



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

Michael Looney, Director
Department of Public Works
550 Main Street
Hartford, CT 06103
michael.looney@hartford.gov

Re: Clean Water Act Compliance

Dear Mr. Looney:

The U.S. Environmental Protection Agency ("EPA") is seeking information regarding the City of Hartford's ("the City's") compliance with the federal Clean Water Act ("the Act"), including the City's Municipal Separate Storm Sewer System ("MS4") and City infrastructure that directs stormwater into the Hartford Publicly Owned Treatment Works, operated by the Metropolitan District Commission ("MDC" or "the District").

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 and the Connecticut Department of Energy and Environmental Protection ("CT DEEP") at the following addresses:

- melcher.john@epa.gov;
- karen.allen@ct.gov
- audra.dickson@ct.gov; and
- ann.straut@ct.gov.

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

Sincerely,

JAMES CHOW Digitally signed by JAMES CHOW
Date: 2023.03.30 14:29:28 -04'00'

James Chow, Acting Director
Enforcement and Compliance Assurance Division

Electronic cc: Jack Melcher, EPA
Jeff Kopf, EPA
Audra Dickson, CT DEEP
Karen Allen, CT DEEP
Ann Straut, CT DEEP
Graham Stevens, CT DEEP
Jennifer Perry, CT DEEP
Mayor Luke Bronin, City of Hartford
Frank Dellaripa, Assistant Director, Hartford Department of Public Works

Enclosures:

Attachment A – Clean Water Act Compliance Request

Attachment A

Clean Water Act Compliance Request

Part I. – Items Applicable to the City’s MS4

The National Pollutant Discharge Elimination System (“NPDES”) Small MS4 General Permit (“Small MS4 GP”) was issued by CT DEEP on January 20, 2016, and became effective on July 1, 2017.¹

The City of Hartford submitted a registration form, signed on March 29, 2017, for coverage under the Small MS4 GP. The City prepared a Stormwater Management Plan, with the registration form attached.²

The City’s draft MS4 Annual Report for its implementation of the Stormwater Management Plan during calendar year 2022 is available on the City’s website.³

A. Identification of Outfalls

The City’s 2017 Stormwater Management Plan states, in Best Management Practice (“BMP”) 3-2, that the City would, by June 30, 2019, develop a list and maps of all MS4 stormwater outfalls in urbanized and priority areas as required by Part 6.a.3.C of the Small MS4 GP. Part (A)(6) of Appendix B of the Small MS4 GP also contains requirements related to MS4 system mapping.

The City’s 2022 MS4 Annual Report states that the status of BMP 3-2 is, “in progress,” with completion anticipated by October 31, 2023.

Provide a description of the status of the City’s efforts to identify MS4 outfalls and complete system mapping required by Part (A)(6) of Appendix B.

Identify how many MS4 outfalls discharge to locations other than into the MDC combined collection system. Identify how many outfalls discharge into the MDC combined collection system.

B. Written Illicit Discharge Detection and Elimination (“IDDE”) Program

The City’s 2017 Stormwater Management Plan states, in BMP 3-1, that the City would, by June 30, 2018, develop a written IDDE program as required by Part 6.a.3 of the Small MS4 GP.

The City’s 2022 MS4 Annual Report states that the status of BMP 3-1 is, “in progress,” with completion anticipated by October 31, 2023.

¹ Available at: https://portal.ct.gov/-/media/DEEP/Permits_and_Licenses/Water_Discharge_General_Permits/MS4gppdf.pdf

² Available at: <https://www.hartfordct.gov/files/assets/public/public-works/public-works-documents/engineering/storm-water-management-plan/2017-hartford-stormwater-management-plan-ms4.pdf>

³ Available at: <https://www.hartfordct.gov/files/assets/public/public-works/public-works-documents/engineering/2022-annual-report/ms4annualreport2022.draft230207.pdf>

Provide a copy of the written IDDE program in its current form and identify any plans to refine or further develop that plan.

C. City Regulations for Construction Site Runoff Control

The City's 2017 Stormwater Management Plan states, in BMP 4-1a, that the City would, by June 30, 2019, implement, upgrade (if necessary), and enforce City land use regulations to control construction site runoff as required by Part 6.a.4.A of the Small MS4 GP.

The City's 2022 MS4 Annual Report states that the status of BMP 4-1a is, "in progress," with completion anticipated by October 31, 2023.

Provide a description of the status of the City's efforts to implement, upgrade (if necessary), and enforce City land use regulations to control construction site runoff.

