



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

Certified Mail – Return Receipt Requested

SEP - 5 2013

Richard Bates, Town Manager
101 Main Street
PO Box 10
Rockport, Maine 04856

Re: Notice of Violation No. 2013–NOV-08

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

At the request of the Town, EPA personnel planned and conducted a Clean Water Act inspection to sample flows within the Town’s stormwater conveyance structures including road side ditches, separate storm sewer system catchbasins and culverts. On June 26, 2013, water quality samples were collected within the stormwater conveyance system of the Town from the following locations: within the Pascal Avenue drainage system (Goodie’s Beach watershed), the Goose River, and along the surface water drainage path between Lilly Pond and Rockport Harbor. All sample locations eventually discharge into Rockport Harbor, part of the Atlantic Ocean. The samples were analyzed for a number of different water quality parameters, some of which can be used to distinguish between stormwater and non-stormwater discharges. The resulting data (summarized in Attachment 1) display elevated levels of Escherichia coli (E. coli), and Enterococcus bacteria.

According to rainfall data from the National Climatic Data Center’s weather station (ID: US1MEKX0001) located in Rockport, Maine, 0.28 inches of precipitation was recorded on June 26th, 2013 prior to observation and sampling of flows from within the stormwater conveyance system. Prior to this rainfall event, the only rainfall that was recorded during the preceding week of June 19 - 25, 2013 was a combined total of 0.12 inches on June 23, 2013, and June 24, 2013.

The discharges from sample locations within catchbasins PA-3A and PA-3B (located at the intersection of Pascal Avenue and Pine Street) as well as the point directly downstream of them (PA-3) were found to contain selected pharmaceutical compounds. The presence of the specific pharmaceutical compounds in these samples provides

evidence that the sources of the bacterial contamination within the samples are of human origin and due to the presence of sanitary sewage.

Points PA-3A, PA-3B and PA-3 lie along the same flow path that discharges into Rockport Harbor at Goodie's Beach (sample location PA-1) via an above ground swale and a culverted pipe. Rockport Harbor (Waterbody ID 722-21) is a class SB marine water¹ impaired by bacteria². Class SB waters are designated as suitable for human recreation in and on the water and for the propagation and harvesting of shellfish (MRSA 38 Chapter 3, §465).

EPA inspectors discussed the sampling event with Town officials during the out-briefing of the June 26, 2013 compliance sampling inspection. The Town officials stated that the sample results would most likely help refine their illicit discharge detection and elimination investigations.

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 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) any corrective actions that have been implemented, and, for all violations not yet corrected; (2) a description of the actions that will be taken to correct the violation(s), and (3) 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.


¹ Maine Revised Statutes. Title 38 MRSA Ch. 3 Part 465-B –Water Classification Program Available at: <http://www.mainelegislature.org/legis/statutes/38/title38sec465-B.html>

² MEDEP 2009. Maine Statewide Bacteria TMDL (Total Maximum Daily Loads). DEPLW 1002. Augusta, ME. 49pp. Available at: http://ofmpub.epa.gov/waters10/attains_impaired_waters.show_tmdl_document?p_tmdl_doc_blob_s_id=60441
<http://www.state.me.us/dep/water/monitoring/305b/2010/report.pdf>.

Please 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 OES04-1
Boston, MA 02109-3912
Attn: Alex Rosenberg
617-918-1709

Sincerely,



Susan Studien, Director
Office of Environmental Stewardship
Environmental Protection Agency, Region 1

cc: Pamela Parker, MEDEP (electronic mail only)
Stephen Beveridge, Town of Rockport DPW Director



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

DATE: August 5, 2013

SUBJ: MS4 Compliance Sampling Inspection
Town of Rockport, Maine

FROM: Erin Trainor, Inspector

Erin Trainor 8/5/2013

TO: File

REVIEWED BY: Alex Rosenberg 8/1/13

REQUESTED BY: Alex Rosenberg, OES

I. Background Information

A. Date, Time of inspection: Wednesday, June 26, 2013, 8:00 AM

B. Weather Conditions: Early morning fog, late morning sun, approximately 70 degrees F

C. USEPA Representatives: Erin Trainor
Alex Rosenberg

D. Site Representative(s): Mike Young
Town of Rockport
Assistant Public Works Director

Ted Skowronski
Town of Rockport
Conservation Commission

E. Address: Various locations along Pascal Ave. drainage system,
Goodies Beach, Rockport Harbor, Goose River, and Lilly Pond.

