using the neighborhood approach and complete the design by late spring of 2018. The contract for Phase 1B of construction is expected to be publically bid in the summer of 2018 and construction is expected to start thereafter.

The Town plans to conduct sampling following the completion of Phase 1B to characterize the water quality of the drainage during both dry weather and wet weather conditions.

IDDE Beyond Stacey's Brook

The deadline for the Town to complete the IDDE outside of the Stacey's Brook tributary area in conformance to paragraph 19 of the consent decree is April 1, 2019. During the December 13, 2017 meeting between the Town, Kleinfelder and Neil Handler from the EPA, the Town requested the EPA to relax the deadline to focus its resources to the Stacey's Brook Phase 1 sewer rehabilitation project. Neil Handler was receptive of the request and indicated he would discuss with others at the EPA.

On February 3, 2018 Kleinfelder sent an email to Neil Handler requesting an update regarding the proposition from the Town to push back the completion of the IDDE of the tributary area outside of Stacey's Brook. Kleinfelder reminded Neil that this IDDE program would directly compete with funding for the Phase 1B rehabilitation project. We request a swift determination to advise how to take the next action.

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, and the Scope of Work for the Stacey's Brook drainage area that was submitted to the EPA on 10/26/2015.

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	21000	38%	0	0%	21000	38%	650	1%	0	0%	650	1%
2	Other	95,000	0	0	0	0	0	0	0	0%	0	0	0	0
		TOTAL	21000		0		21000		650		0		650	



d) Listing of Illicit Discharges Verified during Reporting Period

									Total Volume Removed (Gallons)								
									Prior Reporting Periods	181,316							
									Reporting Period	Not quantified							
									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	10/4/2017	110 Paradise Road	Residential	Sewer Service Repair	not estimated	Private contractor replaced sewer service	10/4/2017	unknown	unknown	No	n/a	completed	No	None	n/a		
Sewer Defect	9/11/2017	25 Banks Terrace	Residential	Sewer Service Repair	not estimated	Private contractor made repair to the sewer service	9/11/2017	unknown	unknown	No	n/a	completed	No	None	n/a		
Sewer Defect	9/11/2017	30 Sumner Street	Residential	Sewer Service Repair	not estimated	Private contractor made emergency repair to the sewer service	9/11/2017	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
0	0	6

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

NOTE: 3 inspections were related to sewer repairs, and 3 inspections were related to replacements of existing sewer services.



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 Update	2/1/2018	66
IDDE Scope of Work – MS4 Beyond Stacey’s Brook	9/29/17	18
Bi-Annual Progress Report	9/1/2017	33

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, 2018 through July 31, 2018 the following activities are anticipated:

- Design and bid construction contract for Phase 1B improvements. Depending on the Contractor, construction may begin towards the end of this upcoming reporting period.
- Receive direction from EPA about the schedule for the IDDE in areas not tributary to Stacey’s Brook and then take responsive action.



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

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



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



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PROJECT NO.	20172822
DRAWN:	2/26/2018
DRAWN BY:	DS
CHECKED BY:	DTP
FILE NAME:	Compliance Reporting

ATTACHMENT A	
ILLICIT DISCHARGE LOCATIONS	
REPORTING PERIOD: 8/1/17 to 1/31/18	
EPA Consent Decree Swampscoot, Massachusetts	