



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
BOSTON, MA 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert W. Farrar
Interim City Manager
Bangor City Hall
73 Harlow Street
Bangor, ME 04401

Re: **Request for Information Pursuant to Section 308 of the Clean Water Act;
Docket No. 010-308-029**

Dear Mr. Farrar:

This is a follow-up to an April 15, 2010 meeting among representatives of the Environmental Protection Agency ("EPA"), the Maine Department of Environmental Protection ("MEDEP") and the City of Bangor, Maine ("City" of "Bangor") regarding the status of the City's compliance with the 1991 Consent Decree, its Long-Term Combined Sewer Overflow ("CSO") Control Plan and the future direction of CSO control in Bangor to achieve compliance with its MPDES license.

As was noted at the meeting, while the City has completed the tasks in the original CSO control plan, as modified over the years, EPA does not believe that termination of the 1991 Consent Decree is appropriate at this time given that the City has not yet achieved the goals set forth in its MPDES permit and the Clean Water Act for CSO control. We understand that the City agrees that additional CSO projects can still be undertaken, and that the City is in fact planning additional projects. EPA believes that a modification of the 1991 Consent Decree, setting forth a reasonable schedule for identifying and implementing the next phase of long-term CSO abatement projects is the appropriate approach. To that end, we are enclosing a Clean Water Act Section 308 information request outlining the information we believe is necessary for developing a Phase 2 Long-Term CSO Control Plan and for completing a Collection System Capacity, Management, Operation and Maintenance Program Assessment.

Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to determine whether any person is in violation of an effluent standard or pretreatment standard promulgated under the Clean Water Act, 33 U.S.C. § 1251 *et seq.* Under the authority of Section 308, the EPA

hereby requires the City to provide the information requested in **Sections I through V of ATTACHMENT NO. 1 on or before the dates specified.**

Guidance on How to Respond

Please respond separately to each of the questions, referencing each question by number. The response must include copies of all records and information available to the City of Bangor that are referenced in the response.

As part of the response, please complete the enclosed declaration (**ATTACHMENT NO. 2**) and provide a cover letter specifying what documentation has been included in the response to answer each question. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit only one copy of the documentation. The submission must be a self-explanatory, complete response that is dated and signed by an authorized official of the City of Bangor.

Important Information About This Request and the Response

Compliance with this information request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, can result in an enforcement action by EPA pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319, which provides for administrative, civil, and criminal penalties. In addition, any person who knowingly submits false information may be subject to criminal prosecution under 18 U.S.C. § 1001. If information or documents not known or available to the City as of the date of submission of the City's response to this request should later become known or available to the City, the City must supplement its response to EPA. Moreover, should the City find at any time after the submission of the City's response that any portion of the submitted information is false or misrepresents the truth, the City must notify EPA of this fact as soon as possible, and provide a corrected response.

The City may assert a business confidentiality claim with respect to part or all of the information submitted to EPA in the manner described at 40 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means, of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, it may be made available to the public by EPA without further notice to the City. Please note that effluent information may not be regarded as confidential.

As indicated above, all requested information must be submitted **by the dates specified**. Information submitted pursuant to this Section 308 Information Request shall either be sent electronically as a pdf file to hilton.joy@epa.gov and to John.N.True@maine.gov or shall be sent by certified mail and addressed as follows:

United States Environmental Protection Agency
New England Region
5 Post Office Square, Suite 100 (OES04-3)
Boston, MA 02109-3912

Attention: Joy Hilton

and

Maine Department of Environmental Protection
State House Station 17
Augusta, ME 04330
Attention: John True

If you have any questions regarding this information request, please contact Joy Hilton (617-918-1877) of my staff.

Sincerely,

Roger Janson, Technical Manager
Office of Environmental Stewardship

Attachments

cc: John True, MEDEP
James Ring, City Engineer, Bangor, ME
John Murphy, Asst. City Engineer, Bangor, ME
Norman Heitmann, City Solicitor, Bangor, ME
Paul Nicklas, Assistant City Solicitor, Bangor, ME
Brad Moore, Wastewater Superintendent, Bangor, ME

ATTACHMENT NO. 1

With respect to the wastewater collection and treatment facilities owned and operated by the City, provide the following information:

I. Dry-Weather Overflows

By August 15, 2010:

Submit a Dry-Weather Overflow Report. The Dry-Weather Overflow Report shall include the following information for all dry-weather overflows that have occurred since January 1, 2005.

