



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

BY ELECTRONIC MAIL

Dated as shown on electronic signature

Scott W. Jellison, Chief Executive Officer
The Metropolitan District Commission
555 Main Street
Hartford, CT 06104
sjellison@themdc.com

Re: Clean Water Act Compliance

Dear Mr. Jellison:

On January 18 and 19, 2023, the U.S. Environmental Protection Agency ("EPA") conducted an inspection of the Metropolitan District Commission's ("the District" or "MDC's") to assess compliance with the federal Clean Water Act ("the Act"). As a follow-up to the January 18 and 19, 2023 inspection, and in light of community concerns regarding sewage backups and street flooding in northern Hartford, EPA is seeking information regarding MDC's compliance with the Act.

Please provide responses to the items in Attachment A within 30 days of receipt of this letter. Responses may be provided in an electronic format to EPA at melcher.john@epa.gov and the Connecticut Department of Energy and Environmental Protection ("CT DEEP") at ann.straut@ct.gov.

If you have questions regarding this request, please contact John ("Jack") Melcher, Enforcement Officer at (617) 918-1663 or melcher.john@epa.gov or have your attorney contact Jeff Kopf, Senior Enforcement Counsel at (617) 918-1796 or kopf.jeff@epa.gov.

Sincerely,

JAMES CHOW
Digitally signed by JAMES CHOW
Date: 2023.03.08 17:21:29 -05'00'

James Chow, Acting Director
Enforcement and Compliance Assurance Division

Electronic cc: Jack Melcher, EPA
Jeff Kopf, Senior Enforcement Counsel, EPA
Ann Straut, CT DEEP
Graham Stevens, CT DEEP
Jennifer Perry, CT DEEP
Chris Stone, Counsel, MDC

Enclosures:

Attachment A – Clean Water Act Compliance Request

Attachment A

Clean Water Act Compliance Request

1. Basement Backups Identified by MDC Prior to the Inspection

Prior to EPA’s January 18 and 19, 2023 inspection, MDC provided EPA with a list of 22 addresses and dates on which, according to MDC’s customer complaint records, basement backups had occurred in Hartford due to surcharged sewer mains between August 2020 and late December 2022. Table 1, below, lists these events.

Table 1 - Hartford Basement Backups due to Main Sewer Surcharge

Address	Start Date
44 Standish St	7/8/2021
1 Nahum Dr	7/8/2021
57 Babcock St	7/8/2021
950 Tower Ave	8/19/2021
188 Cleveland Ave	8/19/2021
66 Edgewood St	8/19/2021
1001 Albany Ave	8/19/2021
451 Cornwall St	8/19/2021
530 Prospect Ave	8/19/2021
459 Cornwall St	8/19/2021
303 Hillside Ave	8/19/2021
59 Catherine St	8/19/2021
119 Palm St	8/19/2021
337 Laurel St	8/19/2021
271 Laurel St	8/19/2021
132 Evergreen Ave	8/19/2021
193 Warrenton Ave	8/19/2021
223 Granby St	8/19/2021
433 Garden St	8/19/2021
118 Harvard	9/1/2021
165 Rogers	9/1/2021
59 Woodside Circle	9/1/2021

A. Reporting to CT DEEP

Section 1.B of the National Pollutant Discharge Elimination System permit (No. CT0100251, effective on October 1, 2015) incorporates by reference Section 22a-430-3(k) of the Regulations of Connecticut State Agencies (“RSCA”).¹ Section 22a-430-3(k) of the RSCA (“Bypass”) provides the following:

¹ Available at: <https://www3.epa.gov/region1/npdes/permits/2015/finalct0100251permit.pdf>

(1) The permittee shall not at any time bypass the collection system or treatment facilities or any part thereof unless

(A)

(i) such bypass is unanticipated, unavoidable, and necessary to prevent loss of life, personal injury or severe property damage, and

(ii) there were no feasible alternatives to the bypass, including but not limited to the use of auxiliary or back-up treatment facilities, retention of untreated wastes, stopping the discharges, or maintenance during normal periods of equipment downtime

...

(4) If any bypass occurs or may occur, the permittee shall, within two hours of becoming aware of such condition or need, notify the director during normal business hours (566-3245), and the department's Emergency Response Unit at all other times (566-3338) and submit within five days a written report including the cause of the problem, duration including dates and times and corrective action taken or planned to prevent other such occurrences. ...

