



**Connecticut Fund  
for the Environment**

VILLAGE MANAGER

AUG 10 2015

MAMARONECK, NY



**Save the Sound®**

A program of  
Connecticut Fund for the Environment

August 7, 2015

**Via Certified Mail, Return Receipt Requested**

Thomas J. Lauro, Commissioner  
Department of Environmental Facilities  
270 North Ave.  
New Rochelle, NY 10801

Robert Astorino, County Executive  
Westchester County Executive  
Michaelian Office Building  
48 Martine Avenue  
White Plains, New York 10601

Ron Belmont, Supervisor/Mayor  
Town/Village of Harrison  
1 Heineman Place  
Harrison, NY 10528

Anne McAndrews, Mayor  
Village of Larchmont  
120 Larchmont Avenue  
Larchmont, NY 10538

Nancy Seligson, Town Supervisor  
Town of Mamaroneck  
740 W. Boston Post Road  
Mamaroneck, NY 10543

Norm Rosenblum, Mayor  
Village of Mamaroneck  
123 Mamaroneck Avenue  
Mamaroneck, NY 10543

Richard Slingerland, Village Manager  
Village of Mamaroneck  
123 Mamaroneck Avenue  
Mamaroneck, NY 10543

Noam Bramson, Mayor  
City of New Rochelle  
515 North Avenue  
New Rochelle, NY 10801

Charles B. Strome, City Manager  
City of New Rochelle  
515 North Avenue  
New Rochelle, NY 10801

Jennifer Monachino Lappe, Mayor  
Village of Pelham Manor  
4 Penfield Place  
Pelham Manor, NY 10803

John T. Pierpont, Village Manager  
Village of Pelham Manor  
4 Penfield Place  
Pelham Manor, NY 10803

Dennis Pilla, Mayor  
Village of Port Chester  
222 Grace Church Street  
Port Chester, NY 10573

Scott Pickup, City Manager  
City of Rye  
1051 Boston Post Road  
Rye, NY 10580

Joseph A. Sack, Mayor  
City of Rye  
City Hall, 3d Floor  
1051 Boston Post Road  
Rye, NY 10580

Christopher Bradbury, Village Administrator  
Village of Rye Brook  
938 King Street  
Rye Brook, NY 10573

Paul S. Rosenberg, Mayor  
Village of Rye Brook  
938 King Street  
Rye Brook, NY 10573

Notice of Violation and Intent to File Suit  
August 7, 2015  
Page 2 of 30

Alfred A. Gatta, Village Manager  
Village of Scarsdale  
1001 Post Road  
Scarsdale, NY 10583

Robert Steves, Mayor  
Village of Scarsdale

1001 Post Road  
Scarsdale, NY 10583

Thomas M. Roach, Mayor  
City of White Plains  
255 Main Street  
White Plains, NY 10601

Re: Notice of Violation and Intent to File Suit under the Clean Water Act

Greetings,

We write on behalf of Connecticut Fund for the Environment, Inc. and its program Save the Sound (herein collectively "Save the Sound") and its members who have been affected by the violations described below,<sup>1</sup> to notify you of Save the Sound's intent to file suit against Westchester County (the "County"); the City of New Rochelle; the City of Rye; the City of White Plains; the Town of Mamaroneck; the Town/Village of Harrison; the Village of Larchmont; the Village of Mamaroneck; the Village of Pelham Manor; the Village of Port Chester; the Village of Rye Brook; and the Village of Scarsdale (collectively, "the County and Municipalities")<sup>2</sup> pursuant to Section 505(a) of the federal Clean Water Act (the "Act" or "CWA")<sup>3</sup> for violations of the CWA.

Save the Sound intends to file suit as an organization and on behalf of its adversely affected members, in the United States District Court for the Southern District of New York, seeking appropriate equitable relief, civil penalties, and other relief for the violations of the CWA described below, at any time after the running of 60 days from the postmark date of this letter.<sup>4</sup>

---

<sup>1</sup> Connecticut Fund for the Environment, Inc. is a not-for-profit membership corporation whose primary purpose is to conserve and enhance the biological integrity of Connecticut's and New York's air, land, and water resources, including Long Island Sound. Connecticut Fund for the Environment, Inc. uses legal and scientific expertise, advocacy, and education in furtherance of its purpose to achieve results that benefit the environment for current and future generations. Many of Connecticut Fund for the Environment, Inc.'s members live on or near Long Island Sound, and enjoy, or recreate in these waters for a number of activities, including but not limited to fishing and boating, swimming, and birdwatching. Connecticut Fund for the Environment, Inc.'s members share a common concern about the quality of the Long Island Sound and surroundings. Connecticut Fund for the Environment, Inc. is a "citizen" for purposes of Section 505 of the Act, 33 U.S.C. § 1365.

<sup>2</sup> In this Notice, "Municipalities" is used both to refer to all of the entities named besides Westchester County, as well as any smaller grouping of such entities.

<sup>3</sup> Federal Water Pollution Control Act, 33 U.S.C. §§ 1251-1387 ("Clean Water Act", "Act" or "CWA"). We refer to statutory provisions by their section in the Clean Water Act and provide the parallel citation to the United States Code only on first reference.

<sup>4</sup> See 40 C.F.R. § 135.2(a)(3)(c) (notice of intent to file suit is deemed to have been served on the postmark date).

I.

**BACKGROUND**

**A. The June 11, 2015 Notice Letter.**

In a letter dated June 11, 2015 (the “June letter”), Save the Sound gave notice of its intent to sue Westchester County for certain violations of the Clean Water Act in compliance with federal regulations.<sup>5</sup> The June letter is attached and we incorporate the facts and background by reference.

This notice restates certain facts or allegations contained in the June letter for the reader’s convenience. But the June letter was more than sufficient, with respect to the violations of law alleged therein, to permit Westchester County to identify the specific standard, limitation, or order alleged to have been violated, the activity alleged to constitute a violation, the person or persons responsible for the alleged violation, the location of the alleged violation, the date or dates of such violation, and the full name, address, and telephone number of the person giving notice. Save the Sound does not intend to delay in filing a complaint against the County. The attached June letter recounts the facts that have caused Save the Sound to provide this notice to the County and Municipalities and convinced Save the Sound that nothing short of a judicial order will force the County and Municipalities to live up to their responsibilities, including:

- the pollution emanating from Westchester’s four publicly owned treatment works (“POTWs”) that discharge into Long Island Sound, and the harm this pollution causes by impairing the waters of Long Island Sound and its embayments in Westchester, degrading the ecology of those waters and interfering with the public’s right to use and enjoy those waters;
- the County and Municipalities’ decades of neglect of basic maintenance for their sewage collection system, which has resulted in enormous and increasing volumes of inflow and infiltration (hereinafter “inflow and infiltration,” “I&I” or “I/I”);
- the ways that this inflow and infiltration overwhelms the County and Municipalities’ sewage treatment infrastructure, resulting in discharges of raw or partially treated sewage; and
- the political and regulatory failures of the County and the New York State Department of Environmental Conservation, who have together produced a prolonged series of inadequate maintenance and remediation efforts, failed consent orders, and missed deadlines for addressing the County and Municipalities’ leaking and decrepit sewer system.

---

<sup>5</sup> 40 C.F.R. § 135.3(a).

**B. The County and Municipalities operate four publicly owned treatment works.**

The County and Municipalities jointly operate four publicly owned treatment works that discharge into Long Island Sound. Each POTW is referred to as a “Sanitary Sewer District.” A publicly owned treatment works is a treatment works owned by a State, county, or municipality.<sup>6</sup> A treatment works

includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant.<sup>7</sup>

Each of the four POTWs/Sanitary Sewer Districts consists of tens or hundreds of miles of sewers that are connected to treatment plants and certain ancillary facilities.<sup>8</sup> Sanitary sewer systems play a critical role in protecting human health and the environment. The purpose of both the Municipally-owned and the County-owned sanitary sewers is to transport wastewater uninterrupted from its source to a treatment plant.<sup>9</sup> Proper operation and maintenance of the sewers is integral to ensuring that wastewater is collected, transported, and treated at the plants. Failure to adequately maintain sewers results in: blockages, backups, and overflows; underground leakage; other forms of reduced structural integrity; reduced capacity of the collection system; and reduced treatment plant performance as a result of inflow and infiltration-related hydraulic overloading.

The vast majority of each POTW consists of sewers owned and operated by the municipalities, along with associated facilities (e.g., municipal pumping stations). These Municipally-owned portions of the POTW convey waste to the County-owned plants for treatment and discharge. Because the Municipally-owned sewers convey waste to a treatment plant, these portions of the POTW are “tributary” or “satellite” sewers.

---

<sup>6</sup> See 40 C.F.R. §§ 122.2 (“Publicly owned treatment works is defined at 40 CFR 403.3.”), 403.3(q) (“The term Publicly Owned Treatment Works or POTW means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act).”); see also CWA § 502(4) (defining “municipality” as any “city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage . . .”).

<sup>7</sup> 40 C.F.R. § 403.3(q). See also CWA 212(2)(A) and (B), 33 U.S.C. § 1292(2)(A) and (B) (A treatment works includes “sewage collection systems, pumping, power and other equipment, and their appurtenances” and “sanitary sewer systems.”).

<sup>8</sup> See, e.g., *In re Charles River Pollution Control District*, 16 E.A.D. \_\_\_\_, 2015 EPA App. LEXIS 3, at \*18-\*24 (Feb. 4, 2015) (holding that the county-owned treatment plants and the municipally-owned sanitary sewers that feed into the plant’s trunk lines are all components of a single POTW with multiple owner-operators).

<sup>9</sup> As noted in Part I.C. below, these sewers are designed to convey sewage wastewater, not other waters such as stormwater. The areas served by the four POTWs are also served by municipal separate storm sewer systems or “MS4s” (e.g., storm drains) that are supposed to collect and convey uncontaminated rain directly to a receiving water (i.e., without treatment). These MS4s operate under a general Municipal Separate Storm Sewer System permit issued by the NYSDEC.

In addition to the treatment plant at the downstream end of each POTW, the County owns and operates certain ancillary facilities such as pumping stations, bypasses, and the New Rochelle Overflow Retention Facilities (“ORFs”), all discussed in the June letter. The County also owns a small fraction (by total mileage) of all the sewer lines in each Sanitary Sewer District, mostly the large “trunk” or “interceptor” lines that aggregate sewage from the municipal sewers before the sewage enters the treatment plants.<sup>10</sup>

The ownership and operation of the four POTWs is divided as follows:

- The New Rochelle Sanitary Sewer District is owned and operated by the County, the City of New Rochelle, the Town of Mamaroneck, the Village of Larchmont, and the Village of Pelham Manor.
- The Mamaroneck Sanitary Sewer District is owned and operated by the County, the City of New Rochelle, the City of Rye, the City of White Plains, the Town/Village of Harrison, the Town of Mamaroneck, the Village of Mamaroneck, and the Village of Scarsdale.
- The Blind Brook Sanitary Sewer District is owned and operated by the County, the City of Rye, the Town/Village of Harrison, the Village of Mamaroneck, and the Village of Rye Brook.
- The Port Chester Sanitary Sewer District is owned and operated by the County, the Village of Mamaroneck, the Village of Port Chester, and the Village of Rye Brook.

**C. The problem of inflow and infiltration in Westchester County.**

The environmental problems and Clean Water Act violations arising in the four POTWs that are the subject of this notice all originate with a central problem: excessive inflow and infiltration.

Inflow generally refers to water other than wastewater—typically rain or snowmelt—that enters a sanitary sewer system through a direct connection to the sewer. Infiltration generally refers to other water that enters the sanitary sewer from the ground, for example through defects in the sewer pipes or other infrastructure. Infiltration can be long-term seepage of water into a sanitary sewer system from the water table, or a rapid increase in sanitary sewer flow during and immediately after a rainfall event due to rapidly rising groundwater. Inflow and infiltration may occur directly in the main sewer lines or in private sewer lines, including the private sewer “laterals” that connect individual buildings to the municipal sewers.

Inflow and infiltration cause a cascade of environmental problems because the County and Municipally-owned sanitary sewer systems are not designed to collect large amounts of runoff from precipitation events or to provide widespread drainage. Sanitary sewers systems are

---

built with some allowance for extraneous flow (*i.e.*, inflow and infiltration), but large volumes of extraneous flow cause sanitary sewers to back up and overflow, or overload the treatment plants and degrade their performance. Westchester County has identified sewage flow that exceeds 150 gallons per capita, per day (“GPCD”) as excessive inflow and infiltration.<sup>11</sup>

Despite some limited progress made through an “I/I Rehabilitation Program” that was commenced in 2002, the County admitted in 2006 that “there is still a significant I/I problem within the collection system. In addition to the publicly owned collection systems, additional sources of I/I are [private sewer] laterals which connect to the system and basement sump pumps.”<sup>12</sup> Since then, the structural integrity of the sanitary sewer collection system has continued to deteriorate.