- A. A listing and description, organized chronologically, of all dry-weather overflows, spills, releases, or discharges of raw or partially-treated wastewater to surface waters from the City's wastewater collection system ("Collection System") that occurred at locations at which the City is authorized by its NPDES permit to discharge combined sewer overflows ("CSOs"). The listing and descriptions shall include all such events regardless of cause, including, but not limited to, roots, grease, debris and vandalism blockages as well as mechanical, electrical and structural failures.
- B. For each discharge identified in response to Item I.A., above, submit copies of all notifications, including internal communications such as memos, e-mails, phone logs, police logs, and citizen complaints and external communications such as letters, and e-mail notifications of each overflow, spill, release or discharge of pollutants to surface waters both internal and external, along with the following information:
 1. the location at which the dry-weather discharge occurred;
 2. a schematic of the appurtenant sewer system facilities, including the regulator, if any, designed to control discharges at the location;
 3. the date and time on which the discharge event was discovered and stopped, or if it is continuing, a schedule for its resolution. Include a description of the corrective action and the cost necessary to eliminate the discharge;
 4. the receiving water of each discharge;
 5. the conditions under which the discharge occurred and occurs, including an estimate of the number of dry-weather discharges

annually, the estimated annual volume, and the cause(s) of discharge at the location;

6. a description of efforts made to reduce and/or eliminate the frequency and duration of dry-weather overflow events at the location, including operation and maintenance efforts and construction activities; and
7. the length of time over which the dry-weather discharges have occurred at each location.

C. A listing and description, organized chronologically, of all dry-weather overflows, spills, releases, or discharges of raw or partially-treated wastewater to surface waters from the City's Collection System that occurred at locations for which the City is not authorized to discharge pollutants. The listing and descriptions shall include all such events regardless of cause, including, but not limited to roots, grease, debris and vandalism blockages as well as mechanical, electrical, and structural failures. The listing and descriptions shall include all releases with a reasonable potential to reach surface waters, such as releases to streets or areas with storm drain catch basins. For each such discharge, provide the following information:

1. Copies of all notifications, including internal communications such as memos, e-mails, phone logs, police logs, and citizen complaints and external communications such as letters, and e-mail notifications of each overflow, spill, release or discharge of pollutants to surface waters, for each discharge identified pursuant to item I.C. of this request along with the following information:
 - a. the dates and times on which each discharge event was discovered and stopped, or if it is continuing, a schedule for its remedy;
 - b. the location of all the discharges, supported by a map (see Item No. III.I.) detailing the location of each discharge and the name and location of the receiving water;
 - c. any documentation of the investigations of the discharges listed in a. above, including any monitoring results;
 - d. the condition under which the event occurred, including but not limited to, plugged lines, collapsed pipes, mechanical, electrical and structural failures, and the estimated gallons of wastewater released; and

- e. a description of the efforts made to remedy the discharge and the costs associated with these efforts.

II. Wet-Weather Unauthorized Discharges

By August 15, 2010:

Submit a Wet-Weather Unauthorized Discharge Report. The Wet-Weather Unauthorized Discharge Report shall provide the following information for all wet-weather overflows that have occurred since January 1, 2005.

- A. Provide a listing and description, organized chronologically, of all Collection System overflows, spills, releases, or discharges of raw or partially-treated wastewater to surface waters that have occurred during, or as a result of, wet weather at locations for which the City is not authorized by its NPDES permit to discharge wastewater. The listing and descriptions shall include all such events regardless of cause, including, but not limited to infiltration/inflow, roots, grease, debris and vandalism blockages as well as structural, mechanical and electrical failures. The listing and descriptions shall include all releases with a reasonable potential to reach surface waters, such as releases to streets or areas with storm drain catch basins. For each such discharge, provide the following information:
 - 1. Submit copies of all notifications, including internal communications such as memos, e-mails, phone logs, police logs, and citizen complaints and external communications such as letters, and e-mail notifications of each overflow, spill, release or discharge of pollutants to surface waters, for each discharge identified pursuant to item II.A. of this request along with the following information:
 - a. the dates and times on which each discharge event was discovered and was stopped, or if it is continuing, a schedule for its remedy;
 - b. the location of all the discharges, supported by a map (see Item No. III.I.) detailing the location of each discharge and the name and location of the receiving water;
 - c. any documentation of the investigations of the discharges listed in a. above, including any monitoring results;
 - d. the condition under which the event occurred, including but not limited to, plugged lines, collapsed pipes, mechanical,

