



REGION 1

BOSTON, MA 02109

March 20, 2024

BY ELECTRONIC MAIL

Chris Hayes, Director
Department of Public Works
550 Main Street
Hartford, Connecticut 06103
christopher.hayes@hartford.gov

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

Re: Municipal Separate Storm Sewer System Discharges in Hartford

Dear Mr. Hayes and Mr. Jellison:

The U.S. Environmental Protection Agency ("EPA") is pleased to offer mediation services to facilitate agreement in the form of a Memorandum of Understanding ("MOU") or other interagency agreement that will delineate shared stormwater management responsibilities between the Metropolitan District Commission ("MDC") and the City of Hartford ("City"). The lack of such an agreement has led to a longstanding difference of opinion between MDC and City on who is responsible for maintaining city streets, storm drains, catch basins, and other critical stormwater assets that are necessary to allow roadways to drain and carry stormwater effectively away to receiving waters. EPA contends that this disagreement has led to inadequate implementation of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems ("MS4 GP") in Hartford, contributing to flooding issues in Hartford, resulting in harm to businesses and residents throughout the City.

Through mediation, EPA hopes to bring MDC and the City together to discuss their differences and reach consensus on an interagency agreement for shared stormwater management, allowing each entity to develop a Stormwater Management Plan that describes its responsibilities under the Connecticut Department of Energy and Environmental Protection ("CT DEEP's") 2023 MS4 GP or another National Pollutant Discharge Elimination System permit. Mediation will require a significant commitment of time and energy, open-mindedness, and a desire for the parties to engage in good faith. EPA and CT DEEP anticipate participating in a limited fashion, as needed, to answer regulatory questions. As such, the results and utility of this proposed mediation will depend on the commitment

of both MDC and the City to resolve their disputes in the best interest of the parties. EPA expects that resolution can be reached quickly with everyone's full engagement.

Region 1 is working with EPA's Conflict Prevention and Resolution Center ("CPRC") to retain a mediator, and we expect the mediator to reach out to you shortly to begin the process. More specifically, we estimate that a mediator will look to schedule introductory meetings in mid-April, followed by separate caucuses with the mediator and a joint session in May. Although EPA is offering to fund this mediation process, our funding is not without limitation, and we hope to conclude this services contract by the end of June 2024. Please note that deliberations held during the mediation process will be treated as confidential.

While we are pleased to offer this opportunity to work with a mediator to resolve differences in opinion between MDC and the City and to aid in establishment of an MOU between the parties, if significant progress is not made by or before the end of May 2024, EPA will consider all its enforcement options, including potentially taking judicial actions requesting specific injunctive relief, to address noncompliance with the Clean Water Act and the 2023 MS4 GP.

Thank you for your consent to participate in what we hope will be a productive and mutually beneficial mediated discussion between the parties and agreement to ensure compliance with the state's stormwater permit.

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, Deputy Director
Enforcement and Compliance Assurance Division

cc: Emma Cimino, CTDEEP
Douglas Cohen, Counsel, City of Hartford
Audra Dickson, CT DEEP
Jeff Kopf, Senior Enforcement Counsel, EPA
Cindy Lewis, EPA
Jack Melcher, EPA
Nisha Patel, CT DEEP
Jennifer Perry, CT DEEP
Graham Stevens, CT DEEP
Chris Stone, Counsel, MDC
Carol Tucker, EPA