According to data gathered by the County, large quantities of inflow and infiltration continue to enter the POTWs from the municipally-owned sewers at alarming rates. The County’s “Flow Monitoring Program,” which was conducted over two years in 2011 and 2012, some ten years after the County and Municipalities’ last real efforts to address inflow and infiltration, and submitted to New York State Department of Environmental Conservation (“NYSDEC”) in 2013, revealed that these problems were still critical.<sup>13</sup> Every one of the named towns contributes excessive inflow and infiltration for a significant portion of the year (from a low of 12% of the year to a high of more than 60%). And the peak levels of excessive inflow and infiltration above the legal 150 GPCD threshold are alarming.<sup>14</sup>

<b>Municipalities</b>	<b>Days with Excessive I&amp;I (above 150 GPCD)</b>	<b>Peak flow (GPCD)</b>
Harrison	12%	450
Rye	13%	650
White Plains	14.7%	600
Mamaroneck (Town)	27.8%	900
Rye Brook	30.3%	850
Port Chester	46%	350
New Rochelle	49.7%	900
Pelham Manor	56.2%	900
Larchmont	59%	600
Scarsdale	59.3%	900
Mamaroneck (Village)	61.4%	900

<sup>11</sup> Westchester County Administrative Code, Section 824.72 (defining excessive inflow and infiltration) and Section 824.71 (prohibiting excessive inflow and infiltration).

<sup>12</sup> Pursuant to a Consent Order executed between the NYSDEC and the County on August 17, 1998. *See* Westchester County, Department of Environmental Facilities, Department of Public Works, Inflow/Infiltration Rehabilitation Program Effectiveness Evaluation Report (2003) (herein “Westchester County I/I Rehabilitation Program Report”), pp. 4-5, 4-6; Westchester County, New York, Department of Environmental Facilities, Department of Public Works, New Rochelle Flow Reduction Study (December 2005, Revised April 2006) (herein “New Rochelle Flow Reduction Study”) p. ES-3, ES-4.

<sup>13</sup> Westchester County, Flow Monitoring Program Report, Figures ES-1& 8-1.

<sup>14</sup> Flow Monitoring Program Report, Appendix A - Daily Per Capita Hydrographs for LIS Municipalities.

**D. Permitted and unpermitted discharges of pollution from the four publicly owned treatment works.**

As detailed in the June letter and summarized in the table below, discharges from certain enumerated outfalls at the treatment plant at the downstream end of each POTW are authorized pursuant to four State Pollutant Discharge Elimination System ("SPDES") permits, all of which were issued to the County as permittee.

**Table 1 – The Four Sanitary Sewer District (POTW) SPDES Permits**

SPDES No.	POTW Name	Plant Name (on permit)	POTW Operators	Permitted Outfalls
NY0026697	New Rochelle Sanitary Sewer District	New Rochelle Sewer District WWTP	1. County 2. New Rochelle 3. Mamaroneck (T) 4. Larchmont 5. Pelham Manor	001, 003, 004, 005, 006, 007, 008, 009
NY0026701	Mamaroneck Sanitary Sewer District	Mamaroneck Sanitary Sewer District WTP	1. County 2. New Rochelle 3. Rye 4. White Plains 5. Harrison 6. Mamaroneck (T) 7. Mamaroneck (V) 8. Scarsdale	001A, 001, 002, 003, 004, 005
NY0026719	Blind Brook Sanitary Sewer District	Blind Brook Sewer District WTP	1. County 2. Rye 3. Harrison 4. Mamaroneck (V) 5. Rye Brook	001, 003, 004
NY0026786	Port Chester Sanitary Sewer District	Port Chester Sanitary Sewer District WTP	1. County 2. Mamaroneck (V) 3. Rye Brook 4. Port Chester	001

But, in addition to discharging pollution from the permitted outfalls at each POTW's treatment plant, the POTW operators also discharge pollution from multiple point sources not authorized in the four SPDES permits listed above. That is, there are *unpermitted* discharges from each of the four POTWs.

Unpermitted discharges are caused by the County and the Municipalities' failure to properly maintain their sewer infrastructure, including their failure to prevent excessive inflow

and infiltration. As the County noted in its 2013 Flow Reduction Monitoring Report,<sup>15</sup> excessive inflow and infiltration originating in portions of the four POTWs operated by all of the Municipalities causes “backups in and overflows from the sewer system.”<sup>16</sup> Frequently, such “sanitary sewer overflows,” or “SSOs,” result in discharges of pollution to waters of the United States.

The most immediate health risks associated with SSOs to waters and other areas with a potential for human contact are associated with exposure to bacteria, viruses, and other pathogens. Human health impacts occur when people become ill due to contact with water or ingestion of water or shellfish that have been contaminated by SSO discharges. In addition, sanitary sewer systems can back up into buildings, including private residences. These discharges provide a direct pathway for human contact with untreated wastewater.

According to the United States Environmental Protection Agency (“EPA”), SSOs are a frequent problem in POTWs with divided ownership, as in Westchester County:

Because ownership/operation of a regionally integrated POTW is sometimes divided among multiple parties, the owner/operator of the treatment plant many times lacks the means to implement comprehensive, system-wide operation and maintenance (“O & M”) procedures.

Failure to properly implement O & M measures in a POTW can cause, among other things, excessive extraneous flow (i.e., inflow and infiltration) to enter, strain and occasionally overload treatment system capacity. This failure . . . frustrates achievement of the water quality- and technology-based requirements of CWA § 301 to the extent it results in sanitary sewer overflows and degraded treatment plant performance, with adverse impacts on human health and the environment.

\* \* \*

Satellite collection systems in the communities farthest from the POTW treatment plant can cause sanitary sewer overflows (“SSOs”) in communities between them and the treatment plant by using up capacity in the interceptors. This can cause SSOs in the interceptors themselves or in the municipal sanitary sewers that lead to them. The implication of this is that corrective solutions often must also be regional in scope to be effective.<sup>17</sup>

---

<sup>15</sup> See June letter at 50-53.

<sup>16</sup> Westchester County, Flow Monitoring Program Report, Figures ES-1& 8-1.

<sup>17</sup> U.S. EPA, *Analysis Supporting EPA Region 1 NPDES Permitting Approach For Publicly Owned Treatment Works That Include Municipal Satellite Sewage Collection Systems*,” appended as “Attachment A” to EPA Region 1, NPDES Permit No. MA 0102598 Fact Sheet for 2012 Partially Revised Draft Permit, *available at* <http://www.epa.gov/region1/npdes/permits/2014/finalma0102598permit.pdf> (hereinafter “EPA Region 1 Permitting Approach for POTWs”).



SSOs are a systemic problem in the four POTWs. The occurrence and severity of SSOs is directly caused by the County and Municipalities' neglect of the sewer infrastructure in two distinct ways. First, the County and Municipalities allow excessive infiltration and inflow into the POTW. This uses up capacity in the sewer system, causing sewage backups and overflows during peak flow periods. Second, the County and Municipalities' fail to regularly inspect, clean, and maintain parts of the POTW, and thus allow conditions to deteriorate to the extent that blockages, pipe leaks, equipment failures, and other sewer failures occur, resulting in overflows.

While many SSOs in Westchester County go unreported, Save the Sound has drawn upon two sources of data to develop a partial, but disturbing picture of SSOs in the four POTWs. First, NYSDEC maintains a spill reporting hotline and a record of all reported spills of waste materials, including sewage, is available to the public in the Spill Incidents Database.<sup>18</sup> Second, under New York's Sewage Pollution Right to Know Law, POTW operators must report known discharges of sewage to NYSDEC. NYSDEC compiles such reports in a spreadsheet hosted on its Sewage Discharge Reports website.<sup>19</sup> Drawing on these incomplete sources of information, Save the Sound has identified 82 recent SSO events in the four POTWs (nearly 70 of which have occurred in the past two years). A list of these SSO events is attached as Appendix 1 to this notice letter, titled "Summary of Sanitary Sewer Overflows in Long Island Sound Municipalities of Westchester County."

This partial list is indicative of a systemic SSO problem in each of the four POTWs that includes, but is not limited to, the incidents identified above. The systemic SSO problem is caused by both the County and Municipalities' inadequate investments in maintenance and repairs.

## II.

### **STANDARDS AND LIMITATIONS ALLEGED TO HAVE BEEN VIOLATED AND ACTIVITIES ALLEGED TO BE VIOLATIONS**

Section 301 of the Clean Water Act prohibits "the discharge of any pollutant by any person"<sup>20</sup> to waters of the United States, unless the discharge complies with various enumerated sections of the Clean Water Act. Among other things, Clean Water Act Section 301(a) prohibits discharges not authorized by, or in violation of the terms of, a permit issued pursuant to Section 402 of the Act.<sup>21</sup> All discharges that violate Sections 301 and/or 402 of the Act are enforceable by citizens pursuant to Section 505 of the Act.<sup>22</sup>

---

<sup>18</sup> NYSDEC, *Spill Incidents Database Search*,

<http://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=2> (last visited Aug. 5, 2015).

<sup>19</sup> NYSDEC, *Sewage Discharge Reports*, <http://www.dec.ny.gov/chemical/90321.html> (last visited Aug. 5, 2015).

<sup>20</sup> CWA § 301 (33 U.S.C. § 1311).

<sup>21</sup> See CWA §§ 301(a), and 402 (33 U.S.C. § 1311(a), and 1342).

<sup>22</sup> See CWA § 505(a) (33 U.S.C. 1365(a)) ("any citizen may commence a civil action on his own behalf ... against any person ... who is alleged to be in violation of ... an order issued by ... a State with respect to ... [an effluent

The Clean Water Act draws no distinction between persons (including POTW operators) who discharge pollution into waters of the United States through their own outfall or by moving it through conveyances and outfalls owned and operated by someone else. Further, more than one person can discharge pollutants through the same point source (in this case, the permitted and unpermitted outfalls from the four POTWs). Every person that uses a shared conveyance to channel their pollution to a shared point source is discharging a pollutant within the meaning of the Clean Water Act. Thus, each and every POTW operator is legally responsible for all downstream discharges of pollution from the POTW.<sup>23</sup>

At the downstream end of each POTW in Westchester County stands a treatment plant owned and operated by the County on behalf of certain of the Municipalities. Each treatment plant discharges pollution conveyed to it both by the County and by certain of the Municipalities. Thus, the County and Municipalities all discharge pollution from those treatment plants into waters of the United States.

The Clean Water Act prohibits *unpermitted discharges* – i.e., any discharge of pollutants except through the outfalls designated in a SPDES permit.<sup>24</sup> All of the POTW operators are liable under the Clean Water Act for unpermitted discharges that occur downstream of the point at which they introduce pollutants into the POTW.

Further, the County has obtained SPDES permits that authorize discharges from certain outfalls within each POTW. But discharges of pollution from the designated outfalls must be made in accordance with the terms of the relevant SPDES permit.<sup>25</sup> Thus, all of the POTW operators remain liable under the Clean Water Act for discharges from a permitted outfall that violate the governing SPDES permit's terms and conditions.

The remainder of this section details the categories of Clean Water Act violations – including unpermitted discharges, discharges that violate permit terms, and violations of the 2008 Consent Order – that the County and Municipalities cause jointly or individually, and the

---

standard or limitation under this chapter].”); (f)(1) (33 U.S.C. § 1365(f)(1)) (defining discharge without a permit or in violation of the conditions of a permit, either of which constitutes “an unlawful act under subsection (a) of section 1311,” as an “effluent standard or limitation” that citizens can enforce); and (f)(6) (33 U.S.C. § 1365(f)(6)) (defining a SPDES permit or a condition thereof as an “effluent standard or limitation” that citizens can enforce).

<sup>23</sup> See, e.g., *In re Charles River Pollution Control District*, 16 E.A.D. \_\_\_, 2015 EPA App. LEXIS 3, at \*18-\*24 (Feb. 4, 2015) (collecting cases, and holding that municipalities that convey sewage from their satellite sewers into the county's trunk sewers, which then carry the sewage to a county-owned treatment plant that discharges into waters of the United States, are legally liable for the discharges from the treatment plant under the Clean Water Act); *United States v. Ortiz*, 427 F.3d 1278, 1284 (10th Cir. 2005) (finding liability for discharge of pollutants through a sanitary sewer system that connected to a storm drain owned and operated by another entity that flowed to waters of the United States); *Dague v. Burlington*, 935 F.2d 1343, 1354-55 (2d Cir.1991) (affirming district court holding that city discharged pollutants without a permit when pollutants from city's landfill entered pond and flowed through culvert owned by a railroad and then into navigable waters; and noting with approval judicial decision of another Circuit in which “the fact that the defendant discharged pollutants through conveyances owned by another party was irrelevant”), *rev'd in part on other grounds*, 505 U.S. 557, 112 S. Ct. 2638, 120 L. Ed. 2d 449 (1992).

<sup>24</sup> CWA § 301 (33 U.S.C. § 1311).