For each of the events listed in Table 1, state whether each event was reported to the Connecticut Department of Energy and Environmental Protection as a collection system bypass. For events that were not reported, provide the reason for not reporting.

B. Detailed Information of the Events

i. Average Recurrence Intervals of 2021 Tropical Storms

The District's list of the events in Table 1 provided that July 8, 2021, was the date of Tropical Storm Elsa; August 19, 2021, was the date of Tropical Storm Fred; and September 1, 2021, was the date of Tropical Storm Ida.

Provide duration, intensity, and the average recurrence intervals of the storms associated with the events in Table 1.

ii. District Documentation of Investigation

For each of these events listed in Table 1, provide documentation of the customer complaint received and subsequent investigation by the District.

2. Customer Complaints Not Identified as Basement Backups

Prior to EPA's January 18 and 19, 2023 inspection, MDC provided EPA with a list of 90 addresses and dates (in addition to the 22 addresses and dates listed in Table 1) on which, according to MDC's customer complaint records, customer complaints were received from locations in the City of Hartford, but the event was not categorized as having a main sewer ("M/S") surcharge or blockage. Table 2, below, lists these events.

Table 2 - Hartford Customer Complaints Not Identified as Basement Backups

ADDRESS	START DATE	OTHER - PLS DESCRIBE
131 Beacon St	8/4/2020	M/S OK
246 Capen St	10/13/2020	M/S OK - 37A
500 Farmington Ave	10/13/2020	M/S OK - 37A
641 Farmington Ave	10/13/2020	M/S OK - 37A
71 Scarborough St	10/13/2020	M/S OK - 37A
701 Farmington Ave	10/13/2020	M/S OK
25 Garfield St	11/30/2020	M/S OK 37A LEFT
24 Hammer St	11/30/2020	M/S OK - 37A
248 Hudson St	12/5/2020	M/S OK
211 Sherbrook Rd	12/5/2020	M/S OK
31 Kibbe St	12/5/2020	M/S OK
33 35 Kibbe St	12/5/2020	M/S OK
82 Kenyon St	12/24/2020	M/S OK
61 Goodrich St	12/24/2020	M/S OK
222 Bonner St	12/24/2020	M/S OK
56-58 Oxford St	12/24/2020	M/S OK
29 Lisbon St	4/16/2021	M/S OK
114 Asylum	7/2/2021	GROUNDWATER
248 Hudson St	7/2/2021	GROUNDWATER
156 Cornwall St	7/2/2021	GROUNDWATER
46-48 Sherman St	7/8/2021	GROUNDWATER
105 Girard Ave	7/8/2021	M/S OK 37A LEFT
171 Greenfield St	7/8/2021	M/S OK 37A LEFT
38 Belden St	7/8/2021	NON MDC ISSUE
1400 Park St	7/8/2021	NON MDC ISSUE
487 Broadview Terr	7/8/2021	M/S OK - 37A
678 New Britian Ave	7/8/2021	M/S OK - 37A
86 Bloomfield Ave	8/19/2021	M/S OK
444 Prospect Ave	8/19/2021	M/S OK
73 Allen Pl	8/19/2021	
4 Linnard Rd	8/19/2021	M/S OK
72 Edgewood Rd	8/19/2021	M/S OK
18 Amity St	8/19/2021	M/S OK
1 Lewis St	8/19/2021	M/S OK
47 Litchfield St	8/19/2021	M/S OK
73 Edgewood St	8/19/2021	M/S OK
73 Adams St	8/19/2021	M/S OK
490 Cornwall St	8/19/2021	M/S OK
467 Cornwall St	8/19/2021	M/S OK
280 Sigourney St	8/19/2021	M/S OK
264 South Whitney St	8/19/2021	M/S OK

