



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY
NEW YORK, NY 10007-1866

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CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Article Numbers: 7016 1370 0001 3671 1040 - 7016 1370 0001 3671 1057

Jack Lipsett, City Administrator
City of Gloucester
512 Monmouth Street
Gloucester City, New Jersey 08030

Eric G. Fooder, Director
City of Gloucester, Department of Utilities
512 Monmouth Street
Gloucester City, New Jersey 08030

Re: **Administrative Docket No. CWA-02-2015-3007**
City of Gloucester Municipal Separate Storm Sewer System (“MS4”)
NJPDES ID No. NJG0149497
Clean Water Administrative Compliance Order

Dear Messrs. Lipsett and Fooder:

On October 16, 2018, the United States Environmental Protection Agency (“EPA”) received a copy of the Stormwater Pollution Prevention Plan (“SPPP”) from Consulting Engineer Services (“CES”) on behalf of Gloucester City (“City”) in response to Ordered Provision C.2.m. Our response is summarized below.

C.2.m Update and submit to EPA and NJDEP a revised Stormwater Pollution Prevention Plan (“SPPP”) that incorporates additional Statewide Basic Requirements, best management practices, and other changes required by the renewal of the Tier A Municipal Stormwater Permit in accordance with Part I.E.2.a.i of the Permit. Revised SPPP to be implemented upon EPA approval.

The City’s consulting firm forwarded a copy of a revised SPPP dated October 2018 and signed by Marie Baaden, P.E. and Jarod Thomas, P.E.

EPA Response: Acknowledged; additional clarification requested.

The EPA has reviewed the City’s SPPP and has the following comments:

1. *Overall SPPP*

- a. There is no indication or reference in the SPPP with regard to shared or contract services and/or relying on another entity to satisfy one or more of the Tier A MS4 permit conditions (see Parts IV.F.1.a.ii and IV.B.1.c of the Permit). The EPA is aware based on prior communication with the City that a consulting engineering firm has assisted the City with developing its SPPP, as well as review of the SPPP which indicates that the consulting engineer is involved with other aspects of the City’s overall stormwater management program. It is not wholly clear to the EPA if the consulting engineering firm will still be engaged by the City in developing and/or implementing the City’s stormwater program moving forward. If so, this should be documented in the SPPP.

Internet Address (URL) ☐ <http://www.epa.gov>

- b. The SPPP does not completely outline measurable goals, implementation schedules, recordkeeping and other requirements outlined in Attachment A of the Permit for each of the required Statewide Basic Requirements (see Part IV.F.1.a.iii).
2. *Public Involvement and Participation, including Public Notice*
- a. SPPP Form 2 states that the SPPP and Municipal Stormwater Management Plan (“MSWMP”) have been posted on the City’s website. EPA was unable to find the SPPP and MSWMP online, but did find Chapter 71 of the City’s Code Book which included most of the ordinances (with the exception of the private storm drain retrofitting ordinance). The City is required to indicate in its SPPP how it will make the SPPP, MSWMP, and ordinances available to the public and post each on the website (see Part IV.B.1.b). EPA recommends that the City include the applicable links to the SPPP, MSWMP, and ordinances in the SPPP. In addition, please forward the links for each to the EPA no later than **January 18, 2019**.
3. *Local Public Education and Outreach*
- a. The SPPP does not describe the City’s program for advertising its public involvement program pertaining to education and outreach activities (see Part IV.B.2.c). While this deadline is not until January 1, 2019, the City should revise its SPPP to ensure that its program meets the NJDEP Tier A MS4 permit requirement.
4. *Pollution Prevention/Good Housekeeping – Community Wide Measures*
- a. SPPP Form 13 appears to have contradictory statements. The first portion seems to indicate that all catch basins are inspected annually and maintained. If there is no debris, trash or sediment observed in the catch basin, it will not be cleaned. The second portion goes on to state that all catch basins will be cleaned at least yearly, even if they were found to be clean the year before. EPA recommends that the City streamline this section to clearly state its intent and commitment regarding catch basin cleaning.
5. *Pollution Prevention/Good Housekeeping – Municipal Maintenance Yards and Other Ancillary Operations*
- a. The SPPP included an inventory list identifying categories of waste materials or by-products and machinery and fuels that are stored at the Maintenance Yard. It is not clear if the City evaluated the Water Works yard to identify whether or not there are any materials or machinery located at the Water Works that could be a source of pollutants in a stormwater discharge (see Part IV.B.5.c/Attachment E). The EPA is aware that the City does not conduct maintenance activities at the Water Works facility based on earlier communications. However, the purpose of the inventory is to identify any and all materials or machinery that could be a source of pollutants (e.g. aggregate material and construction debris, yard trimmings and wood waste, machinery stored outside, etc.). Please review and respond to the EPA no later than **January 18, 2019**.
6. *Pollution Prevention/Good Housekeeping – Training Program*
- a. SPPP Form 17 outlines training frequencies and indicates that training will either take place within 3 months for new employees or once every two years. The EPA has reviewed the City’s training program and observed that while most of the training outlined in that section is required at least once every two years, there are a few exceptions (see below):
- Part IV.B.5.d.v – Maintenance Yard Operations (including Ancillary Operations)
 - Part IV.B.5.d.viii – Stormwater Facility Maintenance