<sup>25</sup> *Id.* at §§ 301, 402 (33 U.S.C. § 1311, 1342).

kinds of activities that the County and Municipalities engage in to cause those violations. With this information, the County and Municipalities can readily identify for themselves the specific activities in which they engage that violate Clean Water Act standards, limitations, and orders, and what they must do to end these violations.<sup>26</sup>

**A. The County and the four Municipalities in the New Rochelle Sanitary Sewer District violate Sections 301 and 402 of the Clean Water Act by discharging pollutants from the Overflow Retention Facilities without a permit or in violation of the terms of SPDES Permit NY002697.**

The discharge by the County of pollutants from the Overflow Retention Facilities is fully set forth in the June letter. In addition to the County, the City of New Rochelle, the Town of Mamaroneck, the Village of Larchmont, and the Village of Pelham Manor are violating Sections 301 and 402 of the Clean Water Act by causing or contributing to the continued discharge of sewage that has not been treated to secondary treatment standards from Outfalls 003 and 005 – the Flint Ave. & Cherry Ave. - SSO Control Facility and the Whitewood Ave. - SSO Control Facility (Fort Slocum) (the “Overflow Retention Facilities” or “ORFs”) after August 2014. The County and these four Municipalities discharged without a permit and/or violated the New Rochelle Sanitary Sewer District SPDES Permit on December 9 and 10, 2014 by discharging sewage that had not been treated to secondary treatment standards from the Flint Ave & Cherry Ave - SSO Control Facility (Outfall No. 3, Overflow Retention Facility).

As of August 2014, discharges from the ORFs were prohibited under the New Rochelle Sanitary Sewer District SPDES Permit. As detailed in the June letter, ORF discharges occurred at least once at each ORF in each of the last six years, and in most years each ORF discharged several times. The December 9 and 10 ORF discharges without secondary treatment violated the prohibition that came into effect in August 2014 under the terms of the New Rochelle Sanitary Sewer District SPDES Permit.

Discharges from both ORFs are likely to recur because they are caused by inflow and infiltration levels during severe wet weather events, the I/I problems have not been addressed, and severe wet weather events are likely to recur. During severe wet weather, peak flows in the sewage system overload the capacity of the Flint Street or Whitewood Avenue pumping stations. Such peak flow conditions caused by excessive inflow and infiltration during wet weather occurred on December 9 and 10, 2014 at Flint Street, have occurred one or more times annually at each ORF in the last six years.

Further, peak flows will continue to recur and to intensify for at least three reasons. First, the County has projected that the volume of excessive inflow and infiltration in the County’s trunk lines will continue to grow as the County and Municipalities allow their sewer systems to further deteriorate. Westchester County has taken inadequate affirmative steps to eliminate these

---

<sup>26</sup> Indeed, with this information the County and Municipalities can identify their unlawful acts more completely than Save the Sound can, since the County and Municipalities are privy to considerably more information about operation of the sewer system than Save the Sound.

ORF discharge violations. Second, climate change has already caused an increase in the intensity and peak volume of wet weather events and this trend is expected to increase in coming years. Finally, these unlawful discharges will continue to recur because recent changes to the New Rochelle treatment plant are not adequate to stop them. The Flint Street discharges on December 9 and 10, 2014 occurred four months *after* Westchester County informed NYSDEC that the New Rochelle plant expansion and upgrades were substantially complete,<sup>27</sup> and after the plant's Wet Weather Operating Plan was approved by NYSDEC.<sup>28</sup> This makes it clear that the New Rochelle plant expansion and upgrades required by the 2008 Consent Order were not designed, and are not sufficient, to stop ORF overflows from recurring.

For these reasons, violations of the SPDES permit prohibition on discharges from the ORFs are likely to recur and the County, the City of New Rochelle, the Town of Mamaroneck, the Village of Larchmont, and the Village of Pelham Manor remain in ongoing violation of Sections 301 and 402 of the Clean Water Act.

**B. The County is violating Sections 301 and 402 of the Clean Water Act by violating those terms of its four SPDES permits that require it to identify and prevent or remove excessive inflow and infiltration from the POTWs, and to enforce the County Sewer Act in order to abate such excessive inflow and infiltration (6 NYCRR § 750-2.9(a)(3),(4)).**

The County is violating the terms of its four SPDES permits, which require it to enforce the County Sewer Act and also require it to identify and prevent or remove excess inflow and infiltration to the extent that is economically feasible (including through enforcement of the County Sewer Act).

As explained in the June letter, the County has not prevented or removed excessive infiltration/inflow to the extent that is economically feasible. In fact, the County has failed to take any measures in recent years that actually reduce inflow and infiltration, and the County is at least a year behind the schedule set in the 2008 Consent Order for its flow reduction plan. And that schedule was merely designed to get the County, by late 2017, to the point of evaluating the extent to which it is economically feasible to reduce excessive inflow and infiltration, without actually making any concrete reductions. In short, for years the County has done nothing to reduce inflow and infiltration. And despite being under administrative orders from NYSDEC, in the next few years the County plans to do little more than make future plans to reduce inflow and infiltration. The County is not complying with the terms of its permit that require it to identify and remove excessive inflow and infiltration.

All of the SPDES permits issued to the County for operation of the four Sanitary Sewer Districts authorize the discharge of pollution only "in accordance with: effluent limitations;

---

<sup>27</sup> County of Westchester, Quarterly Report No. 25, as required under Article VI of the Consent Order, Case No. 3-20080730 ("Westchester, Quarterly Report No. 25"), pp. 2, *available at* <http://environment.westchestergov.com/images/stories/qtrly/BNR25thQtrlyReportCoverLtr.pdf>.

<sup>28</sup> *Id.* at 3.

monitoring and reporting requirements; other provisions and conditions set forth this permit; and 6 NYCRR Part 750-1.2(a) and 750-2.”<sup>29</sup> Thus, operation in violation of any provision of Part 750-2 of Title 6 of the New York Code of Rules and Regulations is a violation of the permit that is enforceable in a citizen suit.

6 NYCRR § 750-2.9 contains “Additional Conditions Applicable to a Publicly Owned Treatment Works.” Two additional conditions are relevant here. First, Part 750-2.9(a)(3) directs that “the permittee shall identify all inflow to the tributary system and remove excessive infiltration/inflow to an extent that is economically feasible.” To ensure that this command to prevent or remove excessive infiltration/inflow is accomplished through all feasible means, Part 750-2.9(a)(4) further directs that

the permittee shall enact, maintain and enforce or cause to be enacted, maintained and enforced up-to-date and effective sewer use law in all parts of the POTW service area. Such enactment and enforcement shall include intermunicipal agreements and/or other enforceable legal instruments that allow the permittee to control discharges, either directly or through jurisdictions contributing flows to the POTW, flow and loads to the POTW as well as discharges to the POTW.<sup>30</sup>

These provisions, which are incorporated into the four SPDES permits, are mandatory terms of the County’s permit.

The County is violating those terms of its permits that require it to enforce an “effective sewer use law in all parts of the POTW service area.”<sup>31</sup> The County’s own 2013 study of inflow and infiltration concluded “I/I [inflow and infiltration] in the Westchester County Sewer Districts is a significant problem, contributing up to 50% of the flow to the WWTPs. It is to be expected that the aging sewer systems will continue to deteriorate and I/I will continue to increase.”<sup>32</sup> In the two-year study, the County also concluded that all of the Municipalities cause excessive inflow and infiltration:

The main objective of this flow monitoring program was to determine which, if any, municipalities exceed the 150 gallons per capita per day [gpcd] flow rate limit. ... All municipalities exceeded the 150 gpcd, ranging from a low of 12% of the days during the monitoring program to a high of 61% of the days during the monitoring program.<sup>33</sup>

For years, the County has failed to enforce the law despite rampant and continuing violations of the County Sewer Act by every single Municipality, most notably of those

---

<sup>29</sup> SPDES Permit No. NY0026697 at 1; SPDES Permit No. NY0026701 at 1; SPDES Permit No. NY0026719 at 1; and SPDES Permit No. NY0026786 at 1.

<sup>30</sup> 6 NYCRR § 750-2.9(4).

<sup>31</sup> *Id.*

<sup>32</sup> Westchester County, Flow Monitoring Program Report, Figures ES-1& 8-1.

<sup>33</sup> Westchester County, Flow Monitoring Program Report, p. ES-8.

provisions prohibiting “inflow and infiltration . . . greater than 150 gallons per capita per day.”<sup>34</sup> In the last decade, the County has not brought administrative or judicial actions to enforce Sections 824.41, 824.71, and 824.72 of the County Sewer Act – the provisions that govern flows, loads, and discharges in the New Rochelle, Mamaroneck, Blind Brook and Port Chester Sanitary Sewer Districts (nor, for that matter, has the County sought to enforce any other part of the County Sewer Act). The County has not issued orders under the County Sewer Act, scheduled hearings, or leveled fines.

The County does nothing even though it is *obligated* to enforce the County Sewer Act under the terms of its four SPDES permits, under the terms of the County Sewer Act itself,<sup>35</sup> and even though the County was penalized by the NYSDEC, in a 1998 Consent Order, for failing to enforce the County Sewer Act.

In light of the Municipalities’ hundreds (if not thousands) of continuing violations of the County Sewer Act, and of the County’s history of failure to enforce the Act to abate those violations despite administrative orders, penalties, and legal directives, Save the Sound believes that there is no choice but to seek a judicial order penalizing the County for its failure to reduce excessive inflow and infiltration and compelling the County to finally enforce the County Sewer Act against the Municipalities.

**C. The County is violating the terms of the 2008 Consent Order by failing to adhere to the timeline and requirements of its “Flow Reduction Strategy Plan.”**

As explained in the June letter, in 2008 the NYSDEC and the County negotiated a consent order (the “2008 Consent Order”) that required the County to develop a flow reduction strategy.<sup>36</sup> The County submitted its “Flow Reduction Strategy Plan” to NYSDEC, and NYSDEC approved the Flow Reduction Strategy Plan in a letter dated June 25, 2013.<sup>37</sup>

The 2008 Consent Order states that if NYSDEC approves any submission under the 2008 Consent Order “the submission shall be incorporated into this Order and Respondent shall implement it, in accordance with its schedules and term, as approved.”<sup>38</sup> Thus, as the County admits, “[o]nce [the Flow Reduction Strategy Plan] was accepted by NYSDEC it became part of

---

<sup>34</sup> Westchester County Administrative Code, Section 824.72 (defining excessive inflow and infiltration) and Section 824.71 (prohibiting excessive inflow and infiltration).

<sup>35</sup> See Westchester County Administrative Code, Section 824.72(1) (“A municipality within the jurisdiction of the County of Westchester shall be held liable under the Sewer Act for the violation of introducing excessive infiltration and/or inflow into the county trunk sewer system at each connection to the county trunk sewer system.”) (emphasis added).

<sup>36</sup> See 2008 Consent Order, Appendix A, Item 18: “Develop a flow reduction strategy”, Submission date October 1, 2012.

<sup>37</sup> See Westchester County, Quarterly Report No. 25, p. 7.

<sup>38</sup> 2008 Consent Order, Section V.(C), p. 14.

the 2008 Order on Consent.”<sup>39</sup> As such, the “schedules and terms”<sup>40</sup> of the Flow Reduction Strategy Plan are enforceable components of the 2008 Consent Order.<sup>41</sup>

The implementation schedule in the Flow Reduction Strategy Plan requires that the County undertake several actions, including the following:

1. Complete negotiations with the municipalities by July 1, 2014;
2. Compel submission and complete review of the municipalities’ Evaluation Program Development between April 1, 2015 and August 31, 2015; and
3. Ensure implementation of the evaluation programs September 1, 2015 thru 2017.<sup>42</sup>

By its own admission, the County has failed to meet the first two milestones and therefore is in violation of the 2008 Consent Order. Moreover, having missed these milestones by more than a year, the County and Municipalities cannot begin implementation of the contemplated evaluation programs on September 1, 2015 or complete them by September 1, 2017, and thus the County remains in violation of the 2008 Consent Order and will remain in violation of that order for the foreseeable future.

#### **D. Violations of Numeric Effluent Limitations**

As noted above, the County and various sub-groups of the Municipalities, as identified above, discharge pollutants from point source outfalls listed in each of the four SPDES permits. If a discharge from a permitted outfall violates a term or condition of the governing SPDES permit – such as a numeric effluent limitation that applies to the discharge – then the County and the individual towns that are discharging through that outfall violate of the Clean Water Act.

The County and the various sub-groupings of the Municipalities identified below are in ongoing violation of the Clean Water Act at the outfalls identified below. At each outfall, the County and the Municipalities identified below are engaged in recurring patterns of discharges that constitute ongoing violations of the permit’s effluent limitations.

---

<sup>39</sup> Letter from Westchester County Department of Environmental Facilities to the Municipalities in the New Rochelle, Port Port Chester, Blind Brook and Mamaroneck Sanitary Sewer Districts, dated April 1, 2014, at 2.

<sup>40</sup> 2008 Consent Order, Section V.(C), p. 14.

<sup>41</sup> Section 505(a)(1) of the Clean Water Act allows citizens to bring suit to enforce “an order issued by the Administrator or a State with respect to [an effluent] standard or limitation.” Section 505(f) defines such effluent standards or limitations to include unlawful acts under Section 301, as well violations of NPDES permits or permit conditions. The 2008 Consent Order was issued “with respect to” unlawful acts under Section 301 and permit violations and thus compliance with the Consent Order is enforceable by citizens.

<sup>42</sup> See Westchester County, Flow Monitoring Program Report, ES-9, ES-10, Figure ES-2, 10-2, 10-3, Figure 10-1.

