



United States Environmental Protection Agency
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JAN 22 2015

Stephen H. Burns, Town Manager
Town of York
186 York Street
York, ME 03909-3912

Re: Response to Town of York Proposed Plan for Continued Investigations

Dear Mr. Burns:

The U.S. Environmental Protection Agency ("EPA") received a letter dated October 27, 2014 ("Letter") regarding the Town of York's (the "Town's") proposed plan for continued investigations in each of the areas visited by EPA during a July 16, 2014 MS4 sampling inspection.

The Letter states the Town plans to deploy optical brightener traps for a 7 day period at the following locations: (1) in the section of pipe between areas identified as "OSA1" and "LS04", (2) a key location indicated by the Town which represents flow originating from Nubble Point discharging from "LS03", (3) "LS03A", (4) "LSR1", (5) "SS01-PL", and (6) "SS01-SS". Based on experience to date, EPA believes optical brightener analysis is of limited use as proposed. Optical brightener "traps" are susceptible to numerous interferences, have unknown detection limits, and overall produce data of poor quality. EPA developed a protocol (EPA New England Bacterial Source Tracking Protocol) for MS4 outfall investigations which was provided to the Town in EPA's September 26, 2014 letter as well as a March 2014 meeting. EPA has found this method to be effective to detect non-stormwater discharges within MS4s and small tributaries. In addition, EPA would like to point out that not all illicit discharges are direct plumbed sanitary connections to the storm drain system. In many cases, cracks or other defects in the sanitary system allow sanitary wastes to exfiltrate, and the flows often infiltrate into the nearest storm drain piping network.

The Town plans on cross referencing septic systems in the areas of "OSA1", "LS03", "SS01-PL", and "SS01-SS" with a pumping database. The Letter states the Town will follow up on any "suspect septic system issues". EPA requests a statement on what the Town will consider a suspect issue.

The Letter states the Town plans to sample the wetland area west of Sea Rose Lane due to suspected concentrations of naturally-occurring bacteria. On September 4, 2012 EPA sampled the location identified as "LS04" and detected various pharmaceutical compounds, including acetaminophen at 72 ng/L. The Letter also suggests that increased bacteria contributions may be

from naturally occurring bacteria sources in the wetland areas that overflow to the storm drain system in the area of LS03. On September 4, 2012 EPA sampled the location identified as "LS03" and detected various pharmaceutical compounds, including acetaminophen at 41 ng/L. It is EPA's experience that any detection of acetaminophen may indicate a source of sanitary sewage. EPA does not dispute that a portion of the bacterial loading in many of these subcatchment areas may be due to wildlife. However, EPA has applied more specific analytical tools in the form of pharmaceutical analyses, and it is based in part on those results that EPA is requiring the Town conduct further investigation.

The Letter states the Town is confident there are no illicit connections in the section of pipe referred to as the "Northern Box Culvert". As previously stated by EPA, the data indicate otherwise. While the source of the illicit discharge(s) in question may not be an obvious sanitary connection, the data indicate sanitary sewage is infiltrating this portion of the drain. In this and any other area where illicit discharges are suspected, EPA strongly encourages the Town to identify and inspect all accessible points in the immediate system, apply some combination of field test kits and laboratory sample analyses, and identify or narrow the suspected location of the illicit discharge, followed by stoppage and removal of any such discharge.

On or before **March 2, 2015**, EPA requests the Town submit a modified work plan to address the locations identified in EPA's September 26, 2014 letter that incorporates the additional direction included herein, and includes a schedule for all such work.

This letter may not specify all violations of the CWA or violations of other environmental requirements that may exist in the Town. This letter does not preclude the EPA or any other agency from commencing any enforcement action regarding any such violations. It is the Town's responsibility to comply with all legal requirements, whether or not the EPA notifies the Town of any violations or takes enforcement action against it. Nothing in this letter relieves the Town of other obligations under applicable federal, state, and local law. Failure to comply with the CWA may result in the Town's liability for administrative, civil, or criminal penalties under Section 309(c), (d), or (g) of the CWA, 33 U.S.C. § 1319(c), (d), or (g), as modified by 40 C.F.R. Part 19. No provision of this Notice and no action or inaction by EPA shall be construed to constitute an assurance by the EPA that actions you take to address the violation(s) specified herein will result in compliance.

If you or your staff have any questions regarding these findings, please contact me by phone at 617-918-1709 or by email at rosenberg.alex@epa.gov. EPA thanks your staff for accommodating us during the sampling event.

Sincerely,



Alex Rosenberg, Compliance and Enforcement Officer
Office of Environmental Stewardship

cc: Dean Lessard, Town of York, Director of Public Works - Leslie Hinz, Town of York,
MS4 Manager - David Ladd, MEDEP - Erin Trainor, EPA - Denny Dart, EPA