II. Purpose of Inspection

The purpose of the inspection was to assist the Town of Rockport to determine whether the source of elevated bacteria levels contributing to frequent beach closures of Goodies Beach can be attributed to a human source. Samples were collected from thirteen (13) stormwater outfalls,

manholes, culverts and/or beach grabs in accordance with the Environmental Investigations and Analysis (EIA) unit Stormwater Program Plan.

III. Description of Sampling Locations

- Beach grab sample collected from Goodies Beach, identified as GB-1.
- Outfall located at Goodies Beach which discharges the Pascal Ave. drainage into Rockport Harbor, identified as PA-1.
- In-stream sample located along Goose River prior to entering Rockport Harbor, upstream of the bridge crossing, identified as GR-1.
- In-stream sample located along Lilly Pond drainage prior to entering Rockport Harbor, identified as LP-1.
- In-stream sample located along Winter Street, upstream of Mechanic Street crossing, identified as WS-1.
- Outfall which directs drainage from the west side of Pascal Ave. and to outfall PA-1, identified as PA-3.
- Outfall which directs drainage from the south side of Pascal Ave. and to outfall PA-1, identified as PA-4.
- Catch basin on east side of Pascal Ave. at the corner of Ship Street and Pascal Ave. which flows towards PA-4, identified as PA-4A.
- Catch basin on the west side of Pascal Ave. between Pleasant Street and West Street, which flows towards PA-4A, identified as PA-4B.
- Catch basin on the west side of Pascal Ave. at the corner of Pine Street and Pascal Ave., which flows towards PA-3B, identified as PA-3A.
- Catch basin on the west side of Pascal Ave. approximately 50 feet to the northeast of PA-3A which flows towards PA-3, identified as PA-3B.
- Culvert from wetland area which flows towards PA-4B, identified at PA-5.
- Culvert into wetland area, identified at PA-6.

IV. Inspection Observations and Findings

On Wednesday June 26, 2013, EPA inspectors Alex Rosenberg, and Erin Trainor conducted a Compliance Sampling Inspection (CSI) within the Town of Rockport, Maine at thirteen (13) locations along Pascal Ave. drainage system, Goodies Beach, Rockport Harbor, Goose River, and Lilly Pond.

The inspection started in Rockport at approximately 8:00 AM. At the time of the inspection, the weather was foggy turning to sunny, and approximately 70 degrees Fahrenheit. According to weather underground, approximately 3/4 inch of rain was reported within 24 hours of the inspection at the closest weather station located in Rockland, Maine.

The sampling locations described in Section III were field screened using test kits for ammonia, chlorine, and surfactants and analyzed for E.Coli and Enterococcus at Nelson Analytical located in Kennebunk, Maine, and pharmaceutical and personal care products (PPCPs) including: Atenolol, Acetaminophen, Cotinine, 1,7-Dimethylxanthine, Caffeine, Carbamazepine, and Metoprolol at the EPA New England Regional Laboratory (NERL). In-situ measurements for

MS4 Compliance Sampling Inspection
Town of Rockport, Maine

conductivity, salinity, and temperature were also recorded. The following table summarizes the findings. Photographs are included.