**1. Port Chester - the County, the Village of Mamaroneck, the Village of Port Chester, and the Village of Rye Brook discharge pollution in violation of the numeric effluent limits contained in the Port Chester Sanitary Sewer District SPDES Permit, No. NY0026786.**

*a. Violations of short-term limits on BOD<sub>5</sub>, Suspended Solids, and Fecal Coliform.*

The Port Chester Sanitary Sewer District's SPDES permit contains the following short averaging time numeric effluent limitations for the sewage plant's main outfall, Outfall 001:<sup>43</sup>

Pollutant	Type of Limit	Numeric Limit
Five-Day Biological Oxygen Demand ("BOD <sub>5</sub> ")	Six consecutive hourly mean	50 mg/L
Suspended Solids	Six consecutive hourly mean	50 mg/L
Fecal Coliform	Six hour geometric mean	800/100mL
Fecal Coliform	Individual sample (i.e. limit must be met at all times)	2400/100mL

Save the Sound alleges that the County and the above-named Municipalities repeatedly discharge pollution in violation of these limits during severe wet weather events.

During high inflow and infiltration periods, typically correlated to severe wet weather, the Port Chester Sanitary Sewer District's treatment plant cannot treat all of the influent it receives to the Clean Water Act's secondary treatment standards before discharge. Instead, the treatment plant diverts a significant proportion of the raw sewage influent after it undergoes primary treatment, bypassing the secondary treatment elements of the plant. The plant also begins speeding raw sewage influent through the primary and secondary treatment processes at higher than normal rates of flow, ultimately discharging a blend of partially treated sewage that does not meet secondary treatment standards and is subject to rapid chlorination before discharge. Save the Sound alleges that, as a result of this partial treatment and rapid chlorination, the blended discharge has violated and continues to violate these six-hour and instantaneous numeric effluent limits during high inflow and infiltration periods, typically correlated to severe wet weather, in which the bypass volume in the blended effluent exceeds the volume of effluent that has passed through the secondary treatment process.

<sup>43</sup> See SPDES Permit No. NY0026786 at 3.



*b. Violations of weekly/monthly limits on Flow and CBOD<sub>5</sub>.*

In addition, the County, the Village of Mamaroneck, the Village of Port Chester and the Village of Rye Brook have violated and continue to violate, on a recurring basis, a number of other, longer-duration effluent limitations contained in the Port Chester SPDES permit.

First, the Port Chester SPDES permit contains a 30-day average limit of 6.0 million gallons per day (MGD) for the total flow through the plant.<sup>44</sup> According to records derived from the permittee's own Discharge Monitoring Reports, the discharge at outfall 001 exceeded this limit in June 2013 (30 day average of 6.2 MGD), and the limit was approached in May 2014 (30 day average of 5.6 MGD) and very nearly violated again in March 2015 (30 day average of 5.9 MGD).

The treatment plant's ability to maintain compliance with its flow limit is dependent on the volume of influent, which in turn depends on rainfall, and on inflow and infiltration. This violation is likely to recur in future months of heavy rainfall unless and until the County, the Village of Mamaroneck, and the Village of Rye Brook take significant and concrete measures to reduce excessive inflow and infiltration in the POTW.

Second, the Port Chester SPDES permit contains a number of numeric effluent limits to control the carbonaceous 5-day biological oxygen demand (CBOD<sub>5</sub>) of effluent. This includes: a 7-day average concentration limit of 40 mg/L CBOD<sub>5</sub>, a 30-day average concentration limit of 25 mg/L CBOD<sub>5</sub>, and a further "85% removal" requirement for CBOD<sub>5</sub>: in addition to meeting the absolute numeric targets of 40 mg/L and 25 mg/L, the 30-day average concentration of CBOD<sub>5</sub> in the effluent leaving the treatment plant must be at least 85% below the influent concentration.

According to records derived from the permittee's Discharge Monitoring Reports, the discharge at Outfall 001 nearly exceeded these CBOD<sub>5</sub> limits in January 2014, when the plant's performance fell to the minimum 85% removal target level and the 30 day average concentration rose to the maximum allowable limit of 25 mg/L. On February 28, 2014, the plant's discharges of pollution violated the permit's CBOD<sub>5</sub> limits – the 7-day average concentration rose to 43 mg/L (limit is 40 mg/L). The 30-day average concentration again hit the limit of 25 mg/L in June 2014. Then, in March 2015, CBOD<sub>5</sub> violations recurred when the 30-day average concentration rose to 26 mg/L (limit is 25 mg/L) and the percent removal rate dropped below 85%, down to 83%.

The County, the Village of Mamaroneck, the Village of Port Chester, and the Village of Rye Brook's unlawfully high discharges of CBOD<sub>5</sub> from the Port Chester treatment plant are recurrent and ongoing violations. They appear to correlate with periods of heavy rainfall and will recur during future periods of heavy rainfall unless and until the County, the Village of

---

<sup>44</sup> See SPDES Permit No. NY0026786 at 3.

Mamaroneck, the Village of Port Chester, and the Village of Rye Brook take significant and concrete measures to reduce excessive inflow and infiltration in the POTW.

**2. Blind Brook - the County, the City of Rye, the Town/Village of Harrison, the Village of Mamaroneck, and the Village of Rye Brook discharge pollution in violation of the numeric effluent limits contained in the Blind Brook Sanitary Sewer District SPDES Permit, No. NY0026719.**

*a. Violations of short-term limits on BOD<sub>5</sub>, Suspended Solids, and Fecal Coliform.*

The Blind Brook Sanitary Sewer District's SPDES permit contains the following short averaging time numeric effluent limitations for the sewage plant's main outfall, Outfall 001:<sup>45</sup>

Pollutant	Type of Limit	Numeric Limit
Five-Day Biological Oxygen Demand ("BOD <sub>5</sub> ")	Six consecutive hourly mean	50 mg/L
Suspended Solids	Six consecutive hourly mean	50 mg/L
Fecal Coliform	Six hour geometric mean	800/100mL
Fecal Coliform	Individual sample (i.e. limit must be met at all times)	2400/100mL

Save the Sound alleges that the County and the above-named towns repeatedly discharge pollution in violation of these limits during severe wet weather events.

During high inflow and infiltration periods, typically correlated to severe wet weather, the Blind Brook Sanitary Sewer District's treatment plant cannot subject all of the influent it receives to the Clean Water Act's secondary treatment standards before discharge. Instead, the treatment plant diverts a significant proportion of the raw sewage influent after it undergoes primary treatment, bypassing the secondary treatment elements of the plant. The plant also begins speeding raw sewage influent through the primary and secondary treatment processes at higher than normal rates of flow, ultimately discharging a blend of partially treated sewage that does not meet secondary treatment standards and is subject to rapid chlorination before discharge. Save the Sound alleges that, as a result of this partial treatment and rapid chlorination, the blended discharge has violated and continues to violate these six-hour and instantaneous

---

<sup>45</sup> See SPDES Permit No. NY0026719 at 4.

numeric effluent limits during high inflow and infiltration periods, typically correlated to severe wet weather, in which the bypass volume in the blended effluent exceeds the volume of effluent that has passed through the secondary treatment process.

**3. Mamaroneck - the County, the City of New Rochelle, the City of Rye, the City of White Plains, the Town/Village of Harrison, the Town of Mamaroneck, the Village of Mamaroneck, and the Village of Scarsdale discharge pollution in violation of the numeric effluent limits contained in the Mamaroneck Sanitary Sewer District SPDES Permit, No. NY0026701.**

*a. Violations of short-term limits on BOD<sub>5</sub>, Suspended Solids, and Fecal Coliform.*

The Mamaroneck Sanitary Sewer District's SPDES permit contains the following short averaging time numeric effluent limitations for the sewage plant's main outfall, Outfall 001A:<sup>46</sup>

Pollutant	Type of Limit	Numeric Limit
Five-Day Biological Oxygen Demand ("BOD <sub>5</sub> ")	Six consecutive hourly mean	50 mg/L
Suspended Solids	Six consecutive hourly mean	50 mg/L
Fecal Coliform	Six hour geometric mean	800/100mL
Fecal Coliform	Individual sample (i.e. limit must be met at all times)	2400/100mL

Save the Sound alleges that the County and the above-named Municipalities repeatedly discharge pollution in violation of these limits during severe wet weather events.

During high inflow and infiltration periods, typically correlated to severe wet weather, the Mamaroneck Sanitary Sewer District's treatment plant cannot subject all of the influent it receives to the Clean Water Act's secondary treatment standards before discharge. Instead, the treatment plant diverts a significant proportion of the raw sewage influent after it undergoes primary treatment, bypassing the secondary treatment elements of the plant. The plant also begins speeding raw sewage influent through the primary and secondary treatment processes at higher than normal rates of flow, ultimately discharging a blend of partially treated sewage that does not meet secondary treatment standards and is rapid chlorinated before discharge. Save the

---

<sup>46</sup> See SPDES Permit No. NY0026701 at 4.

Sound alleges that, as a result of this partial treatment and hasty chlorination, the blended discharge has violated and continues to violate these six-hour and instantaneous numeric effluent limits during high inflow and infiltration periods, typically correlated to severe wet weather, in which the bypass volume in the blended effluent exceeds the volume of effluent that has passed through the secondary treatment process.

*b. The County is also violating the permit's monitoring and reporting provisions.*

The County is violating the Mamaroneck SPDES permit by failing to submit complete monitoring records to the NYSDEC. The permit requires the County to submit a monthly Discharge Monitoring Report to the NYSDEC summarizing "the monitoring information required by this permit" no later than the 28<sup>th</sup> day of the month following the end of each reporting period.<sup>47</sup>

According to records derived from the permittee's Discharge Monitoring Reports, in the monthly monitoring report for the period ending April 28, 2014, the County did not report:

- 7-day or 30-day average concentrations of fecal coliform at Outfall 001A;
- 7-day or 30-day average concentrations (in mg/L) of CBOD<sub>5</sub>;
- 7-day or 30-day average quantities (in lbs/day) of CBOD<sub>5</sub>;
- CBOD<sub>5</sub> concentration in raw influent;
- CBOD<sub>5</sub> percent removal;
- Suspended solids percent removal;

In the monthly monitoring report for the period ending September 29, 2014, the County again did not report its CBOD<sub>5</sub> percent removal rate.

To the best of Save the Sound's knowledge, the County has never submitted complete reports to fill these 10 reporting gaps or otherwise resolved these 10 violations. Accordingly, the County is in ongoing violation of the monitoring and reporting requirements of the Mamaroneck SPDES permit.

**4. New Rochelle - the County is violating effluent limitations contained in the New Rochelle Sanitary Sewer District SPDES Permit, No. NY0026697.**

The County is violating the New Rochelle SPDES permit by failing to submit complete monitoring records to the NYSDEC. The permit requires the County to submit a monthly Discharge Monitoring Report to the NYSDEC summarizing "the monitoring information required by this permit" no later than the 28<sup>th</sup> day of the month following the end of each reporting period.<sup>48</sup>

---

<sup>47</sup> SPDES Permit No. NY0026701 at 18.

<sup>48</sup> SPDES Permit No. NY0026701 at 22.

According to records derived from the permittee's Discharge Monitoring Reports, in the monthly monitoring report for the periods ending January 31, 2015 and February 28, 2015 the County did not report the Total Residual Chlorine concentration at Outfall 001, as required by the permit.<sup>49</sup> To the best of Save the Sound's knowledge, the County has never submitted complete reports to fill these 2 reporting gaps or otherwise resolved these 2 violations. Accordingly, the County is in ongoing violation of the monitoring and reporting requirements of the New Rochelle SPDES permit.

#### **E. Unpermitted Discharges from Sanitary Sewer Overflows**

In Part I.C of this notice, Save the Sound identified 82 SSO events in Westchester County. While this list is incomplete, it is indicative of a systemic SSO problem in each of the four POTWs caused by both the County and the Municipalities' inadequate investments in maintenance and repairs.

As noted above, inflow and infiltration are a significant cause of SSOs, particularly those occurring in wet weather. As EPA has explained, inflow and infiltration use up capacity in the sewer system and greatly increase the system's overall loading, directly leading to sewage backups and overflows.<sup>50</sup> When inflow and infiltration cause sanitary sewer overflows that reach waters of the United States, those overflows constitute unpermitted discharges from the overflowing POTW in violation of Section 301 of the Clean Water Act. When such violations occur, every POTW operator that contributed to the excess inflow and infiltration that caused the violation is liable for the violation.

Of the 82 SSO events identified early, Appendix 2 to this letter identifies 45 wet weather SSOs in Westchester County, episodes in which excessive inflow and infiltration during wet weather caused a discharge of pollution to waters of the United States. Appendix 2 is titled "Summary of SSOs in Long Island Sound Municipalities of Westchester County (Wet Weather)." Nearly all of these inflow and infiltration-related SSO events have occurred in the past two years. The table identifies the date, location, and owner/operator of the overflowing sewer, and the receiving waterbody that was polluted by these discharges of raw, untreated sewage. As with the list of 82 SSO events, this is not an exclusive list of all wet weather SSOs caused by inflow infiltration, it is merely illustrative of the larger, systemic problem in all four POTWs.