D. Interagency or Inter-jurisdictional Agreements for Construction Site Runoff Control

The City's 2017 Stormwater Management Plan states, in BMP 4-1b, that the City would, by June 30, 2019, establish interagency or inter-jurisdictional agreements (Memorandums of Understanding (MOUs)) to control the contribution of pollutants between the City's MS4 and MS4s owned and operated by others to control construction site runoff as required by Part 6.a.4.B of the Small MS4 GP.

The City's 2022 MS4 Annual Report states that the status of BMP 4-1b is, "in progress," with no anticipated completion date required.

Provide a description of the status of the City's efforts to establish interagency or inter-jurisdictional agreements to control construction site runoff.

E. Legal Authority and Guidelines Regarding Low Impact Development ("LID") and Runoff Reduction in Site Development Planning

The City's 2017 Stormwater Management Plan states, in BMP 5-1, that the City would, by June 30, 2021, establish legal authority and guidelines regarding LID and runoff reduction in site planning, as required by Part 6.a.5.A of the Small MS4 GP.

The City's 2022 MS4 Annual Report states that the status of BMP 5-1 is, "in progress," with completion anticipated by July 1, 2023.

Provide a description of the status of the City's efforts to establish legal authority and guidelines regarding LID and runoff reduction in site planning.

F. Tracking Projects that Disconnect Directly Connected Impervious Area ("DCIA")

The City's 2017 Stormwater Management Plan states, in BMP 6-6, that the City would, by July 1, 2017, begin tracking the amount of DCIA disconnected each year, as required by Part 6.a.6.B.ii.a of the Small MS4 GP.

The City's 2022 MS4 Annual Report states that the status of BMP 6-6 is, "in progress," with an anticipated completion date of July 1, 2024.

Provide a description of the status of the City's efforts to track the amount of DCIA disconnected each year, including a description of whether the City has met the Small MS4 GP requirements related to DCIA disconnection. If the City has not met those requirements, describe the City's plans to meet its DCIA disconnection obligations.

G. Operation of Independent Storm Drains

Part 6.a.6.D.ii of the Small MS4 GP requires cleaning of catch basins to ensure that no catch basin at any time will be more than 50 percent full. How many employees does the City assign to maintaining catch basins that are not tributary to the MDC combined collection system and what portion of their time is spent on performing that function?

How often does the City inspect and clean catch basins that are not tributary to the MDC combined collection system? Provide the total number of catch basins cleaned by the City and total volume or mass of material removed from all catch basins that are not tributary to the MDC combined collection system in 2022.

H. Construction of New Stormwater Infrastructure

1. New Stormwater Infrastructure to Address Flooding

Identify land areas that the City has concluded are subject to flooding because of a lack of functioning stormwater infrastructure and what steps the City has taken and will take to address that flooding.

2. Previously Separated Combined Sewers

Identify any stormwater infrastructure that was created by MDC as part of combined sewer system separation and subsequently transferred to the City's ownership.

3. Future Separation of Combined Sewers

Describe the City's understanding of its obligations to receive transfer of stormwater infrastructure created by the separation of combined sewers.

Part II. Items Applicable to the City's Discharges into the Hartford Publicly Owned Treatment Works

The NPDES Permit authorizing certain discharges from the Hartford Publicly Owned Treatment Works ("POTW") (No. CT0100251) was issued by CT DEEP on September 29, 2015, and became effective on October 1, 2015.⁴ Stormwater runoff from many of the City's streets flow into the Hartford POTW and then is ultimately discharged from the Hartford Water Pollution Control Facility or from Combined Sewer Overflow outfalls.

⁴ Available at: <https://www3.epa.gov/region1/npdes/permits/2015/finalct0100251permit.pdf>

A. Street Sweeping

The City's 2022 MS4 Annual Report states, in BMP 6-9, that the City sweeps all residential roadways twice per year.

1. Non-Residential Sweeping Frequency

Provide a description of the City's practices for sweeping non-residential streets, including commercial and industrial areas.

2. Adequacy of Sweeping Frequency

Provide a description of the City's process for determining the appropriate sweeping frequency for a given street and its program to evaluate the efficacy of its street sweeping program.

B. Catch Basin Cleaning

The City's 2022 MS4 Annual Report states, in BMP 6-10, that the District manages catch basin cleaning within the City.

Provide a description of the City's understanding of why the District cleans catch basins within the City. Provide copies of any Agreements, Contracts, etc. between the City and the District regarding obligations related to maintenance of catch basins.

How many employees, if any, the City assigns to maintaining catch basins that are tributary to the MDC combined collection system and what portion of their time is spent on performing that function?

How often has the City inspected and cleaned catch basins that are tributary to the MDC combined collection system?

End of Request