neponset stormwater partnership

Summary of Email Correspondence between Newt Tedder and Ian Cooke re IDDE Issues

2/6/19

Cooke: I'm assuming that a town will NOT be penalized by EPA it their SWMP says that they "may" or "might consider" doing something as part of their IDDE program that's not strictly required by the permit, and then they ultimately don't do that thing. For example, our IDDE plan says that the town "may consider" sampling a suspicious outfall even if they don't own it. Am I right in assuming that in these situations they will not be penalized for deciding to not do the non-required action?

Tedder: The permittee is responsible for adhering to permit terms, not adhering to what they put in the SWMP

Cooke: Appendix G Have noticed some errors in the table in Appendix G that indicates what parameters should be tested and by what methods when there are impaired waters involved. Am I right in thinking that 40 CFR 136 trumps whatever is listed in Appendix G? In other words, towns should be able use any applicable method listed in 40 CFR 136 for a given parameter even if its missing from Appendix G? Does this include methods listed in 40 CFR 136 other than EPA methods and standard methods (i.e. usgs methods)?

Tedder: 136 will take precedence over the methods listed in appendix G. thanks for pointing out the issues, in hindsight putting methods in that table was a bad idea because its always out of date

Cooke: Also in Appendix G, if a stream is impaired for Fecal Coliform (an "outdated" indicator of primary/secondary recreation) do you have to test it for Fecal Coliform? Or would the results of an E. coli test be sufficient?

Tedder: I would suggest you add a statement to your IDDE plan that you will be using E.coli or entero as a surrogate for FC and cite permit part 2.3.4.6. allowing a permittee to identify parts of the procedure that are not applicable

Cooke: Just wanted to clarify the definition of illicit discharge...Am I right in thinking that illicit discharges can be solids as well as liquids? i.e. someone putting trash, granulated fertilizer or a dog poop bag in a catch basin is an illicit discharge?

Also am I right in thinking that something discharged onto pavement that only reaches the catch basin later when it rains is NOT an illicit discharge? For example, if dumpster "juice" is spilled on the pavement on a sunny day but is not sufficiently voluminous to flow into the catch basin, that is NOT an illicit discharge? Dog poop left on the pavement but not put into the catch basin even if a large quantity is not

an illicit discharge right? Soil left on pavement on a sunny day after a utility repair (of less than 1 acre of disturbance) is not an illicit discharge?

Lastly, taking this argument to its logical extreme...it's raining out, and someone pours a liquid or solid waste on the ground 3 feet from a catch basin, knowing that the rain is going to wash it into the catch basin?

Tedder: An illicit discharge is any discharge to a municipal separate storm sewer that is not composed entirely of stormwater. So solid waste or liquid waste can be an illicit discharge. You can think of it as something that should not be in stormwater so dumpster juice sitting on the pavement that gets flushed into a CB would be an illicit discharge and would need to be removed (or contained) so this discharge of pollutants does not happen during rain events, same would go for that cup of gross someone is pouring out. Bottom line, id doesn't have to be physically poured or placed by someone into a pipe to be an illicit discharge.

Cooke: Fixing System Vulnerability Factors…Also just wanted to clarify whether there is an obligation to correct certain kinds of system vulnerability factors that may be discovered during catchment investigation and if so on what time frame. For example...town discovers a combined sewer / drain manhole where the two flows are separated by a weir wall, or a dual invert sewer manhole where surcharge will bypass to the drain system, BUT their dry weather and wet weather screening looks OK. Clearly with enough sewer inflow these will result in an SSO but we don't know how big that storm has to be and there is no evidence it actually has resulted in an SSO. Clearly it would be a good idea to correct something like this but are they required to fix it, and if so on what timeline?

Tedder: If you find such a situation that does discharge during storm events that would be an illicit source and technically an SSO. Part 2.3.4.4 says: Upon detection of an SSO the permittee shall eliminate it as expeditiously as possible and take interim mitigation measures to minimize the discharge of pollutants to and from its MS4 until elimination is completed

Cooke: Wet Weather Outfall Screening…For purposes of wet weather outfall screening, what water quality test criteria should communities be using to as indicators of sewage contamination? The same as for dry weather?

Tedder: Same as dry weather

Cooke: Wet Weather Catchment Investigation…For catchments with system vulnerability factors, am I right in thinking that both wet weather outfall screening AND wet weather inspection/sampling of at least key junction manholes (if any) is required?

Tedder: yes

Cooke: Clarification on Junction Manholes…I understand that if a catchment has no junction manholes, you don't inspect any manholes during catchment investigation and just use the outfall results. I also understand that if a catchment has "key" junction manholes (i.e. those receiving flow from at least one junction manhole and one branch), that the key junction manholes need to be tested. But if a system has only one junction manhole, do you need to inspect that manhole or does the outfall screening count as the catchment investigation? The attached sketch may (or may not!) clarify this question.

Tedder: That 1 junction would be the key junction for that catchment