These SSOs are a recurrent problem and indicate that systemic violations of the Clean Water Act are occurring – namely, unpermitted discharges from all four Sanitary Sewer Districts in violation of Section 301 of the Act. The County and all of the Municipalities are in continuing violation of the Act because the underlying causes of these SSOs – inadequate maintenance combined with excessive inflow and infiltration – are unaddressed and will cause more SSOs throughout the four POTWs.

---

<sup>49</sup> See *Id.* at 5.

<sup>50</sup> See EPA Region 1 Permitting Approach for POTWs, quoted in Part I.C, *supra* at fn 17.

**F. Discharges of Sewage Via MS4s, in Violation of MS4 Permits and CWA Section 301.**

As noted above, sanitary sewer overflows that discharge into waters of the United States constitute unpermitted discharges from a POTW in violation of Section 301 of the Clean Water Act. But when the sewage from a sanitary sewer overflow reaches waters of the United States through a municipal separate storm sewer system (“MS4”), the discharge of sewage through the MS4 also violates the terms of the MS4 operator’s permit. There are 11 MS4s whose sewersheds overlap the sewersheds of the four POTWs. The MS4s are operated by the Municipalities and are co-terminous with their boundaries. The following table identifies the “MS4 Operators,” as we refer to them below, and their permit numbers.

<b>Name of MS4 Operator</b>	<b>SPDES Number</b>
Town/Village of Harrison	NYR20A433
Village of Larchmont	NYR20A178
Town of Mamaroneck	NYR20A215
Village of Mamaroneck	NYR20A233
City of New Rochelle	NYR20A207
Village of Pelham Manor	NYR20A179
Village of Port Chester	NYR20A309
City of Rye	NYR20A381
Village of Rye Brook	NYR20A308
Village Scarsdale	NYR20A307
City of White Plains	NYR20A230

Discharges of pollution from an MS4, like any other discharges of pollution, require a SPDES permit. Section 402(p)(3)(B) of the Clean Water Act requires that SPDES permits for discharges from a MS4 shall include a requirement to effectively prohibit non-storm water discharges into storm sewers. Discharges from the MS4s in Westchester County are authorized pursuant to New York’s SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4), GP-0-15-003 (May 1, 2015).<sup>51</sup> That permit explicitly defines sanitary sewage as a non-permitted illicit discharge. Thus, discharges of sewage from an MS4 violate the terms of the permit.

Save the Sound alleges that the POTW Operators and the MS4 Operators are unlawfully discharging sewage into waters of the United States through the MS4s. That sewage enters the MS4s through at least two different pathways: as a result of SSOs in the POTWs, and as a result of exfiltration from the POTWs. Each is explored below.

**1. The MS4 Operators are violating the terms of their MS4 permits by discharging sewage that enters the MS4 during wet weather SSO overflows.**

The following table identifies five wet weather SSOs (listed in both Appendices 1 and 2) that resulted in discharges of pollution to waters of the United States via MS4s, and thus

---

<sup>51</sup> NYSDEC, SPDES General Permit For Stormwater Discharges From Municipal Separate Storm Sewer Systems r

constituted illicit discharges of in violation of the MS4's SPDES permit. This list is purely illustrative, it is not exclusive. But it allows the County and Municipalities to evaluate for themselves the extent to which similar SSO events of which they are aware also reach waters of the United States through MS4s. The table identifies the date, location, and owner/operator of the overflowing sewer who contributed excess inflow and infiltration that caused these wet weather SSOs, the name and permit number of the MS4 that illicitly discharged the sewage, and the name of the receiving waterbody.

SSO #	Date	Location(s)	POTW Operator	Receiving Waterbody	MS4 with Illicit Discharge to Receiving Waterbody	Permit #
R4	3/15/15	18 Glendale Road	Town/Village of Harrison	Mamaroneck River, possibly local creek too	Town/Village of Harrison	NYR20A433
R12	12/9/14	Rushmore Ave. @ Bleeker, @ Forest, and @ Seney; also E. Boston Post Rd @ Harrison Ave.	Village of Mamaroneck	Mamaroneck Harbor & River, and Beaver Swamp Brook	Village of Mamaroneck	NYR20A233
R16	4/30/14	Rushmore Ave @ Claflin Ave.	Village of Mamaroneck	Mamaroneck Harbor	Village of Mamaroneck	NYR20A233
R24	5/1/14	632 Milton Road; 187 Grace Church Street	City of Rye	Milton Harbor (LIS)	City of Rye	NYR20A381
M5	3/31/14	Glenn & Valley Roads, Mamaroneck	Town of Mamaroneck	Storm drain	Town of Mamaroneck	NYR20A215

These illicit discharges are indicative of recurrent and systemic violations of the Clean Water Act. Save the Sound alleges that SSO events occurring in each Municipality and also in the County-owned trunk sewers result in discharges to waters of the United States via MS4s. All of the Municipalities (not just the four Municipalities named in the above table), in their capacities as MS4 Operators, are in continuing violation of the Act because the underlying causes of these and many other illicit discharges are unaddressed and will continue to recur throughout all of the MS4s. The underlying causes of these violations are SSOs from nearby sanitary sewers, which are owned and mismanaged by the same Municipalities (and the County) in their capacities as POTW operators.

- 2. The MS4 Operators also are violating the terms of their MS4 permits by discharging sewage that enters leaking MS4 pipes and lines via "exfiltration" from poorly maintained sanitary sewers.**

The MS4 Operators also illicitly discharge sewage from another source besides SSOs: "exfiltration." Exfiltration is the term for underground leaks of sewage from the dilapidated

sewers in the four POTWs. Because MS4 sewers are not maintained in watertight condition, the sewage and sewage pollutants exfiltrating out of the County and Municipalities' POTWs travels through soil and groundwater and then enter (infiltrate) the MS4 system. Once in the MS4, the sewage and its constituent pollutants are conveyed directly to waters of the United States.

The EPA has sampled MS4 discharges throughout Westchester County and found significant evidence of illicit sewage discharges in MS4s that serve the same area as the four POTWs. Save the Sound alleges that, in addition to illicitly discharging sewage from SSOs, the MS4 Operators are also violating their SPDES permits by illicitly discharging sewage that enters their system via exfiltration.

**3. The County and Municipalities are violating the POTW SPDES permits by discharging sewage from their poorly maintained sanitary sewers, via exfiltration, into leaking MS4s.**

The same exfiltration that violates the MS4 permits also violates the POTW permits. When sewage is exfiltrated from leaks in the four POTWs and enters an MS4 that conveys the sewage pollution into waters of the United States, the exfiltration constitutes an unpermitted discharge of pollutants from the POTW, in violation of Sections 301 and 402 of the Clean Water Act. As EPA's sampling shows, there are illicit discharges of sewage throughout the MS4 systems that overlay the service area of the four POTWs. Save the Sound alleges that exfiltration from innumerable points throughout the four POTWs is a significant cause of illicit MS4 discharges. Therefore, Save the Sound alleges that the County and Municipalities are violating Section 301 of the Clean Water Act by failing to maintain the sanitary sewers, causing significant volumes of sewage exfiltration into nearby MS4s.

**III.**

**PERSONS RESPONSIBLE FOR ALLEGED VIOLATIONS**

The persons, as defined by Section 502(5) of the CWA, responsible for the violations alleged in this Notice are:

1. Westchester County
2. City of New Rochelle
3. City of Rye
4. City of White Plains
5. Town of Mamaroneck
6. Town/Village of Harrison
7. Village of Larchmont
8. Village of Mamaroneck
9. Village of Pelham Manor
10. Village of Port Chester
11. Village of Rye Brook



12. Village of Scarsdale

All of these persons are “municipalities” as defined in section 502(4) of the Act, 33 U.S.C. § 1362(4), incorporated under the laws of the State of New York.

Save the Sound hereby puts the above-named persons on notice that if Save the Sound subsequently identify additional persons as also being responsible for the violations set forth above, Save the Sound intends to include those persons in this action.

IV.

**LOCATION OF THE ALLEGED VIOLATIONS**

The violations alleged in this Notice have occurred and continue to occur throughout all of the publicly owned treatment works, at all points where inflow and infiltration enter the POTW, at the four treatment plants, at the ORFs, at the unpermitted discharge points from the POTWs identified above in Parts II.E and II.F, and at all other unpermitted sanitary sewer overflow points from which discharges of pollution from the four POTWs have reached waters of the United States.

With respect to those violations that involve illicit discharge of SSO sewage or exfiltrated sewage from an MS4, the violations occurred throughout the 11 MS4 systems operated by the MS4 Operators and at the discharge points (outfalls) from those MS4s, all of which are known to and mapped by the MS4 Operators and the County.

In the case of violations based on the County’s submission of inadequate documents or failure to submit monitoring reports, the violations occur in those inadequate documents themselves.<sup>52</sup>

V.

**DATES OF VIOLATION**

The violations noted in Part II.A of this Notice, relating to discharges from the New Rochelle ORFs, began on December 9, 2014 and, as discussed in that part of the Notice, are ongoing because they are likely to recur during wet weather severe enough to cause peak flows

---

<sup>52</sup> The federal courts have held that a reasonably specific indication of the area where violations occurred, such as the name of the facility, is sufficient and that more precise locations need not be included in the notice. *See, e.g., Natural Resources Defense Council v. Southwest Marine, Inc.*, 945 F. Supp. 1330, 1333 (S.D. Cal. 1996), *aff’d* 236 F.3d 985, 996 (9th Cir. 2000); *City of New York v. Anglebrook Ltd. Partnership*, 891 F. Supp. 900, 908 (S.D.N.Y. 1995); *United Anglers v. Kaiser Sand & Gravel Co.*, No. C 95-2066 CW, 1995 U.S. Dist. LEXIS 22449 at \*4 (N.D. Cal. Sept. 27, 1995)

due to inflow and infiltration at a level that either overloads the capacity of the Flint Street pumping station, or overloads the capacity of the New Rochelle treatment plant downstream.

The violations noted in Part II.B of this Notice, relating to the County's failure to identify and prevent or remove excessive inflow and infiltration from the POTWs, and to enforce the County Sewer Act, began decades ago when the County first became aware of excessive inflow and infiltration but failed to implement all cost-effective measures to reduce inflow and infiltration or to enforce the County Sewer Act in response. The violations have occurred on each and every day within the statute of limitations for a Clean Water Act citizen suit, and will continue to occur every day, until the County fully implements all cost-effective measures to reduce excessive inflow and infiltration and enforces the County Sewer Act in a manner that actually terminates the ongoing violations of that Act by all 11 Municipalities.

The violations noted in Part II.C of this Notice, relating to the County's failure to comply with the 2008 Consent Order's flow reduction requirements, began on July 1, 2014, when the County missed its first milestone related to flow reduction. These violations have occurred on every day since then, and will continue until the County complies with the schedule set in the 2008 Consent Order or otherwise completes the "Flow Reduction Strategy Plan" incorporated into the 2008 Consent Order.

The violations noted in Part II.D of this Notice relating to the County and Municipalities' violations of the numeric effluent limits in all four of the POTW SPDES permits, have occurred on the specific dates listed in Part II.D and, for the reasons explained in that Part, are ongoing:

<b>Permit</b>	<b>Limit(s) Violated</b>	<b>Date(s) of Violation</b>
Port Chester (NY0026786) Blind Brook (NY0026719) Mamaroneck (NY0026701)	short-term limits on BOD <sub>5</sub> , Suspended Solids, and Fecal Coliform.	Violations recur during high inflow and infiltration periods, typically correlated to severe wet weather, in which bypass volume exceeds secondary treatment volume. <sup>53</sup> Save the Sound alleges that such violations have occurred in the past on dates including but not limited to December 9 & 10, 2014; April 30, 2014; March 31, 2014; and June 30, 2013.
Port Chester (NY0026786)	Flow limits	June 2013
Port Chester (NY0026786)	CBOD <sub>5</sub> limits	February 28, 2014; March 2015

The violations noted in Part II.D of this Notice relating to the County's failure to submit monitoring reports required under the Mamaroneck SPDES permit, began on May 29, 2014 and

---

<sup>53</sup> The County and Municipalities have superior knowledge of the wet weather peak inflows and the treatment practices at each treatment plant and therefore can identify for themselves the precise dates on which violations of short-term effluent limits have occurred, and the precise level of rainfall required for such violations to recur.

October 29, 2014, when reporting deadlines set under that permit were missed. These violations have occurred on every day since.

The violations noted in Part II.D of this Notice relating to the County's failure to submit monitoring reports required under the New Rochelle SPDES permit, began on March 1, 2015 and March 29, 2015, when reporting deadlines set under that permit were missed. These violations have occurred on every day since.

The violations noted in Part II.E and F of this Notice relating to unpermitted discharges from the POTWs to waters of the United States via SSOs and the related illicit discharge of SSO pollution from MS4s, have occurred during all instances of sanitary sewer overflows that reach waters of the United States. The County and Municipalities are better positioned than Save the Sound to comprehensively catalogue all dates on which such violations have occurred, but based on public reporting of sanitary sewer overflows, Save the Sound can inform the County and Municipalities that such violations have occurred on the dates provided in Appendices 1 and 2. These SSO violations will continue to recur at points throughout the four POTWs, and thus are ongoing.