electrical and structural failures, and hydraulic overloads and the estimated gallons of wastewater released; and

- e. a description of the efforts made to remedy the discharge and the costs associated with these efforts.

III. Collection System

With respect to the Collection System owned and operated by the City and in conjunction with the above-referenced Wet and Dry-Weather Reports, provide the following information:

By August 15, 2010, unless otherwise noted:

- A. A map(s) of the City's Sanitary Collection System (see Item No. III.I.) identifying any sewer sections, siphons, pump stations and/or force mains at which the City has experienced structural integrity, maintenance, or capacity problems since January 1, 2005. In responding to this item, please consult with the City's staff that is responsible for addressing such problems and provide description(s) of the cause(s) of the problems and the repairs and specific measures that have been, or will be, implemented to address and prevent reoccurrence of these problems at the identified locations. For those measures that will be implemented in the future, provide a schedule for their implementation and estimate the capital and operation and maintenance costs associated with their implementation.
- B. Submit the following: 1) copies of any documents associated with enforcement actions (administrative orders, consent orders, or stipulated judgments, etc.) initiated against the City by the Maine Department of Environmental Protection since January 1, 2005, requiring the City to address any capacity, infiltration/inflow, or maintenance problems in its Sanitary Collection System, 2) copies of all documents submitted in response to these enforcement actions, and 3) an assessment of the City's compliance with each schedule milestone established in these enforcement actions.
- C. Submit a listing of all engineering, preventative maintenance, Infiltration/Inflow ("I/I") or Sewer System Evaluation Survey ("SSES") reports that address any capacity, maintenance, or I/I problems in its Sanitary Collection System that have been prepared by, or for, the City since January 1, 2005. List each recommendation contained in these documents and describe the status of the City's implementation of each recommendation. If the City has failed to implement any specific recommendation of these reports, provide a brief rationale for the decision not to implement the recommendation. For those recommendations that will be implemented in the future, provide a schedule for their

implementation and estimate the capital and operation and maintenance costs associated with their implementation.

- D. Submit copies of all correspondence between the City and the MEDEP issued, or received, after January 1, 2005, concerning any CSO, Sanitary Collection System capacity, maintenance, I/I or SSES issues.
- E. Provide copies of the annual operation and maintenance budget for the Collection System for the last five years, including the current fiscal year.
- F. Provide copies of any reports prepared since January 1, 2005 that assess the adequacy of the City's Collection System and wastewater treatment facility maintenance and operations budgets and the adequacy of the method of financing. Describe the status of City's implementation of each of the recommendations contained in such reports.
- G. Provide a description of all Collection System and pump station maintenance equipment owned by the City including, but not limited to, rolling stock, specialty equipment, safety equipment and spare parts.
- H. Provide a listing of all pump stations located within Collection System supported by a map (see Item No. III.I.) denoting the location of each of the pump stations. In addition, provide the following information:
 - 1. identify any pump station not owned by the City;
 - 2. identify the frequency with which each pump station is inspected;
 - 3. identify which pump stations are equipped with alarms or on-site alternative power; and
 - 4. identify the number of portable generators owned by the City, and the number of pump stations that are served by these portable generators
- I. Provide a map(s) and description of the Collection System that distinguishes combined sewers from separate sanitary sewers, labels each CSO discharge consistent with the City's NPDES Permit, and includes the location of all wastewater conveyance systems, pump stations, force mains and siphons. The map shall clearly depict the size and direction of flow of all combined and separate sanitary sewers. The description shall include, but shall not be limited to:
 - 1. the linear miles of separate sanitary and combined sewers that comprise the Collection System;

2. the linear miles of separate sanitary and combined sewers in the Collection System that were cleaned during each of the last three calendar years, and the linear miles of the Collection System that were televised during each of the last three calendar years; and
3. a description and a diagram of each of the CSO regulator structures, including any modifications made to these structures to maximize wet weather flows to the WWTF and to minimize CSO discharges.