End of Report

Attachments: Table 1: Summary of Rockport, ME MS4 Inspection – June 26, 2013

Photographs

MS4 ID	MS4 Name	MS4 Type	MS4 Location	MS4 Status	MS4 Description	MS4 Notes	MS4 Photos
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Table 1: Summary of Rockport, ME MS4 Inspection – June 26, 2013

Table 1: Summary of Rockport, ME MS4 Inspection -- June 26, 2013

Sample ID	GB-1	PA-1	GR-1	LP-1	WS-1	PA-3
Time	08:30	08:35	08:55	09:30	09:45	10:05
Latitude/Longitude	44.18523085 N, 69.07425081 W	44.18511328 N, 69.07433481 W	44.18829829 N, 69.07513962 W	44.18683391 N, 69.071159 W	44.185795 N, 69.06998082 W	44.18508891 N, 69.075771 W
Description of Location	Beach grab sample collected from Goodies Beach.	Outfall located at Goodies Beach which discharges the Pascal Ave. drainage into Rockport Harbor.	In-stream sample located along Goose River prior to entering Rockport Harbor, upstream of the bridge crossing.	In-stream sample located along Lilly Pond drainage prior to entering Rockport Harbor.	In-stream sample located along Winter Street, upstream of Mechanic Street crossing.	Outfall which directs drainage from the west side of Pascal Ave. and to outfall PA-1.
Physical Observations	Sample collected from knee deep water.	Approx. flow 7-10 GPM.	Approx. flow >1000 GPM.	Approx. flow 150 GPM.		Drip from outfall.
Temperature, °C	17.7	16.0	22.0	21.2	16.3	21.5
Specific Conductivity, µS	27.4 (mS)	705	187	568	531	108.9
Salinity, ppt	16.3	0.1	0.1	0.3	0.3	0.0
Ammonia, mg/L	NA	0	0	0	0	0-0.25
Chlorine, mg/L	NA	0.05	0.04	0.09	NA	0.07
Surfactants, mg/L	NA	0.2	0.10	0.1	0.10	0.5
Atenolol, ng/l	ND	ND	ND	1.3	ND	ND
Acetaminophen, ng/l	1.4	ND	ND	1.0	3.2	11
Cotinine, ng/l	0.67	2.3	1.4	1.4	2.6	13
Dimethylxanthine, ng/l	ND	2.7	3.4	5.2	2.2	5.5
Caffeine, ng/l	16	17	17	22	26	23
Carbamazepine, ng/l	0.29	1.2	ND	ND	ND	0.61
Metoprolol, ng/l	ND	ND	ND	ND	ND	ND
E.Coli, MPN/100ml	63	1,203	556	78	1,553	727
Enterococcus, MPN/100ml	1,723	1,782	323	187	355	1,162

NA: Not analyzed ND: Not detected above reporting limit GPM: gallons per minute *: Qualified data, refer to laboratory report