The violations noted in Part II. F of this Notice, relating to exfiltration of sewage and pollutants from the POTWs into waters of the United States via MS4s, have occurred on each and every day within the statute of limitations for a Clean Water Act citizen suit, in that the exfiltration that initiates the discharge occurs almost continuously, even though pollution that enters the MS4 resides in that conveyance system for a period, gradually emerging into waters of the United States during rainstorms. The final discharges from the system that complete the unpermitted discharge violation occur during subsequent instances of wet weather.

The County, the Municipalities and the MS4 Operators are liable for the above-described violations occurring prior to the date of this letter, and for every day after the date of this letter that these violations continue. In addition to the violations set forth above, this Notice covers all violations of the CWA evidenced by information that becomes available to Save the Sound after the date of this Notice of Intent to File Suit.<sup>54</sup> These violations are ongoing, and barring full compliance with the permitting requirements of the Clean Water Act, these violations will continue.

---

<sup>54</sup> See, e.g. *Public Interest Research Grp. v. Hercules, Inc.*, 50 F.3d 1239, 1248-49 (3d Cir.1995) (a notice that adequately identifies specific violations to a potential defendant also covers repeated and related violations that the plaintiff learns of later. "For example, if a permit holder has discharged pollutant 'x' in excess of the permitted effluent limit five times in a month but the citizen has learned only of four violations, the citizen will give notice of the four violations of which the citizen then has knowledge but should be able to include the fifth violation in the suit when it is discovered.").

**VI.**

**PERSONS GIVING NOTICE**

The full name, address, and telephone number of the persons giving notice are as follows:

Connecticut Fund for the Environment and Save the Sound  
545 Tompkins Avenue, 3rd Floor  
Mamaroneck, New York 10543  
(914) 381-3140  
Attention: Roger Reynolds, Legal Director

**VII.**

**IDENTIFICATION OF COUNSEL**

Save the Sound is represented by legal counsel in this matter. The name, address, and telephone number of Save the Sound's attorneys are:

Victor M. Tafur  
Law Offices of Victor M. Tafur  
490 Bleeker Avenue  
Mamaroneck, NY 10543  
917-752-0710

Robert N. Kaplan  
Richard J. Kilsheimer  
Elana Katcher  
Kaplan Fox & Kilsheimer LLP  
850 Third Avenue  
14th Floor  
New York, NY 10022  
212-687-1980

Reed Super  
Edan Rotenberg  
Super Law Group, LLC  
411 State Street, 2R  
Brooklyn, New York 11217  
212-242-2355


VII.

**CONCLUSION**

The foregoing provides more than sufficient information to permit the County, the Municipalities, and the MS4 Operators to identify the specific standards, limitations, and orders alleged to have been violated, the activities alleged to constitute violations, the person or persons responsible for the alleged violations, the locations of the alleged violations, the dates of such violations, and the full name, address, and telephone number of the person giving notice.<sup>55</sup>

Save the Sound is interested in early and prompt resolution of these violations. During the sixty-day notice period, Save the Sound is willing to discuss effective remedies for the violations noted in this letter that may avoid the necessity of protracted litigation. If you wish to pursue such discussions, or if you believe that any of the facts described above are in error, please contact the undersigned attorney immediately. We do not intend to delay the filing of a complaint in federal court regardless of whether discussions are continuing at the conclusion of the sixty days.

Very truly yours,



Roger Reynolds, Legal Director  
Save the Sound  
545 Tompkins Avenue, 3rd Floor  
Mamaroneck, New York 10543  
(914) 381-3140

---

<sup>55</sup> 40 C.F.R. § 135.3(a).

Notice of Violation and Intent to File Suit  
August 7, 2015  
Page 30 of 30

cc:

Gina McCarthy, Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Judith A. Enck, EPA Region 2 Administrator  
Environmental Protection Agency  
290 Broadway  
New York, NY 10007-1866

Joseph Martens, Commissioner  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-1011

## **APPENDIX 1**

### **Summary of Sanitary Sewer Overflows in Long Island Sound Municipalities of Westchester County**

## Summary of Sanitary Sewer Overflows in Long Island Sound Municipalities of Westchester County

ID	Date Time	Town_City	Facility Name	Closest Address or Landmark	Treated State	Corrective Actions	Receiving Water Body	Reason For Discharge	Other Explanation	Total Precip.	Wet
R1	2015/03/09 09:30 AM	City Of Rye	City Of Rye DPW	500 Stuyvesant Ave	Untreated	cleared blockage in line	Long Island Sound(* Long Island Sound)	Blockage;	blocked by grease;	0.00 N	
R2	2014/12/09 01:05 PM	City Of RYE	City Of Rye DPW	Hewlitt Ave intersecting Milton Rd	Untreated	manhole is surcharged due to heavy rain and flooding	*long island sound(*Milton Harbor, *Long Island Sound)	Weather Conditions;	FLOODING RAIN 2.5";	3.63 Y	
R3	2014/11/17 03:35 PM	City Of Rye	City Of Rye Department Of Public Works	Forest Ave intersection Ann Lane	Untreated	Cleared blockage.	Long Island Sound(*Playland Lake, *Long Island Sound)	Blockage;	City line was blocked cleared by jetting;	1.56 Y	
R4	2015/03/15 02:15 PM	Harrison	Town/Village of Harrison	18 Glendale Road	Untreated	Boom was placed around surcharging manhole and downstream catch basin	*Mamaroneck River	Weather Conditions;	heavy rain and snow melt;	0.89 Y	
R5	2014/05/20 12:30 PM	Harrison	Town/Village of Harrison	Westchester Country Club	Untreated	Clogged sewer line was cleared using the Town-owne	Mamaroneck River (. Beaver Swamp Brook, . Blind Brook)	Root Intrusion; Blockage;	Tree roots blocking pipe;	0.04 N	
R6	2013/07/24 08:11 AM	Harrison	Town/Village of Harrison	2 Fairway Drive	Untreated	Lightening strike caused power outage, electrician	. Blind Brook	Weather Conditions;	Lightening Strike;	2.44 Y	
R7	2013/05/15 09:15 AM	Harrison	Town/Village of Harrison	Indian Hill Road and Park Lane	Untreated	High water alarm received, water pumped down, no s	(. Kensico Reservoir, . Rye Lake)	Unknown At This Time;		0.05 N	
R8	2013/05/11 09:30 AM	Harrison	Town/Village of Harrison	Union Avenue and Harrison Avenue	Untreated	Clog in lateral pipe was cleared using sewer jet.	Mamaroneck River (. Beaver Swamp Brook)	Unknown At This Time; Blockage;	Clog in lateral;	1.75 Y	

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" &gt; .5" three days prior. otherwise N.



## Summary of Sanitary Sewer Overflows in Long Island Sound Municipalities of Westchester County

R9	2014/12/09 12:50 PM	Larchmont	New Rochelle	Flint Ave	Partially Treated With Disinfection	n/a	*Long Island Sound (at Flint Park)	Weather Conditions;	n/a;	3.63 Y
R10	2014/03/30 06:23 AM	Larchmont	New Rochelle	Flint Park	Partially Treated With Disinfection	Flint Park ORF normal permitted operation to Long	*Long Island Sound (at Flint Park)	Weather Conditions;	Rain;	2.64 Y
R11	12:00:00 AM 08:49 PM	Mamaroneck	Mamaroneck Village sanitary sewer system	Bleeker and Rushmore; Forest and Rushmore	Untreated	Due to extremely heavy rainfall and inflow into Vi	*Mamaroneck Harbor, which empties into Long Island Sound	Insufficient System Capacity; Weather Conditions;	extreme rainfall, approaching 4" of rain, causes sanitary sewer overflows;	0.00 N
R12	2014/12/09 11:30 AM	Mamaroneck	Mamaroneck Village sanitary sewer system	Shore Acres Club, Beach Point Club	Untreated	Due to heavy rainfall (2.7") and systemic I & I, into VOM sanitary sewer system, rainfall of 12/9 to 12/10/2014 caused manholes to surcharge on Bleeker and Rushmore, Forest & Rushmore, Seney & Rushmore, E. Boston Post Rd & Harrison; Impossible to control	*Mamaroneck River and Mamaroneck Harbor, which empties into Long Island Sound.	Insufficient System Capacity; Weather Conditions;	insufficient system capacity;	3.63 Y

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" &gt; 5" three days prior. otherwise N.

# Summary of Sanitary Sewer Overflows in Long Island Sound Municipalities of Westchester County

Sewage Pollution Right to Know, Spill Report, and Town of Mamaroneck

R13	2014/05/01 12:00 PM	Mamaroneck	Mamaroneck Village sanitary sewer system	Shore Acres Club	Untreated	Due to extremely heavy rainfall and systemic info	*Mamaroneck Harbor, which empties into Long Island Sound	Insufficient System Capacity; Weather Conditions; extreme rainfall, approaching 4" of rain, with leaks and I & I into system, causing sanitary sewer overflows;;	4.10 Y	
R14	2014/05/01 10:00 AM	Mamaroneck	Mamaroneck	East Boston Post Rd and The Parkway	Untreated	Barricaded sidewalk to alert pedestrians.	Guion Creek (*Blind Brook)	Insufficient System Capacity; Weather Conditions; Rain;	4.10 Y	
R15	2014/05/01 09:00 AM	Mamaroneck	Mamaroneck	Fenimore Road and Bishop Ave	Untreated	Caused by rainfall induced I and I	Shendrake River (. Mamaroneck Harbor, . Sheldrake River)	Insufficient System Capacity; Weather Conditions; Caused by rainfall induced I and I;	4.10 Y	
R16	2014/04/30 09:54 PM	Mamaroneck	Mamaroneck Village Sewer System	Rushmore Avenue at Clafin Avenue	Untreated	Due to extremely heavy rainfall and systemic info	*Mamaroneck Harbor, which connects to Long Island Sound	Insufficient system capacity; Weather conditions; extreme rainfall approaching 4" of rain, with leaks and I & I into system, leading to sanitary sewer overflows at manholes;	3.60 Y	

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" > 5" three days prior. otherwise N.

# Summary of Sanitary Sewer Overflows in Long Island Sound Municipalities of Westchester County

Sewage Pollution Right to Know, Spill Report, and Town of Mamaroneck

R17	2013/09/11 11:00 AM	Mamaroneck	Westchester County	Fenimore Road and Hoyt Avenue	Untreated	This is a possible break. Status is unknown. We ar	(. Sheldrake River, . Mamaroneck Harbor)	Unknown At This Time;		0.03 N	
R18	2013/06/11 09:00 AM	Mamaroneck	Westchester County	Orienta Ave.	Untreated	Brought in tanker trucks	(* Long Island Sound)	Weather Conditions;	rain;	1.92 Y	
R19	2014/05/01 07:30 AM	Mamaroneck	Mamaroneck sanitary sewer system	412 Chestnut Avenue, manhole in rear of property	Untreated	Due to extremely heavy rainfall and systemic inflo	*Mamaroneck River	Insufficient System Capacity; Weather Conditions;	extreme rainfall, approaching 4" of rain, with leaks and I & I into sanitary sewer overflows,;	4.10 Y	
R20	2014/04/30 10:30 PM	New Rochelle	New Rochelle STP	Flint Park	Partially Treated Without Disinfection	permitted cso discharge	* Long Island Sound	Weather Conditions;	Rain;	3.60 Y	
R21	2014/04/30 09:45 PM	New Rochelle	New Rochelle STP	37 Fort Slocum Road	Partially Treated Without Disinfection	permitted cso discharge	*Long Island Sound (*New Rochelle Harbor, *Long Island Sound)	Weather Conditions;	Rain;	3.60 Y	
R22	2015/01/06 12:25 PM	Rye	Blind Brook	Rye Beach Ave and Playland Pkwy	Untreated	Jet truck onsite to clear blockage	*Long Island Sound	Blockage;		0.86 Y	
R23	2014/12/30 11:05 AM	Rye	City Of Rye DPW	2 Club Rd on Highland Rd side	Untreated	Blockage was cleared	.Blind Brook	Blockage;	Grease was blocking the line;	0.08 N	

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" > 5" three days prior. otherwise N.

## Summary of Sanitary Sewer Overflows in Long Island Sound Municipalities of Westchester County

R24	2014/05/01 09:57 AM	Rye	City Of Rye	632 Milton Rd and 187 Grace Church St	Untreated	not contained multiple manholes discharging sewage	*Long Island Sound(*Milton Harbor)	Weather Conditions;	4 to 5 inch rain storm;	4.10 Y	
R25	2014/03/24 11:45 AM	Rye	City Of Rye	Playland Parkway west of Old Post Rd bridge	Untreated	Cleared sewer line of large amounts of paper	.Blind Brook	Blockage;	blocked by large amounts of paper;	0.00 N	
R26	2014/01/17 11:15 AM	RYE	CITY OF RYE	Playland Parkway west of Old Post Rd bridge	Untreated	Cleared blocked sewer line	.Blind Brook	Blockage;	Blocked line due to paper and rags;	0.43 N	
R27	2014/01/16 03:00 PM	RYE	CITY OF RYE	506 Midland Ave	Untreated	Shut down Peck Ave pump station to stop flow	+unknown	Unknown At This Time;		0.43 N	
R28	2013/12/23 09:15 AM	Rye	City of Rye Dept Public Works	Playland Pkwy west of old Post Rd bridge.	Untreated	Found debris in grass. Cleared. No blockage found.	(. Blind Brook )	Unknown At This Time;		0.56 Y	
R29	2013/07/15 11:15 AM	Rye	Blind Brook WWTP	141 Oakland Beach, Rye 10580	Untreated	Sludge Forcemain pumps turned off, Emergency pipe	*Blind Brook	Unknown At This Time; Other;	Unknown Sludge Force main failure;	0.35 N	
R30	2013/06/11 12:30 PM	Rye	Rye (C) DPW	632 Milton Rd.	Untreated	N/A	(. Blind Brook )	Weather Conditions;	rain;	1.92 Y	

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" &gt; .5" three days prior. otherwise N.