ADDRESS	START DATE	OTHER - PLS DESCRIBE
439 Cornwall St	8/19/2021	M/S OK
264 Whitney St	8/19/2021	M/S OK
395 Cornwall St	8/19/2021	M/S OK
462 Cornwall St	8/19/2021	M/S OK
171 Greenfield St	8/19/2021	M/S OK
134 Bedford St	8/19/2021	
38 Westminster St	8/19/2021	M/S OK
99 Baltimore St	8/19/2021	M/S OK
420 Lyme St	8/19/2021	M/S OK
45 Harrison PL	8/19/2021	M/S OK
56 Girard Ave	8/19/2021	M/S OK
227 Pembroke St	8/19/2021	GROUNDWATER
25 Ashley St	8/19/2021	
211 Girard Ave	8/19/2021	M/S OK
27 Sargent St	8/19/2021	M/S OK
194 Bonner St	8/19/2021	M/S OK
26 Arlington St	8/19/2021	M/S OK
29 Lincoln St	8/19/2021	
200 Bonner St	8/19/2021	M/S OK
450 Prospect Ave	8/19/2021	STOLEN PIPES
15 Rodney St	8/19/2021	
158 S Whitney St	8/19/2021	M/S OK
262 Hudson St	8/22/2021	M/S OK
369 Granby St	8/22/2021	M/S OK 37A LEFT
1526 Broad St	8/22/2021	M/S OK 37A LEFT
84 Ward St	8/22/2021	M/S OK
158 S Whitney St	8/22/2021	M/S OK
146 Fern St	8/22/2021	M/S OK
98 Bristol St	8/22/2021	M/S OK 37A LEFT
211 Sherbrooke	9/1/2021	M/S OK
73-75 Newton St	9/1/2021	
448 Prospect Ave	9/1/2021	
102 Burlington St	9/1/2021	M/S OK
92 Judd St	9/1/2021	M/S OK
42-44 Brownell Ave	9/1/2021	M/S OK
365 Bellevue St	9/1/2021	
10 Wilbur St	9/1/2021	M/S OK
105 Greenfield St	9/1/2021	
124 Gilman St	10/25/2021	Internal Issue
37 Lorriane	2/4/2022	M/S OK - 37A
98 West Bourne Pkwy	2/4/2022	Basin Covered with leaves

ADDRESS	START DATE	OTHER - PLS DESCRIBE
120 Hebron St	4/8/2022	M/S OK - Utility SVC Rspnd
900-902 Albany Ave	4/8/2022	M/S OK - 37A
146 Kenyon St	4/8/2022	M/S OK - 37A
1993 - 1999 Park St	4/8/2022	Private Drain Issue
21 Sisson Ave	4/19/2022	M/S OK - 37A
109 Blue Hills Ave	6/9/2022	M/S OK - 37A
73 Catherine St	6/9/2022	M/S OK - 37A
525 Hudson St	9/6/2022	GROUNDWATER

For each of these events listed in Table 2, provide documentation of the customer complaint received and subsequent investigation by the District.

3. Customer Complaints from Hartford Customers to MDC

A. Past or Ongoing Outreach Efforts

Describe MDC's outreach efforts since January 1, 2018, to encourage customers to report basement backups in Hartford.

B. Planned Outreach Efforts

Describe MDC's planned outreach efforts to encourage customers to report basement backups in Hartford.

4. Private Property Customer Service Program in Hartford Neighborhoods

For the following items, report on program implementation since January 1, 2018.

For the following items, use the Neighborhood Districts shown on the Hartford Neighborhood Map on the City's website.²

A. Residential and Non-residential Customers by Hartford Neighborhood

i. Number of Residential customers

Provide the number of MDC's residential customers in each neighborhood in Hartford.

ii. Number of Non-residential customers

Provide the number of MDC's non-residential customers in each neighborhood in Hartford.

² Available at: <https://gis1.hartford.gov/images/City%20of%20Hartford%20Neighborhood%20Map24x36.pdf>

B. Private Property Customer Service Programs

i. Back Flow Preventers

a. Description

Provide a description of the District's program to provide backflow preventers to customers in Hartford.

b. Number

Provide the number of customers in each Hartford neighborhood who have received a backflow preventer from the District or has received assistance for installation of backflow preventers.

ii. Foundation Drain and Downspout Redirection

a. Description

Provide a description of the District's program to assist customers with redirection of foundation drains and downspouts from the sewer.

b. Number

Provide the number of customers in each Hartford neighborhood who have received assistance for redirection of foundation drains and downspouts from the sewer.

iii. Lateral Rehabilitation or Replacement

a. Description

Provide a description of the District's program to assist customers with lateral replacement or rehabilitation.

b. Number

Provide the number of customers in each Hartford neighborhood who have received assistance for rehabilitation or replacement of private sewer laterals.

iv. Observation of Contractor Work on Private Laterals

a. Description

Provide a description of the District's program to perform oversight of customers' contractors working on private laterals.

b. Number

Provide the number of customers in each Hartford neighborhood who have received oversight of customers' contractors working on private laterals.