Table 1: Summary of Rockport, ME MS4 Inspection - June 26, 2013, continued

Sample ID	PA-4	PA-4A	PA-4B	PA-3A	PA-3B	PA-5	PA-6
Time	10:10	10:53	10:45	11:10	11:18	11:40	11:55
Latitude/Longitude	44.18504771 N, 69.0757965 W	44.18440416 N, 69.07655121 W	44.18436461 N, 69.07678771 W	44.18506502 N, 69.0760977	44.18518967 N, 69.07598675 W	44.18458015 N, 69.07742135 W	44.18488954 N, 69.07779042 W
Description of Location	Outfall which directs drainage from the south side of Pascal Ave. and to outfall PA-1.	Catch basin on east side of Pascal Ave. at the corner of Ship Street and Pascal Ave. which flows towards PA-4.	Catch basin on the west side of Pascal Ave. between Pleasant Street and West Street, which flows towards PA-4A.	Catch basin on the west side of Pascal Ave. at the corner of Pine Street and Pascal Ave., which flows towards PA-3B.	Catch basin on the west side of Pascal Ave. approximately 50 feet to the northeast of PA-3A which flows towards PA-3.	Culvert from wetland area which flows towards PA-4B.	Culvert into wetland area which receives pumped drainage from catch basin at corner of Amesbury and Pleasant Street
Physical Observations	Suds observed.	Flow from PA-4B.	Flow approx. 100 GPM. Suds observed.	Low flow.	Low flow.	Flow approx 100 GPM. Duplicate sample collected.	12" corrugated plastic culvert. Partially submerged. No flow.
Temperature, °C	18.7	20.8	21.2	20.6	20.2	22.3	23.4
Specific Conductivity, µS	502	509	502	65	55.8	512	748
Salinity, ppt	0.2	0.2	0.2	0.2	0.0	0.2	0.4
Ammonia, mg/L	0	0	0	0	0	0	0
Chlorine, mg/L	0.13	0.06	0.09	0.07	0	0.07	0.11
Surfactants, mg/L	0.1	0.1	0.2	0.3	0.3	0.2	0.25
Atenolol, ng/l	ND	ND	ND	ND	ND	ND	ND
Acetaminophen, ng/l	ND	ND	ND	34	24	ND	6.8
Cotinine, ng/l	0.93	0.88	1.0	7.8	23	0.82	6.3
Dimethylxanthine, 1,7- ng/l	4.0	2.5	ND	8.4	7.5	3.0	11
Caffeine, ng/l	6.1	10	7.5	44	32	12	16
Carbamazepine, ng/l	0.76	1.1	0.79	0.36	ND	0.91	1.7
Metoprolol, ng/l	ND	ND	ND	ND	ND	ND	ND
E.Coli, MPN/100ml	109	166	57	2,420	2,613	78	41
Enterococcus, MPN/100ml	2,098	272	181	10,462	12,033	35,041	585

NA: Not analyzed ND: Not detected above reporting limit GPM: gallons per minute *: Qualified data, refer to laboratory report



GB-1: Beach grab sample collected from Goodies Beach.



PA-1: Outfall located at Goodies Beach which discharges the Pascal Ave. drainage into Rockport Harbor.



GR-1: In-stream sample located along Goose River prior to entering Rockport Harbor, upstream of the bridge crossing.



LP-1: In-stream sample located along Lilly Pond drainage prior to entering Rockport Harbor.



WS-1: In-stream sample located along Winter Street, upstream of Mechanic Street crossing.



PA-3: Outfall which directs drainage from the west side of Pascal Ave. and to outfall PA-1.



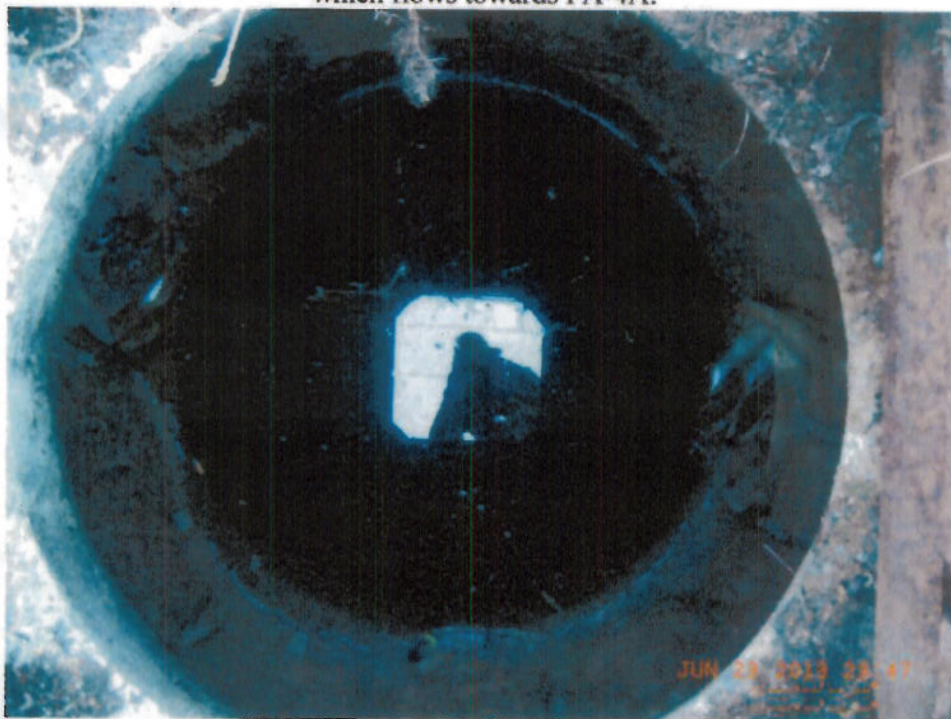
PA-4: Outfall which directs drainage from the south side of Pascal Ave. and to outfall PA-1.