## Summary of Sanitary Sewer Overflows in Long Island Sound Municipalities of Westchester County

R31	2015/03/19 04:30 PM	Scarsdale	Village of Scarsdale	121 Walworth Avenue	Untreated	Surcharging manhole is located within the watercourse making containment difficult. The line blockage causing the overflow was removed in a short period of time, and the surcharging manhole subsided immediately.	*Bronx River	Blockage;	sediment and sludge caused a blockage in the sanitary sewer line. ;	0.08 N	
R32	2014/05/01 10:30 AM	Scarsdale	Village of Scarsdale	intersection of Greendale Road and Oxford Road	Untreated	Overflow was contained within a detention basin.	+unknown	Weather Conditions;	sanitary sewer surcharge during a 4" rain event;	4.10 Y	
R33	2014/05/01 10:30 AM	Scarsdale	Village of Scarsdale	dead end of Barry Road	Untreated	Attempting to contain the discharge would have res	*Hutchinson River	Weather Conditions;	sanitary sewer surcharge during a 4" rain event;	4.10 Y	
R34	2014/01/25 11:30 AM	White Plains	City of White Plains	No. White Plains Train Station Bridge	Untreated	Used high pressure flush truck to clear sanitary s	*Bronx River	Blockage;	misc. debris incl cloth rags;	0.02 N	
R35	2013/06/17 09:20 AM	White Plains	City of White Plains	Bronx River Pkwy at Walworth Crossing	Untreated	Immediately began to relieve sanitary sewer blocka	*Bronx River	Root Intrusion; Blockage;	8" VTP blocked by debris/roots;	0.44 N	

ID	Date_Time	Town_City	Facility_Name	Closest_Address_or_Landmark	Treated_Station	Corrective Actions	Receiving_Waterbody	Reason_For_Discharge	Other Explanation	Total	Wet
S1	1/18/11 20:08:00	Larchmont	N/A	CIRCLE PUMP STATION MANOR MARK	Wastewater	NA	Unknown	Unknown	NA	0.27 N	

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" &gt; 5" three days prior. otherwise N.

# Summary of Sanitary Sewer Overflows in Long Island Sound Municipalities of Westchester County

Sewage Pollution Right to Know, Spill Report, and Town of Mamaroneck

S2	6/02/13 08:00:00	Mamaroneck	N/A		JEFFERSON AVE	Raw Sewage	NA		*Mamaroneck River	Equipment Failure	NA		0.54	Y
S3	5/23/13 11:41:00	Mamaroneck	N/A		MAMARONECK AVE	Raw Sewage	NA		Unknown(*Mamaroneck River)	Unknown	NA		1.43	Y
S4	3/12/13 16:01:00	Mamaroneck	N/A		JEFFERSON AVE AND VAN RANST	Raw Sewage	NA		*Mamaroneck River/SOU	Housekeeping	NA		1.21	Y
S5	2/27/13 16:00:00	Mamaroneck	N/A		FLAGLER DR 1100' WEST OF ORIENTA AVE	Raw Sewage	NA		*Long Island Sound	Equipment Failure	NA		1.03	Y
S6	3/14/15 14:00:00	New Rochelle	N/A		1 LEFEVRE LANE	Raw Sewage	NA		Unknown (*Long Island Sound)	Other	NA		0.89	Y
S7	8/10/10 12:10:00	North White Plains	N/A		353 PARKWAY HOMES RD	Wastewater	NA		Unknown (*Bronx River)	Equipment Failure	NA		0.10	N

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" > .5" three days prior. otherwise N.

# Summary of Sanitary Sewer Overflows in Long Island Sound Municipalities of Westchester County

Sewage Pollution Right to Know, Spill Report, and Town of Mamaroneck

S8	4/09/14 19:16:00	Pelham	N/A		ACROSS FROM 925 SPRING RD	Raw Sewage	NA		*Pelham Bay Park (*Hutchinson River, Long Island Sound)	Deliberate	NA			0.68 Y
S9	1/30/12 21:00:00	Port Chester	N/A		451 NORTH MAIN ST	Raw Sewage	NA		Unknown (*Byram River)	Deliberate	NA			0.34 N
S10	3/15/2015 13 :30:00	Rye	N/A		BLOOKDALE/ELLS WORTH/HEWLEIT STREETS	Raw Sewage	NA		Unknown (*Blind Brook)	Unknown	NA			0.89 Y
S12	*5/1/201410:0 2:00	Rye	N/A		MULTIPLE MANHOLES	Raw Sewage	NA		Unknown	Storm	NA			4.10 Y
S20	9/14/14 12:20:00	Rye	N/A		MIDLAND AVE AND COTTAGE ST	Raw Sewage	NA		Unknown (. Long Island Sound)	Equipment Failure	NA			0.01 N
S21	7/07/14 12:30:00	Rye	N/A		DEAD END OF SOUNDVIEW AVE - 40 FT PAST DEAD END	Raw Sewage	NA		Unknown (*Milton Harbor, *Long Island Sound)	Equipment Failure	NA			0.33 N
S23	2/22/14 22:00:00	Rye	N/A		FOREST AVENUE	Raw Sewage	NA		Unknown (. Long Island Sound, . Playland Lake, . Kirby Pond)	Other	NA			0.33 N

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" > 5" three days prior. otherwise N.

# Summary of Sanitary Sewer Overflows in Long Island Sound Municipalities of Westchester County

Sewage Pollution Right to Know, Spill Report, and Town of Mamaroneck

S24	1/17/14 11:45:00	Rye	N/A	PLAYLAND PARKWAY	Raw Sewage	NA	Unknown (. Long Island Sound)	Other	NA	0.43	N
S25	7/03/13 08:35:00	Rye	N/A	SEWER LINE IN AREA	Raw Sewage	NA	Unknown	Other	NA	1.50	Y
S26	6/08/13 08:00:00	Rye	N/A	MILTON RD	Raw Sewage	NA	Unknown (. Blind Brook, . Long Island Sound)	Other	NA	3.56	Y
S27	3/08/13 17:00:00	Rye	N/A	600 Forest Ave	Raw Sewage	NA	Unknown (*Long Island Sound)	Equipment Failure	NA	0.14	N
S28	12/13/12 17:49:00	Rye	N/A	187 GRACE CHURCH ST	Raw Sewage	NA	*Storm Drain (.Kirby Pond, .Playland Lake, .Long Island Sound)	Equipment Failure	NA	0.13	N
S29	9/30/12 15:45:00	Rye	N/A	115 DRAKE SMITHLN	Raw Sewage	NA	Unknown (.Kirby Pond, .Playland Lake, .Long Island Sound)	Equipment Failure	NA	1.21	Y
S30	1/15/12 14:15:00	Rye	N/A	INTERSECTION MIDDLEN AVE/PECK AVE	Raw Sewage	NA	Unknown (.Kirby Pond, .Playland Lake, .Long Island Sound)	Equipment Failure	NA	1.20	Y

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" >.5" three days prior. otherwise N.



# Summary of Sanitary Sewer Overflows in Long Island Sound Municipalities of Westchester County

Sewage Pollution Right to Know, Spill Report, and Town of Mamaroneck

S31	7/02/11 16:45:00	Rye	N/A	BARLOW LANE AND JOHN JAY PLACE	Raw Sewage	NA	Unknown (. Long Island Sound)	Unknown	NA	0.05	N
S32	2/25/11 18:20:00	Rye	N/A	187 GRACE CHURCH ST	Raw Sewage	NA	Unknown (. Kirby Pond, .Playland Lake, .Long Island Sound)	Equipment Failure	NA	1.38	Y
S33	2/08/11 20:00:00	Rye	N/A	187 GRACE CHURCH ST	Raw Sewage	NA	Unknown (. Kirby Pond, .Playland Lake, .Long Island Sound)	Equipment Failure	NA	0.47	N
S34	12/14/10 17:40:00	Rye	N/A	Between High St and Nursery Lane	Raw Sewage	NA	Unknown (. Beaver Swamp Brook or . Blind Brook)	Equipment Failure	NA	1.62	Y
S35	11/17/10 21:00:00	Rye	N/A	GRACE CHURCH ST	Raw Sewage	NA	Unknown (. Kirby Pond, .Playland Lake, .Long Island Sound)	Equipment Failure	NA	0.93	Y
S36	*5/1/201410:0 0:00	Scarsdale	N/A	DEAD END BARRY RD	Raw Sewage	NA	*Hutchinson River	Storm	NA	4.10	Y

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" > .5" three days prior. otherwise N.

## Summary of Sanitary Sewer Overflows in Long Island Sound Municipalities of Westchester County

S37	*5/1/2014 11:4 3:00	Scarsdale	N/A	OXFORD AND GREENDALE	Raw Sewage	NA	Unknown ( . Sheldrake River)	Storm	NA	4.10 Y	
S38	5/03/10 12:58:00	Scarsdale	N/A	HARNEY RD/ BRONX RIVER	Raw Sewage	NA	*BRONX RIVER	Unknown	NA	4.09 Y	
S39	12/14/11 08:00:00	West Harrison	N/A	1580 OLD ORCHARD ST	Raw Sewage	NA	Unknown ( . Kensico Reservoir, . Cranberry Lakes, . Rye Lake)	Unknown	NA	0.00 N	
S40	10/22/14 14:35:00	White Plains	N/A	120 SAXON WOODS ROAD	Raw Sewage	NA	Unknown (West Branch Mamaroneck River)	Unknown	NA	0.69 Y	
S41	5/14/14 16:30:00	White Plains	N/A	210 BATTLE AVE	Raw Sewage	NA	Unknown ( . Bronx River)	Equipment Failure	NA	0.06 N	
S42	5/07/14 16:30:00	White Plains	N/A	37 HALL AVE	Raw Sewage	NA	Unknown ( . Mamaroneck River)	Equipment Failure	NA	0.00 N	
S43	3/15/14 16:00:00	White Plains	N/A	OFF WALWORTH TERRACE	Raw Sewage	NA	*Bronx River	Equipment Failure	NA	0.16 N	
S45	6/10/10 08:38:00	White Plains	N/A	32 DOYER ST	Raw Sewage	NA	+Unknown	Unknown	NA	0.46 N	

ID	DATE	TOWN	Facility_Name	LOCATION	Treated_Station	Corrective Actions	Receiving_Water_Body	Reason for Discharge	Other_Explanation	Sum	Wet
----	------	------	---------------	----------	-----------------	--------------------	----------------------	----------------------	-------------------	-----	-----

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" &gt; .5" three days prior. otherwise N.

## Summary of Sanitary Sewer Overflows in Long Island Sound Municipalities of Westchester County

M1	4/20/2015	MAMARONECK			SACKETT CIRCLE		flushed town line; backup cleared	**Sheldrake River				2.48 Y
M2	4/13/2015	MAMARONECK			W. BROOKSIDE		flushed town line; backup cleared	**Sheldrake River				0.07 N
M3	1/10/2015	MAMARONECK			LESTER PLACE		flushed town line; backup cleared	**Mamaroneck River				0.06 N
M4	9/5/2014	MAMARONECK			BOSTON POST ROAD #1415		flushed town line; backup cleared	**Long Island Sound at Flint Park				0.12 N
M5	3/31/2014	MAMARONECK			GLEN and VALLEY		sanitary lines surcharged; clean sewage from street	+Unknown				2.76 Y
M6	2/24/2014	MAMARONECK			MYRTLE BLVD #121		sanitary lines surcharged; clean sewage from street	+Unknown				0.09 N
M7	1/6/2014	MAMARONECK			SACKETT CIRCLE #6		flushed town line; backup cleared	**Sheldrake River				0.43 N
M8	11/25/2013	MAMARONECK			SALEM DRIVE #3		flushed town line; backup cleared	. Sheldrake River				0.17 N
M9	4/24/2013	MAMARONECK			LANSLOWNE DRIVE #37		flushed town line; backup cleared	**Sheldrake River				0.00 N
M10	10/2/2012	MAMARONECK			MURDOCK ROAD #8		flushed town line; backup cleared	+Unknown				0.51 Y
M11	6/7/2011	MAMARONECK			HUGUENOT DRIVE #21		flushed town line;no backup found	+Unknown				0.00 N
M12	5/24/2011	MAMARONECK			ALTHEA LANE & SACKETT DR		flushed town line; backup cleared	**Sheldrake River				0.45 N

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" &gt; .5" three days prior. otherwise N.



