



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE – SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**Certified Mail – Return Receipt Requested**

February 6, 2013

Mr. David J. Kale, Town Administrator  
Belmont Town Hall  
455 Concord Avenue  
Belmont, MA 02478

**Re: Notice of Violation No. 2013–NOV-01**

The purpose of this Notice of Violation (“NOV”) is to inform you that personnel of the United States Environmental Protection Agency (“EPA”) have identified violations of the Clean Water Act (“CWA”) within the Town of Belmont, Massachusetts (the “Town”).

The Town is subject to the Small Municipal Separate Storm Sewer System (“MS4”) General Permit Number MAR021074 (“MS4 Permit”). Part I.B.2.(a)(j) and (k) of the MS4 Permit prohibits the discharge of stormwater mixed with non-stormwater and discharges that would cause or contribute to the instream exceedance of water quality standards. Part II.B.3 of the MS4 Permit requires the permittee to develop and implement a plan to detect and eliminate illicit discharges into the storm sewer system. An illicit discharge is any discharge to a MS4 that is not composed entirely of stormwater and is not listed as an allowable non-stormwater discharge.

On June 19, 2012, EPA personnel collected surface water quality samples, in accordance with an EPA-approved Quality Assurance Project Plan, from Wellington Brook immediately east of Common Street, Wellington Brook at Clay Pit Pond, and Winn Brook at Little Pond. These samples were analyzed and the resulting data, summarized in Attachment 1, demonstrate that the Town is discharging stormwater mixed with non-stormwater containing *E. coli* and enterococcus bacteria through its MS4 into Wellington Brook and Winn Brook and, in turn, into the Little River, Alewife Brook, and the Mystic River. The discharges were also analyzed for, and found to contain, selected pharmaceutical compounds. The presence of the specific pharmaceutical compounds in these samples provides evidence that the sources of the bacterial water quality exceedances are of human origin and due to the presence of sanitary sewage. The discharges on June 19, 2012 violate the prohibitions on discharging stormwater mixed with non-stormwater and on discharges that cause or contribute to violations of the Massachusetts surface water quality standards for *E. coli* and enterococcus bacteria.

The Town’s discharges violate Section 301 of the CWA, 33 U.S.C. § 1311. It is the responsibility of the Town to maintain compliance with its MS4 Permit and the CWA. **Within thirty (30) days of the date of receipt of this NOV**, pursuant to Section 308 of the CWA, 33 U.S.C § 1318, please submit to the contact person listed below a Statement describing the following: (1) the suspected source(s) of the human sanitary sewage at the


locations listed above; (2) the location of any additional known instances of violations of water quality standards in the Town, whether at stormwater outfalls or inter-municipal stormwater connections into adjacent municipalities; (3) any corrective actions that have been implemented, and, for all violations not yet corrected; (4) a description of the actions that will be taken to correct the violation(s) and a schedule for their implementation.

This NOV may not specify all violations of the CWA or violations of other environmental requirements that may exist in the Town. This NOV does not preclude the EPA or any other agency from commencing any enforcement action regarding any such violations. It is your responsibility to comply with all legal requirements, whether or not the EPA notifies you of any violations or takes enforcement action against you. Nothing in this NOV relieves you of other obligations under applicable federal, state, and local law. Failure to comply with the CWA may result in your 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 NOV 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.

Please submit all information and refer any questions regarding this NOV to:

U.S. Environmental Protection Agency, Region 1  
5 Post Office Square – Suite 100  
Water Technical Unit  
Mail Code OES04-4  
Boston, MA 02109-3912  
Attn: Todd Borci  
617-918- 1358

Sincerely,

  
\_\_\_\_\_  
Susan Studlien, Director  
Office of Environmental Stewardship  
Environmental Protection Agency, Region 1

cc: Kevin Brander, MassDEP (electronic mail only)  
Glenn R. Clancy, Belmont Town Engineer  
Stefan A. Russakow, Director, Belmont Health Dept.

EPA New England Stormwater Outfall Inspection & Sampling Summary - Belmont, MA 6/19/12

Location				PPCP ng/L										Coordinates		YSI Meter			
Date	Town	Site Name	Time	E.coli (MPN/100ml)	Enterococcus (MPN/100ml)	Atenolol	Acetaminophen	Codine	Dimethyl xanthine	Caffeine	Metoprolol	Carbamazepine	Surfactants	Chlorine	NH3 (mg/l)	GPS North(+) GPS West (-)	Salinity	Temp	Conductivity
6/18/12	Belmont, MA	WinnB	805	542	213	3.1	8	1.2	32	28	1.7	0.6	0.05	0.03	0.1	42.399385 N 71.161038 W	0.3	15.2	477
6/19/12	Belmont, MA	6/19 D **	805	504	201	3.4	4.7	2.1	22	36	ND	0.75	NA	NA	NA	42.399385 N 71.161038 W	0.3	15.2	477
6/19/12	Belmont, MA	WinnB1	845	1,844	314	7.2	190	3.8	100	200	8.6	3.1	0.2	0.01	0.2	42.393559 N 71.166790 W	0.5	14.2	1099
6/19/12	Belmont, MA	WinnB2	910	1,852	309	2.4	530	6.3	560	1100	1.8	3.7	0.75	0.02	0.6	42.396482 N 71.176092 W	0.1	13.7	312

\* sampling conducted in dry weather

\*\* Location 6/19 D was a duplicate of WinnB for quality control purposes

E. coli - color key: Red ≥ 10,000 col/100ml, Orange ≥ 1260 col/100ml, Yellow ≥ 235 col/100ml, Black < 235 col/100ml

Note 1: MA Water Quality Standard single sample maximum for E. coli in Class B waters is 235 col/100ml

Enterococcus - color key: Red ≥ 1000 col/100ml, Orange ≥ 350 col/100ml, Yellow ≥ 61 col/100ml, Black < 61 col/100ml

Note 2: MA Water Quality Standard single sample maximum for enterococcus in inland Class B waters is 61 cfu/100 ml

NH3 - color key: Red ≥ 6 mg/L, Orange ≥ 0.5 mg/L, Yellow ≥ 0.0 mg/L

Surfactants - color key: Red ≥ 1.0 mg/L, Orange ≥ 0.5 mg/L, Yellow ≥ 0.25 mg/L, Black < 0.25 mg/L \*\*\* may give false positive at salinity greater than 1 ppt

PPCP color key: Pink = Concentrations greater than background

Cl2 - color key: Red ≥ 1.0 mg/L, Orange ≥ 0.3 mg/L, Yellow ≥ 0.02 mg/L, Black < 0.02 mg/L

#### REPORTING LIMITS

E. coli = 4 MPN/100mL

Enterococcus = 10 MPN/100mL

Surfactants Field = 0.1 mg/L

Ammonia Field = 0.1 mg/L

Chlorine Field = 0.02 mg/L

ND - not detected above the associated detection limit

NA - not applicable (analyte not tested for at that site at this time)

(-) - data reported as estimate