

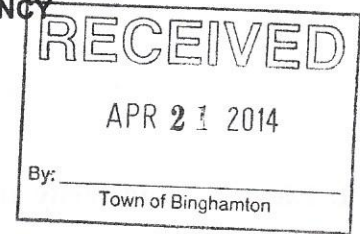


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY

NEW YORK, NY 10007-1866

APR 15 2014



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7005 3110 0000 5966 1710

Supervisor Tim Whitesell
279 Park Avenue
Binghamton, New York 13903

Re: **Administrative Order CWA-02-2013-3001**
Town of Binghamton Municipal Separate Storm Sewer System (MS4)
SPDES Permit No. NYR20A009

Dear Supervisor Whitesell:

On April 8, 2014, the United States Environmental Protection Agency ("EPA") received the Town of Binghamton's March 31, 2014 submittal required by Administrative Order ("Order") CWA-02-2013-3001 issued on December 18, 2012. EPA has reviewed the Town of Binghamton's ("Town") submissions and our response is summarized below and numbered according to the associated Ordered Provisions in CWA-02-2013-3001.

D.2.iii Immediately map, and submit to EPA, the preliminary boundaries of the storm sewersheds of the Town's urbanized area, and any additionally designated area within the Town's jurisdiction, as required by Part VII.A.3.b.ii of the Permit.

In the Town's March 31, 2014 submittal, the Town states that while it has some GIS information, considerable field work and mapping still remains to be done. Therefore, the Town requests a significant time extension to complete the storm sewer mapping.

EPA Response: Unsatisfactory

EPA cannot grant a significant time extension as it has been four years since the permit deadline of March 9, 2010. As a reminder, the Town is not required to map the complete storm sewer system. The Permit only requires that the *preliminary boundaries* of the storm sewershed be determined and mapped (Part VII.A.3.b.ii). The definition for storm sewershed is found in Part X of the Permit which states "the catchment area that drains into the storm sewer system based on the surface topography in the area served by the storm sewer. Adjacent catchment areas that drain to adjacent outfalls are not separate storm sewersheds."

Therefore, the Town's request for a significant time extension to complete the storm sewer mapping is not granted. Please provide EPA with a reasonable timeframe as to when the Town expects to complete and submit a map that identifies the **preliminary boundaries** of the Town of Binghamton's storm sewershed.

- D.2.iv **Field verify outfall locations, as required by Part VII.A.3.c of the Permit.**
- D.2.v **Conduct an outfall reconnaissance inventory ... addressing every outfall within the urbanized area and additionally designated area within the Town of Binghamton, as required by Part VII.A.3.d of the Permit.**

In the Town's November 22, 2013 submittal, the Town stated outfalls had been field verified and the outfall reconnaissance inventory had been completed for all outfalls. However, the only documentation forwarded to EPA were copies of outfall inspection forms.

EPA Response: Incomplete

It is not clear if the outfall inspection forms previously submitted also documented the Town's field verification efforts and the outfall reconnaissance inventory activities. If the Town utilized other forms to document these efforts, please forward those forms.

- D.2.vii **Develop and submit to EPA and NYSDEC, a program to detect and address non-stormwater discharges, including illegal dumping to the Town of Binghamton. The program must include: procedures for identifying priority areas of concern (geographic, audiences, or otherwise) for the illicit discharge detection and elimination program; description of priority areas of concern, available equipment, staff, funding, etc..., as required by Part VII.A.3.g of the Permit. Program shall be implemented and enforced upon EPA approval.**

The Town's consulting engineer e-mailed Ms. Christy Arvizu of my staff on February 12, 2014 seeking clarification on EPA's comments identified in its January 6, 2014 letter. In response, Ms. Arvizu provided clarification and additional guidance on February 18, 2014. A copy of the correspondence between the Town's consulting engineer and Ms. Arvizu was included with the Town's submittal. As a result of the correspondence between Ms. Arvizu and the Town's consulting engineer, the Town stated that it would consider smoke testing or televising of pipelines if determined necessary during a trackdown procedure.

EPA Response: Substantially complete

Please update the SWMP Plan to ensure that smoke testing and televising of pipelines are included in the Town's illicit discharge detection and elimination procedures. In addition, EPA recommends that the Town update its SWMP Plan to fully include all recommendations highlighted in Ms. Arvizu's February 18, 2014 e-mail, as appropriate.

- D.2.ix **Adopt and enforce a law, ordinance, or other regulatory mechanism requiring a Stormwater Pollution Prevention Plan ("SWPPP") for each applicable land disturbing activity that includes erosion and sediment controls that meet the State's most current technical standards, as required by Part VII.A.4.a.iii of the Permit.**

D.2.xv Perform a self assessment of all municipal operations addressed by the SWMP to determine sources of pollutants and identify the municipal operations and facilities that will be addressed by the pollution prevention / good housekeeping program, as required by Part VII.A.6.a.ii of the Permit.