Furthermore, Part IV.B.5.d.x, also requires that general training take place on the SPPP (including recordkeeping) annually, as well as any detailed training applicable to an employee's title and duties.

No later than **January 18, 2019**, the City must submit a revised SPPP Form 17 which reflects an updated training program that is consistent with the NJDEP Tier A MS4 Permit requirements, and includes training on the SPPP and applicable recordkeeping requirements.

7. *Stormwater Facilities Maintenance*

- a. SPPP Form 13 outlines the types of stormwater facilities the City has within its jurisdiction (catch basins, storm drains and swales) and the City's plans to inspect annually to ensure proper function pursuant to Part IV.C.1.a. It appears there are no structural post construction controls owned or operated by the City based on the inventory identified by the City. The EPA has the following questions for the City:
 - i. Has the City evaluated all stormwater management measures to ensure that it has accurately captured its universe?
 - ii. If there are structural controls, the City must develop a program that outlines how it will ensure proper operation and maintenance (*e.g.* inspection frequencies, procedures that will be taken when deficiencies are identified, checklists or forms that will be utilized to document the City's efforts, etc.).
 - iii. SPPP Form 13 referenced a "Stormwater Facility Maintenance Log." EPA recommends this form be evaluated to ensure that it includes all of the information required by the NJDEP Tier A MS4 Permit.
- b. With respect to ensuring long-term cleaning, operation and maintenance of all stormwater facilities not owned or operated by the City, SPPP Form 13 states that the City will periodically inspect private stormwater BMPs to confirm compliance with the site's stormwater maintenance plan. The EPA has the following questions:
 - i. EPA recommends the City further define periodic since periodic is not a specified time frame. The EPA noted that on p. 8 of the SPPP narrative, the City stated that inspections would be done annually. If this is to be the case, EPA recommends replacing "periodic" with annual as to be consistent.
 - ii. It is not clear what the City's overall process is for ensuring long-term operation and maintenance of private stormwater facilities beyond periodic inspections. How will inspections be conducted, and by whom? How will inspections be documented? If issues are found during the inspections, what actions will be taken to resolve the deficiencies? If compliance is not achieved within a certain amount of time, what is the City's enforcement escalation plan?

No later than **January 18, 2019**, the City must submit a revised SPPP Form 13 which reflects an updated long-term cleaning, operation and maintenance program for both municipal and private stormwater facilities that is consistent with the NJDEP Tier A MS4 Permit requirements.

The EPA also notes that SPPP Form 12 includes a section titled "Road Erosion Control Maintenance." Based on the EPA's research, the "Road Control Erosion Maintenance" requirement was originally part of the first Tier A MS4 permit issued in 2004. The requirement was not carried over into the subsequent permit which was the 2009 Tier A MS4 Permit, nor the current Permit. Therefore, the City is not required to address it in its SPPP.

The NJDEP has also recently published an updated “*Tier A Municipal Stormwater: Guidance Document*” on its website (https://www.nj.gov/dep/dwq/tier_a_guidance.htm) that the City may find useful. Also available on NJDEP’s website is an updated SPPP Template form (https://www.nj.gov/dep/dwq/tier_a_forms.htm).

If you have any questions, please contact Justine Modigliani, Compliance Section Chief at (212) 637-4268 or Christy Arvizu at (212) 637-3961 or via e-mail at arvizu.christy@epa.gov.

Sincerely,



Douglas McKenna, Chief
Water Compliance Branch

cc: Richard Paull, Director, Water and Land Use Enforcement, NJDEP
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