J. Capacity, Management, Operation and Maintenance ("CMOM") Program Assessment

1. **By November 15, 2010**, complete and submit to the EPA, and MEDEP, an assessment of its entire Collection System capacity and its operation and maintenance practices ("CMOM Program Self-Assessment") to determine whether improvements are necessary in order to preserve the infrastructure of the Collection System and to prevent future Sanitary Sewer Overflows ("SSOs"). The CMOM Program Self-Assessment, shall include completing and submitting the Wastewater Collection System Capacity, Management, Operation, and Maintenance Program Self-Assessment Checklist (the "CMOM Program Self-Assessment Checklist"), which is appended along with accompanying guidance (**Attachment No. 3**).
2. **By February 15, 2011**, submit to the EPA, and to the MEDEP, a plan (the "CMOM Corrective Action Plan") that shall include the following:
 - a. A list of any deficiencies identified by the CMOM Program Self-Assessment;
 - b. A list of causes and contributing factors that lead to the SSOs identified in the CMOM Program Self-Assessment Checklist;
 - c. A description of the specific short and long-term actions that the City is taking, or plans to take, to address any of the deficiencies identified during the completion of the CMOM Program Self-Assessment Checklist; and

- d. A schedule for implementation of the CMOM Corrective Action Plan (the “CMOM Corrective Action Plan Implementation Schedule”).
3. **By May 15, 2011**, consolidate all of the City’s Collection System preventative and reactive maintenance programs and Collection System capital improvement plans into a single CMOM Program document. The CMOM Program document shall be maintained at a location that is readily accessible to the City's maintenance staff, and is available for inspection by the EPA and the MEDEP.
 4. **By January 31, 2011, and by each January 31st thereafter until January 31, 2014**, the City shall submit to the EPA and to the MEDEP, an annual report (the “CMOM Program Implementation Annual Report”), detailing the actions taken by the City during the prior calendar year, or known by the City to have been taken by other parties, to resolve the deficiencies identified in the CMOM Corrective Action Plan. The CMOM Program Implementation Annual Report shall also include, at a minimum:
 - a. a summary listing of all SSOs that have occurred during the last calendar year, including Building/Private Property Backups that result from capacity limitations or blockages in that portion of the Collection System owned by the City. The tabular listing shall be organized chronologically and shall include the date and times on which each event was discovered and was stopped, the location by address, the source of notification (property owner, field crew, police), the causes of the event, including, but not limited to infiltration/inflow, vandalism, sediments, roots, grease, mechanical, electrical and structural failures, capacity issues, the measures taken to stop the SSO and to prevent similar SSOs from occurring at the same location in the future, the date of the last SSO that occurred at the same overflow location, and the estimated gallons of wastewater released;
 - b. a description of the measures and programs implemented by the City to resolve any of the deficiencies identified to reduce the frequency, duration and volume of overflows from its Collection System during the previous calendar year including copies of any contracts signed by the City to address any issues identified in the CMOM Corrective Action Plan. The report shall also include a description of the

activities that the City has implemented to measure the effect and success of its efforts;

- c. a description of the type of the City's Collection System mapping (GIS or paper) and the last date the map(s) were updated;
- d. copies of the annual Collection System operation and maintenance budget for the current and previous fiscal year noting the source of the funding, e.g., enterprise fund or general tax rate. Specifically indicate whether a capital replacement fund (sinking fund) has been established to provide for replacement of aging wastewater Collection System infrastructure. Provide the Collection System maintenance staffing levels for the current fiscal year noting:
 - (1) budgeted positions;
 - (2) vacant positions; and
 - (3) a brief description of the responsibilities of each position clearly distinguishing Collection System maintenance responsibilities from responsibilities for the wastewater treatment facility or other public works operations;
- e. a description of any existing or proposed City programs designed to reduce the levels of extraneous flows and fats, oils and grease that are discharged to, or enter, the City's Collection System and the specific measures that were taken by the City under these programs during the past calendar year;
- f. a description of any existing or proposed City easement maintenance programs for locating and uncovering lost or buried Collection System manholes and the specific measures that were taken by the City under these programs during the past calendar year; and
- g. a projection of the measures that will be taken during the current calendar year to resolve any deficiencies identified in the CMOM Corrective Action Plan.