v. Closed-Circuit Television (“CCTV”) Inspection of Laterals

a. Description

Provide a description of circumstances under which MDC performs CCTV inspections of customers’ laterals.

b. Number

Provide the number of customers in each Hartford neighborhood where MDC has performed CCTV inspections of customers’ laterals.

vi. Outreach Efforts

a. Past or Ongoing Outreach Efforts

Describe MDC’s outreach efforts since January 1, 2018, to encourage customers in Hartford to utilize the private property customer service programs.

b. Planned Outreach Efforts

Describe MDC planned outreach efforts to encourage customers in each Hartford neighborhood to utilize the private property customer service programs.

vii. Challenges Associated with the District’s Private Property Customer Service Programs

Provide a description of the challenges the MDC faces that are associated with wider implementation of the District’s private property customer service programs, including the following considerations:

- Are customers ever denied assistance from the private property customer service programs? What are the reasons for denial of such assistance and how many customers have been denied such assistance?
- Do the private property customer service programs have financial or staffing limitations that limit implementation?
- Has the District considered including assistance with maintenance of backflow preventers as part of its program?

viii. Program Changes

Describe all changes that the District anticipates making to its private property customer service programs, including an approximate schedule for program changes.

5. Claims of Damages Due to Basement Backups

For the following items, report on program implementation since January 1, 2018.

For the following items, use the Neighborhood Districts shown on the Hartford Neighborhood Map on the City’s website.

A. Number of All Disputed Determinations

Provide a list of all events of each where MDC took the position that the event was not due to conditions in the sewer main, but the customer has disputed that determination. Identify the Hartford neighborhood for each event.

B. Number of Disputed Determinations Where a Claim was Granted

Provide a list of all events with a brief description of each where the disputed determination was ultimately found in favor of the customer and a claim was granted. Identify the Hartford neighborhood for each event.

C. Determinations Currently Under Dispute

Provide a list of determinations with a brief description of each that are currently under dispute. Identify the Hartford neighborhood for each event.

D. Claims Granted

Provide a list of claims granted with a brief description of each, including the amount awarded for each claim granted to customers. Identify the Hartford neighborhood for each event.

6. Long-Term Control Plan Schedule

A. Northern Hartford Separation

For the following items, “northern Hartford” refers to the Blue Hills, Northeast, Upper Albany, Clay-Arsenal, and North Meadows neighborhoods on the City of Hartford’s Neighborhood Map.

i. Relationship Between Combined Sewers and Basement Backups

Describe the relationship between combined sewers and basement backups in Hartford.

ii. Effect of an Accelerated Schedule on Basement Backups

Describe the extent to which expedited sewer separation in northern Hartford (compared to the schedule approved in the September 2022 Consent Order with CT DEEP) would decrease the likelihood of basement backups in northern Hartford.

iii. Other Projects Needed to Realize Benefits from Separation

Describe whether work elsewhere in the District’s service area (such as the construction of new stormwater outfalls) would be necessary to realize benefits from earlier sewer separation in the northern Hartford neighborhoods.

iv. Other Sources of Inflow in Northern Hartford

Describe whether sources of inflow in addition to private inflow and public right-of-way catch basins (such as area drains) have been identified in northern Hartford and what plans exist for removal of those flows from the system.

B. Construction outside of Northern Hartford Neighborhoods

Describe whether accelerating schedules for completing separation or constructing controls outside of northern Hartford would yield earlier more substantial benefits (such as reducing basement backups) than completing separation in northern Hartford.

C. Funding

Could the District shift its intended use of available resources to complete separation in northern Hartford earlier than planned or would new sources of funding need to be identified to advance the schedule for separation in northern Hartford?

D. Effect of Requested Federal Consent Decree Schedule Change

Describe how the requested changes to the federal Consent Decree schedule for completing the South Hartford Conveyance and Storage Tunnel would impact flows in drainage areas of the collection system serving northern Hartford and related basement backup potential.

7. Storm Water Infrastructure

A. Authority/Legal Obligation

What responsibility does the District have to operate and maintain stormwater infrastructure in Hartford?

B. Stormwater Infrastructure Maintenance

Describe any opportunities for better use of stormwater infrastructure to reduce combined sewer overflows and basement backups caused by conditions in the sewer main.

C. Financial Obligations/Lack of Authority

Describe the extent to which a lack of financial commitment from the City of Hartford or the Town of West Hartford to construct and operate storm drains contributes to any delays in the completion of separation of the combined collection system.

End of Request