D.2.xvi Develop and submit to EPA and NYSDEC, management practices, policies, procedures that will be developed and implemented to reduce or prevent the discharge of (potential) pollutants, as required by Part VII.A.6.a.iii of the Permit. Management practices, policies, procedures shall be implemented after EPA approval.

The Town forwarded copies of self assessment forms which identified potential pollutants and best management practices or standard operating procedures to be implemented for the following locations: Materials Stockpiling, Water and Sewer System Construction, Erosion & Sediment Control, Building Maintenance, Lawn Mowing/Maintenance, Materials Storage, Sweeping/Sweeper, Roadway Salting/Sanding, Chemical Storage, Roadway Maintenance, Vehicle/Equipment Maintenance (Truck Inspection), Vehicle Fluid Storage, Salt and Salt/Sand Storage, Vehicle Fueling, and Vehicle/Equipment Washing.

EPA Response: Complete

D.2.xvii Develop and submit to EPA and NYSDEC, an employee pollution prevention and good housekeeping training program that ensures employee training is provided to staff and utilized as required by Part VII.A.6.a.vi of the Permit. Program shall be implemented upon EPA approval.

The Town submitted a training program that identified specific program elements to be taught, who was to be trained in different elements, and the frequency of training. In addition, the Town provided training dates and sign-in sheets for the following program elements: Erosion and Sediment Control, Vehicle Fueling, Vehicle/Equipment Maintenance, Salt/Sand Storage, Roadway Salting/Sanding and Vehicle Fluid Storage (1/14/2014); Sweeper/Sweeping (3/23/14); and DEC Certification for Erosion and Sediment Control (4/3/2013).

EPA Response: Complete

D.2.xviii Submit bi-monthly progress reports to EPA and NYSDEC outlining all activities undertaken and costs associated with compliance with this Order until final compliance is achieved.

The Town's March 31, 2014 letter provided a response to EPA's January 6, 2014 letter and served as a partial progress report. The letter did not include costs associated with compliance with the Order. To date, the Town has not submitted costs associated with compliance with the Order since it was issued on December 18, 2012.

EPA Response: Unsatisfactory

Immediately with the next bimonthly progress report due **May 31, 2014**, the Town must include a progress report on all items that it is currently still working on (e.g. those items that have not been

- D.2.xi Adopt and enforce a law, ordinance, or other regulatory mechanism requiring post construction runoff controls from new development and re-development projects to the extent allowable under State law that meet the State's most current technical standards, as required by Part VII.A.5.a.iii of the Permit.**

The Town stated that the Code Book will be updated in the next 60 days.

EPA Response: Once the Code Book is updated, please inform EPA that it is updated and forward the proper citation for the Stormwater Runoff Law.

- D.2.xiv Implement appropriate Best Management Practices ("BMPs") in accordance with Part VII.A.6.a.i of the Permit:**
- a. Implement wash water containment BMPs at the Town Highway Garage**
 - b. Implement salt storage containment BMPs at the Town Highway Garage.**
 - c. Establish containment BMPs for the soil and stockpiles located adjacent to the bank of the West Fork to the Little Snake Creek.**
 - d. Implement BMPs that ensure protection against discharges from deicing product into the West Fork to the Little Snake Creek.**

Submit a written summary of actions, including photographs, taken for each required item to EPA.

- a. The Town stated it has completed a preliminary investigation and determined that isolating and dedicating one of the garage bays for wash water containment is feasible. The Town is currently working on a plan and cost estimate to accomplish this. In the interim, the Town is limiting washing of vehicles and equipment and utilizing an area where wash water is diverted into a lawn area away from Little Snake Creek.
- c. The Town stated that its silt fence checklist form has been revised to bi-weekly and weekly during rainy periods.

EPA Response: Ongoing updates required

Please provide estimated timeline for anticipated completion of plan to dedicate a garage for use as a wash bay. When will the plan be complete? When does the Town anticipate the garage will be ready for use?

Please provide a map showing the location of the interim wash area. The map should also indicate direction of wash water flow.

Please provide an update on the status of the Town's application for a Round 11 Water Quality Improvement Project Grant to finance construction of a salt/sand storage shed. In addition, please provide an update on the Town's contract with an engineering firm for a survey and site map of the facility. Has the survey and site map been completed? If so, please forward a copy of each to EPA.

identified as "Completed" by EPA). The progress report must also include a breakdown of all costs expended by the Town as a result of compliance with the Ordered Provisions. Costs may include manpower time, materials, labor, consultants, etc.

Please provide the requested information by **May 31, 2014** when the Town's required bi-monthly progress report is due.

If you have any questions regarding this Order, please contact me at (212) 637-4244 or Christy Arvizu of my staff at (212) 637-3961 or via e-mail at arvizu.christy@epa.gov.

Sincerely,



Douglas McKenna, Chief
Water Compliance Branch

- cc: Joseph DiMura, NYSDEC
Joseph Zalewski, NYSDEC Region 7
Julie Melancon, NYSDEC, Region 7 (electronic copy)