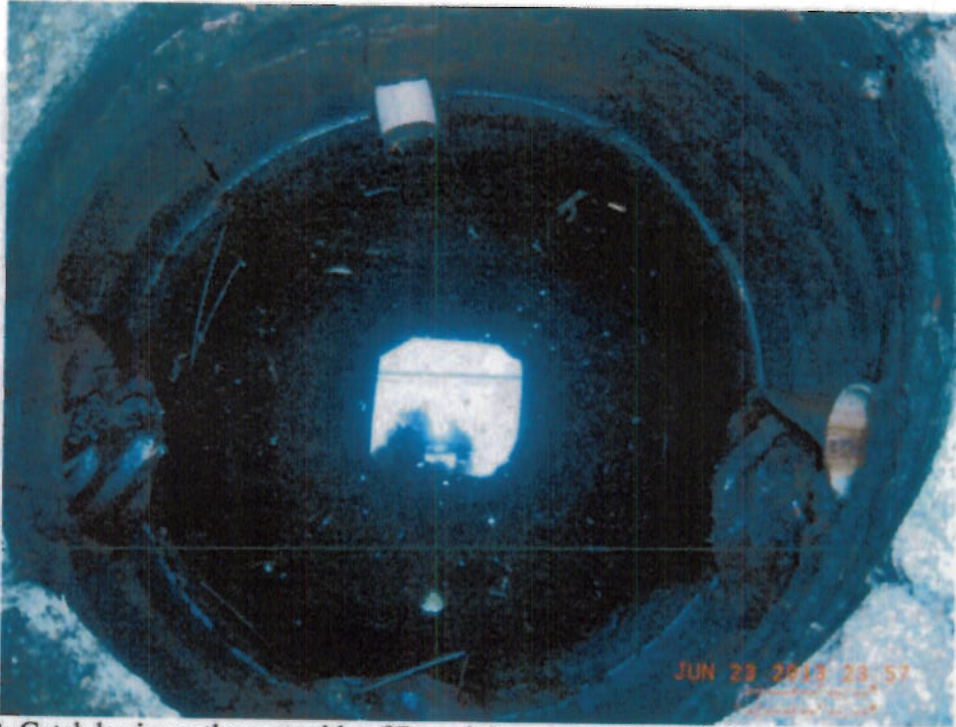
PA-4A: Catch basin on east side of Pascal Ave. at the corner of Ship Street and Pascal Ave. which flows towards PA-4.



PA-4B: Catch basin on the west side of Pascal Ave. between Pleasant Street and West Street, which flows towards PA-4A.



PA-3A: Catch basin on the west side of Pascal Ave. at the corner of Pine Street and Pascal Ave., which flows towards PA-3B.

