



Town of Swampscott Department of Public Works

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March 1, 2019

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 8/1/2018 to 1/31/2019**

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 8/1/2018 to 1/31/2019**

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, Kelly Stevens | Town of Swampscott
Mark Thompson, Cecilia Carmona, Dan Scott | Kleinfelder

FROM: David Peterson | Kleinfelder

DATE: March 1, 2019

**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, 2018 through January 31, 2019

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

Phase 1B Status Summary

The Phase 1B construction contract includes comprehensive sewer rehabilitation in specific neighborhoods in the Stacey's Brook catchment area consisting of cured in place pipe (CIPP) lining of sewer mainlines and laterals, sewer manhole rehabilitation, and split-wall sewer manhole rehabilitation (Type 2 underdrain manholes). The majority of the project scope is the comprehensive rehabilitation of the sewer collection system within the drain catchment that converges at the intersection of Stetson Avenue and Norfolk Avenue. Following the completion of Phase 1B construction, two rounds of wet weather and two rounds of dry weather post construction water quality monitoring will be performed consistent with the Illicit Discharge and Elimination (IDDE) procedure detailed in the Consent Decree between the Town and the US EPA. The wet and dry weather samples will be tested for enterococcus, surfactants, ammonia and chlorine concentrations. The post construction monitoring will be completed in the drainage manhole immediately upstream of the intersection of Stetson Avenue and Norfolk Avenue.



As previously reported, the lowest apparent bidder, Rapid Flow, Incorporated of Revere, MA, submitted a base bid price of \$1,451,094 and an additive alternate bid price of \$147,990 for a total contract bid price of \$1,599,084. Kleinfelder completed reference checks after the bid opening and recommended that the Town award the contract to Rapid Flow, Incorporated. The Town subsequently awarded the contract on August 15, 2018. The Town hosted a preconstruction meeting on September 4, 2018 and the Notice to Proceed was issued on September 18, 2018.

The Town held an informational meeting for the public on October 10, 2018 for residents within the Phase 1B project area. The purpose of the meeting was to present an overview of the project, the project goals, the rehabilitation types, the impacts to residents, notification protocol to residents, the construction schedule and answer questions from residents related to the project.

Rapid Flow did not mobilize until November 27, 2018 due to delays on other on-going projects. Rapid Flow completed all sewer mainline pre-rehabilitation cleaning and assessment between 11/27/18 and 12/21/18 and started cured in place pipeline (CIPP) lining on January 8, 2019. At the conclusion of this reporting period, Rapid Flow completed the CIPP lining of approximately 1,240 linear feet of mainline sewer pipeline. Rapid Flow is scheduled to begin the CIPP lining of sewer laterals on March 11, 2019. The current schedule submitted by Rapid Flow projects an estimated project completion date of June 28, 2019.

Annual GIS Update

The annual GIS maps were submitted to the EPA on January 30, 2019. This GIS update included:

- Mapping edits to MS4 and/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 or repaired.
- Identification of sewer features in the GIS data database that were assessed and/or cleaned.
- Updates to the remaining planned capital improvement projects.

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

Design of Improvements Beyond Stacey's Brook

The original deadline for the Town to design improvements to remove non-stormwater discharges to the MS4 within areas not tributary to Stacey's Brook was April 1, 2019. On November 29, 2018, the Town Administrator, Sean R. Fitzgerald, submitted a written request to Neil Handler for the US EPA to provide written approval to relax the schedule presented in Paragraph 19 of the Town's Consent Decree.

On December 3, 2018, Neil Handler called Dan Scott of Kleinfelder and indicated that the US EPA reviewed the Town of Swampscott Consent Decree Paragraph 19 Extension Request Letter and were agreeable to providing a 1-year extension to the April 2019 deadline. Neil indicated that



following the US EPA's receipt of the Town's overdue NPDES Notice of Intent (NOI), a written 1-year extension to Paragraph 19 of the Town's Consent Decree would be issued. Dan Scott sent an email to Neil Handlers summarizing their phone call on December 3, 2018 and the Town submitted the NOI on December 7, 2018.

On January 3, 2019, Dan Scott of Kleinfelder sent Neil Handler an email requesting an update regarding the written 1-year extension to Paragraph 19 of the Town's Consent Decree. Kleinfelder did not receive a response to this email during the reporting period.

As of the end of this reporting period, no written response has been provided to the Town by the EPA. The Town continues to focus its resources on completing the construction improvements in the Phase 1 project area. However, based on its understanding of the EPA's verbal approval of a schedule extension, the Town is currently developing the scope of work and schedule for fulfilling Paragraph 19 of the Consent Decree by April 2020.

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

No illicit discharges or SSO events were reported during this reporting period and therefore, a GIS map is not provided.



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	181,416							
									Reporting Period	0							
									Cumulative To Date	181,416							
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.		
No Illicit discharges were reported during this period																	



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

No illicit discharges were reported during this reporting period and therefore, a GIS map is not provided.

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
133	1	5

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: 5 inspections were related to the installation of a new sewer service and 1 inspection was due to a sump pump being installed incorrectly.



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	1/31/2019	26
Bi-Annual Progress Report	9/1/2018	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, 2019 through July 31, 2019 the following activities are anticipated:

- Complete the construction of Phase 1B improvements. The Contractor has until June 2019 to complete the construction of the Phase 1B Contract.
- Start post construction Phase 1B wet weather and dry weather water quality sampling for enterococcus concentrations to evaluate measurable changes in stormwater water quality to base line data in the Stacey’s Book drainage catchment.
- Complete planning and execution of IDDE in areas outside of Stacey’s Brook to inform the design required by Paragraph 19 of the Town’s Consent Decree. The findings of the IDDE program will be summarized in a preliminary design report and submitted to EPA during the August 1, 2019 – January 31, 2020 reporting period.



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

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