K. **By November 15, 2010**, submit to the EPA and MEDEP a description of the City's standard practices for addressing basement backups including,

but not limited to, the assistance it provides to individual homeowners that report wastewater basement backups, the responsibility for pumping out basements that experience wastewater backups and the protocols followed by any of the City's departments that assist in the pumping of wastewater from basements. The description shall specifically note the ultimate disposition of the pumped wastewater, including whether it is collected and treated (the treatment location shall be provided) or discharged to the ground, street or surface water. The City shall note the differences, if any, in its practices and protocols based upon whether it is determined that the wastewater release occurred as a result of blockages and or capacity restrictions that occurred in publicly- or privately-owned sewers.

IV. Wastewater Treatment Plant

With respect to the wastewater treatment plant owned and operated by the City, provide the following information:

By August 15, 2010:

- A. Submit copies of all engineering evaluations and reports that address any wastewater treatment plant deficiency, capacity, operations and maintenance, or treatment issues that have been prepared by, or for, the City since January 1, 2005. List each recommendation contained in these documents and describe the status of the City's implementation of each recommendation. If the City has failed to implement any specific recommendation of these reports, provide a brief rationale for the decision not to implement the recommendation. For those recommendations that will be implemented in the future, provide a schedule for their implementation and estimate the capital and operation and maintenance costs associated with their implementation.
- B. Submit a description of the standard operating procedures used to manage high flows at the WWTF, referred to as a High Flow Management Plan ("HFMP"). The HFMP must include all measures taken to maximize flows wastewater flows and the level of wastewater treatment provided at the WWTF during wet weather in order to minimize untreated CSO discharges.
- C. Submit copies of all correspondence between the City and the MEDEP issued, or received, after January 1, 2005, concerning any wastewater treatment plant deficiency, capacity, operation and maintenance, and treatment issues.

V. Long-Term CSO Control Plan (LTCP) Update for Phase II CSO Abatement

By May 15, 2011:

- A. Provide the location of all CSO points supported by a map (see Item No. III.I.) and provide the current frequency and volume of activations system-wide and at each overflow point. Provide the bases of these estimates. Also, identify the duration and intensity of precipitation, and other conditions such as melting snow, that have resulted in and are likely to result in overflows at each overflow point.
- B. Provide a list of high priority CSO abatement and sanitary sewer rehabilitation projects that the City plans to implement while preparing the draft Phase II Long-Term CSO Control Plan, including project descriptions and proposed schedules with dates for beginning and completing project design and construction.

By May 15, 2012:

- C. Identify alternatives for CSO mitigation, from elimination to control resulting in 1, 2, or 4 CSO discharge events per year, which are technically feasible. Explain the cost and performance of each alternative with reference to sensitive areas.
- D. Provide a projection of wastewater treatment costs that the City expects to incur through at least the next five years and explain and quantify how these costs, and additional CSO mitigation, would impact user costs.
- E. Prepare and submit to EPA and the MEDEP for review a draft Phase II Long-Term CSO Control Plan ("draft Phase II LTCP"). The draft Phase II LTCP shall conform to the EPA's *Combined Sewer Overflow Policy*, 1994. The draft Phase II CSO LTCP should recommend a plan and a proposed schedule for addressing all remaining CSO outfalls to result in full NPDES permit compliance and compliance with Maine's water quality standards as soon as practicable.

End of Questions

ATTACHMENT NO. 2

Instructions: Complete and Include With Your Response

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of the City of Bangor, Maine. I certify that the foregoing responses and information submitted were prepared by me, or under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Title)

(Date)