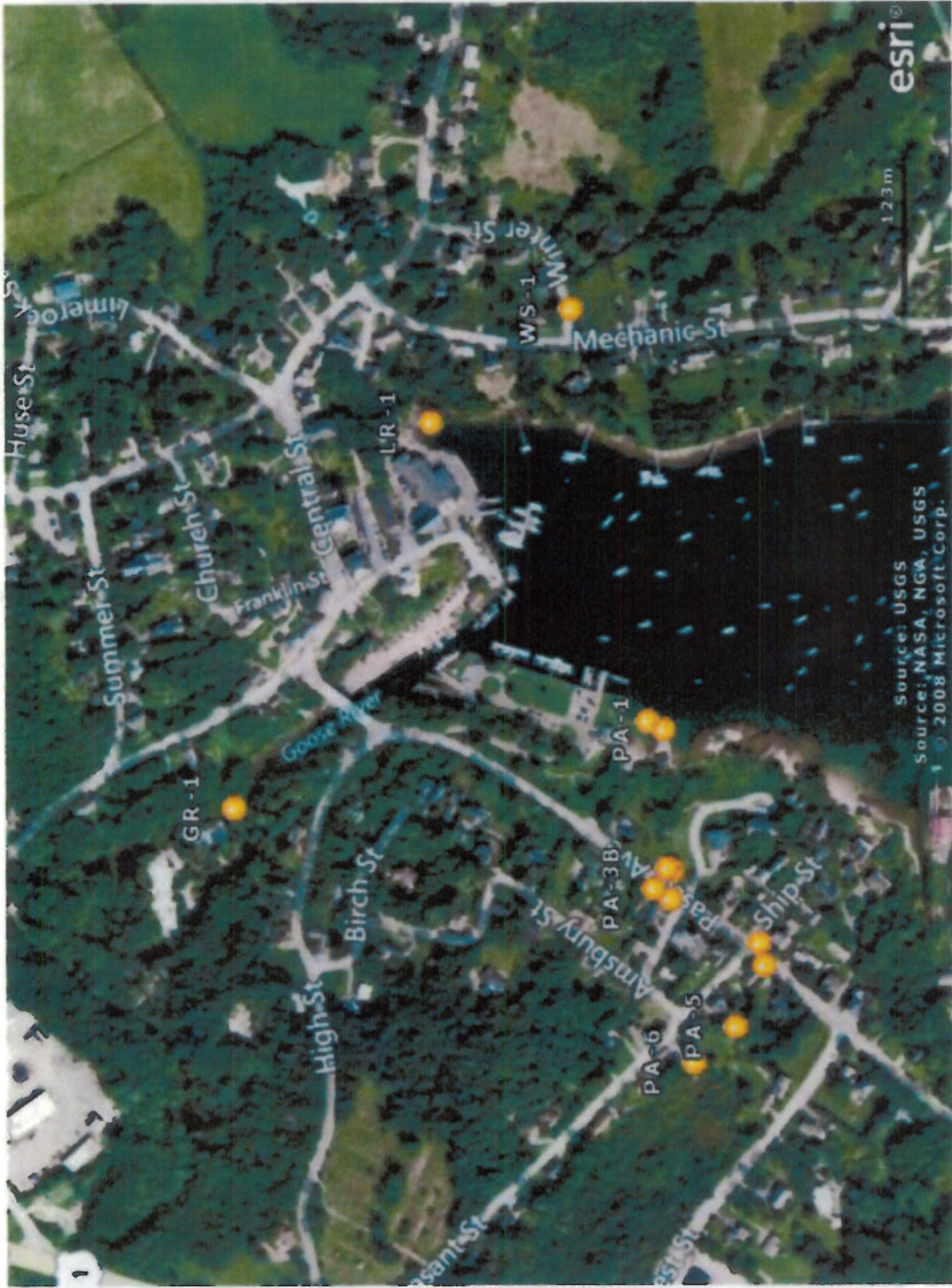


PA-3B: Catch basin on the west side of Pascal Ave. approximately 50 feet to the northeast of PA-3A which flows towards PA-3.



PA-5: Culvert from wetland area which flows towards PA-4B.

MS4 Compliance Sampling Inspection
Town of Rockport, Maine



June 26, 2013 Sampling Locations

6R-1
 LP-1
 WS-1
 PA-6

Goose River
 Lily Pond
 Winter Street
 Pascal Avenue

8/26/13 Sample location
 and Nomenclature

Storm Water Catch Basin = ● ●