## APPENDIX 2

### Summary of SSOs in Long Island Sound Municipalities of Westchester County (Wet Weather)

Summary of SSOs in Long Island Sound Municipalities of Westchester County (Wet Weather)

Sewage Pollution Right to Know, Spill Report, and Town of Mamaroneck

ID	DATE	TOWN	Facility_Name	LOCATION	Treated_Station	Corrective Actions	Receiving_Water_Body	Reason for Discharge	Other_Explanation
R10	2014/03/30 06:23 AM	Larchmont	New Rochelle	Flint Park	Partially Treated With Disinfection	Flint Park ORF normal permitted operation to Long	*Long Island Sound (at Flint Park)	Weather Conditions;	Rain;
R11	12:00:00 AM 08:49 PM	Mamaroneck	Mamaroneck Village sanitary sewer system	Bleeker and Rushmore; Forest and Rushmore	Untreated	Due to extremely heavy rainfall and inflow into Vi	*Mamaroneck Harbor, which empties into Long Island Sound	Insufficient System Capacity; Weather Conditions;	extreme rainfall, approaching 4" of rain, causes sanitary sewer overflows;
R12	2014/12/09 11:30 AM	Mamaroneck	Mamaroneck Village sanitary sewer system	Shore Acres Club, Beach Point Club	Untreated	Due to heavy rainfall (2.7") and systemic I & I, into VOM sanitary sewer system, rainfall of 12/9 to 12/10/2014 caused manholes to surcharge on Bleeker and Rushmore, Forest & Rushmore, Seney & Rushmore, E. Boston Post Rd & Harrison; Impossible to control	*Mamaroneck River and Mamaroneck Harbor, which empties into Long Island Sound.	Insufficient System Capacity; Weather Conditions;	insufficient system capacity;

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" > .5" three days prior. otherwise N.

# Summary of SSOs in Long Island Sound Municipalities of Westchester County (Wet Weather)

Sewage Pollution Right to Know, Spill Report, and Town of Mamaroneck

R13	2014/05/01 12:00 PM	Mamaroneck	Mamaroneck Village sanitary sewer system	Shore Acres Club	Untreated	Due to extremely heavy rainfall and systemic info	*Mamaroneck Harbor, which empties into Long Island Sound	Insufficient System Capacity; Weather Conditions;	Insufficient System Capacity; Weather Conditions: extreme rainfall, approaching 4" of rain, with leaks and I & I into system, causing sanitary sewer overflows;;
R14	2014/05/01 10:00 AM	Mamaroneck	Mamaroneck	East Boston Post Rd and The Parkway	Untreated	Barricaded sidewalk to alert pedestrians.	Guion Creek (*Blind Brook)	Insufficient System Capacity; Weather Conditions;	Rain;
R15	2014/05/01 09:00 AM	Mamaroneck	Mamaroneck	Fenimore Road and Bishop Ave	Untreated	Caused by rainfall induced I and I	Shendrake River (. Mamaroneck Harbor, . Sheldrake River)	Insufficient System Capacity; Weather Conditions;	Caused by rainfall induced I and I;
R16	2014/04/30 09:54 PM	Mamaroneck	Mamaroneck Village Sewer System	Rushmore Avenue at Clafin Avenue	Untreated	Due to extremely heavy rainfall and systemic info	*Mamaroneck Harbor, which connects to Long Island Sound	Insufficient System Capacity; Unknown At This Time; Weather Conditions;	Insufficient system capacity; Weather conditions; extreme rainfall approaching 4" of rain, with leaks and I & I into system, leading to sanitary sewer overflows at manholes;

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" > .5" three days prior. otherwise N.

**Summary of SSOs in Long Island Sound Municipalities of Westchester County (Wet Weather)**      **Sewage Pollution Right to Know, Spill Report, and Town of Mamaroneck**

R18	2013/06/11 09:00 AM	Mamaroneck	Westchester County	Orienta Ave.	Untreated	Brought in tanker trucks	(*Long Island Sound)	Weather Conditions; rain;	
R19	2014/05/01 07:30 AM	Mamaroneck	Mamaroneck sanitary sewer system	412 Chestnut Avenue, manhole in rear of property	Untreated	Due to extremely heavy rainfall and systemic info	*Mamaroneck River	Insufficient System Capacity; Weather Conditions; extreme rainfall, approaching 4" of rain, with leaks and I & I into system, causing sanitary sewer overflows.;	
R2	2014/12/09 01:05 PM	City Of RYE	City Of Rye DPW	Hewlitt Ave intersecting Milton Rd	Untreated	manhole is surcharged due to heavy rain and flooding	*Long island sound(*Milton Harbor, *Long Island Sound)	Weather Conditions; FLOODING RAIN 2.5";	
R20	2014/04/30 10:30 PM	New Rochelle	New Rochelle STP	Flint Park	Partially Treated Without Disinfection	permitted cso discharge	*Long Island Sound	Weather Conditions; Rain;	
R21	2014/04/30 09:45 PM	New Rochelle	New Rochelle STP	37 Fort Slocum Road	Partially Treated Without Disinfection	permitted cso discharge	*Long Island Sound (*New Rochelle Harbor, *Long Island Sound)	Weather Conditions; Rain;	
R22	2015/01/06 12:25 PM	Rye	Blind Brook	Rye Beach Ave and Playland Pkwy	Untreated	Jet truck onsite to clear blockage	*Long Island Sound	Blockage;	
R24	2014/05/01 09:57 AM	Rye	City Of Rye	632 Milton Rd and 187 Grace Church St	Untreated	not contained multiple manholes discharging sewage	*Long Island Sound(*Milton Harbor)	Weather Conditions; 4 to 5 inch rain storm;	

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "y" > .5" three days prior. otherwise N.



**Summary of SSOs in Long Island Sound Municipalities of Westchester County (Wet Weather)**      **Sewage Pollution Right to Know, Spill Report, and Town of Mamaroneck**

R28	2013/12/23 09:15 AM	Rye	City of Rye Dept Public Works	Playland Pkwy west of old Post Rd bridge.	Untreated	Found debris in grass. Cleared. No blockage found.	(. Blind Brook )	Unknown At This Time;	
R3	2014/11/17 03:35 PM	City Of Rye	City Of Rye Department Of Public Works	Forest Ave intersection Ann Lane	Untreated	Cleared blockage.	Long Island Sound(*Playland Lake, *Long Island Sound)	Blockage;	City line was blocked cleared by jetting;
R30	2013/06/11 12:30 PM	Rye	Rye (C) DPW	632 Milton Rd.	Untreated	N/A	(. Blind Brook)	Weather Conditions;	rain;
R33	2014/05/01 10:30 AM	Scarsdale	Village of Scarsdale	dead end of Barry Road	Untreated	Attempting to contain the discharge would have res	*Hutchinson River	Weather Conditions;	sanitary sewer surcharge during a 4" rain event;
R4	2015/03/15 02:15 PM	Harrison	Town/Village of Harrison	18 Glendale Road	Untreated	Boom was placed around surcharging manhole and downstream catch basin	*Mamaroneck River	Weather Conditions;	heavy rain and snow melt;
R6	2013/07/24 08:11 AM	Harrison	Town/Village of Harrison	2 Fairway Drive	Untreated	Lightening strike caused power outage, electrician	. Blind Brook	Weather Conditions;	Lightening Strike;
R8	2013/05/11 09:30 AM	Harrison	Town/Village of Harrison	Union Avenue and Harrison Avenue	Untreated	Clog in lateral pipe was cleared using sewer jet.	Mamaroneck River (. Beaver Swamp Brook)	Unknown At This Time; Blockage;	Clog in lateral;
R9	2014/12/09 12:50 PM	Larchmont	New Rochelle	Flint Ave	Partially Treated With Disinfection	n/a	*Long Island Sound (at Flint Park)	Weather Conditions;	n/a;

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "y" > 5" three days prior. otherwise N.

**Summary of SSOs in Long Island Sound Municipalities of Westchester County (Wet Weather)**      Sewage Pollution Right to Know, Spill Report, and Town of Mamaroneck

S10	3/15/2015 13:30:00	Rye	N/A		BLOODDALE/ELLS WORTH/HEWLETT STREETS	Raw Sewage	NA		Unknown (*Blind Brook)	Unknown	NA	
S11	*6/11/201312:30:00	Rye	N/A		MILTON AND HEWLETT	Raw Sewage	NA		Rye Marina (*Milton Harbor)	Equipment Failure	NA	
S13	*12/9/201413:05:00	Rye	N/A		HEWLITT AVE AND MILTON RD	Raw Sewage	NA		*Long Island Sound (*Milton Harbor)	Storm	NA	
S15	*11/17/201415:35:00	Rye	N/A		FOREST AVE AND ANN LN	Wastewater	NA		Unknown (*Playland Lake, *Long Island Sound)	Equipment Failure	NA	
S18	1/06/15 11:45:00	Rye	N/A		95 DEERBORN AVE	Raw Sewage	NA		Unknown (*Long Island Sound)	Equipment Failure	NA	
S2	6/02/13 08:00:00	Mamaroneck	N/A		JEFFERSON AVE	Raw Sewage	NA		*Mamaroneck River	Equipment Failure	NA	
S26	6/08/13 08:00:00	Rye	N/A		MILTON RD	Raw Sewage	NA		Unknown (. Blind Brook, . Long Island Sound)	Other	NA	
S29	9/30/12 15:45:00	Rye	N/A		115 DRAKE SMITHLN	Raw Sewage	NA		Unknown (.Kirby Pond, .Playland Lake, . Long Island Sound)	Equipment Failure	NA	

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" >.5" three days prior. otherwise N.

**Summary of SSOs in Long Island Sound Municipalities of Westchester County (Wet Weather)**

Sewage Pollution Right to Know, Spill Report, and Town of Mamaroneck

S3	5/23/13 11:41:00	Mamaroneck	N/A		MAMARONECK AVE	Raw Sewage	NA		Unknown(*Mamaroneck River)	Unknown	NA	
S30	1/15/12 14:15:00	Rye	N/A		INTERSECTION MIDDLE AVE/PECK AVE	Raw Sewage	NA		Unknown (.Kirby Pond, .Playland Lake, .Long Island Sound)	Equipment Failure	NA	
S32	2/25/11 18:20:00	Rye	N/A		187 GRACE CHURCH ST	Raw Sewage	NA		Unknown (.Kirby Pond, .Playland Lake, .Long Island Sound)	Equipment Failure	NA	
S34	12/14/10 17:40:00	Rye	N/A		Between High St and Nursery Lane	Raw Sewage	NA		Unknown (. Beaver Swamp Brook or . Blind Brook)	Equipment Failure	NA	
S35	11/17/10 21:00:00	Rye	N/A		GRACE CHURCH ST	Raw Sewage	NA		Unknown (.Kirby Pond, .Playland Lake, .Long Island Sound)	Equipment Failure	NA	
S36	*5/1/201410:0 0:00	Scarsdale	N/A		DEAD END BARRY RD	Raw Sewage	NA		*Hutchinson River	Storm	NA	
S37	*5/1/201411:4 3:00	Scarsdale	N/A		OXFORD AND GREENDALE	Raw Sewage	NA		Unknown(. Sheldrake River)	Storm	NA	

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" > .5" three days prior. otherwise N.

**Summary of SSOs in Long Island Sound Municipalities of Westchester County (Wet Weather)** Sewage Pollution Right to Know, Spill Report, and Town of Mamaroneck

S38	5/03/10 12:58:00	Scarsdale	N/A	HARNEY RD/ BRONX RIVER	Raw Sewage	NA	*BRONX RIVER	Unknown	NA	
S4	3/12/13 16:01:00	Mamaroneck	N/A	JEFFERSON AVE AND VAN RANST	Raw Sewage	NA	*Mamaroneck River/SOU	Housekeeping	NA	
S40	10/22/14 14:35:00	White Plains	N/A	120 SAXON WOODS ROAD	Raw Sewage	NA	Unknown (*West Branch Mamaroneck River)	Unknown	NA	
S5	2/27/13 16:00:00	Mamaroneck	N/A	FLAGLER DR 1100' WEST OF ORIENTA AVE	Raw Sewage	NA	*Long Island Sound	Equipment Failure	NA	
S6	3/14/15 14:00:00	New Rochelle	N/A	1 LEFEVRE LANE	Raw Sewage	NA	Unknown (*Long Island Sound)	Other	NA	
S8	4/09/14 19:16:00	Pelham	N/A	ACROSS FROM 925 SPRING RD	Raw Sewage	NA	*Pelham Bay Park (*Hutchinson River, Long Island Sound)	Deliberate	NA	
M1	4/20/2015	MAMARONECK		SACKETT CIRCLE		flushed town line; backup cleared	(*Sheldrake River)			

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "Y" > .5" three days prior. otherwise N.

## Summary of SSOs in Long Island Sound Municipalities of Westchester County (Wet Weather)

M5	3/31/2014	MAMARONECK	GLEN and VALLEY	sanitary lines surcharged; clean sewage from street	+Unknown
----	-----------	------------	-----------------	---	----------

\*ID: "R"= SPRTK; "S"= Spill Report; "M"=ToM

\*Total Precip: Sum of previous three days' rain (NOAA, Westchester Co. Airport).

\*Wet: "y" >.5" three days prior. otherwise N.