

**State of Maine  
Department of Environmental Protection  
Bureau of Land and Water Quality**

**General Permit for the Discharge of Stormwater from Small  
Municipal Separate Storm Sewer Systems**



**MER041000**

# General Permit--Municipal Separate Storm Sewer Systems

Maine Pollutant Discharge Elimination System (MEPDES)

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## PART I. General Permit Coverage

**A. General coverage of this permit.** This general permit authorizes the direct discharge of stormwater from or associated with a regulated small municipal separate storm sewer system (“MS4”) to an MS4 or waters of the State other than groundwater. Discharges must meet the requirements of this general permit and applicable provisions of Maine's waste discharge and water classification statutes and rules. Compliance with this general permit authorizes a person to discharge stormwater, pursuant to Water Pollution Control Law, 38 M.R.S.A. § 413, as described below. Discharges listed in Part I(D)(2-6) are excluded from coverage under this general permit. Unless otherwise explicitly noted, this permit only covers operations or activities associated with stormwater runoff from the regulated small MS4 within an identified Urbanized Area.

- 1. Effective date of this general permit.** This general permit is effective July 1, 2008, and authorization to discharge under this general permit expires at midnight June 30, 2013. The Department intends subsequent re-issuance of this Municipal Separate Storm Sewer System General Permit. This general permit replaces Maine’s General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems issued June 3, 2003.
- 2. Waiver of authorization.** The Department may grant a regulated small MS4 a waiver from the requirement to obtain authorization if:
  - a. The population within the Urbanized Area portion of the municipality is less than 1,000, and stormwater from the MS4 is not causing the impairment of a receiving water body; and
  - b. The MS4 does not contribute substantially to the pollutant load of a physically interconnected MS4.

**B. Authority.** A waste discharge permit is required for the direct or indirect discharge of pollutants to waters of the State.<sup>1</sup> A general permit may be issued for point discharges (direct discharges) of stormwater.<sup>2</sup> A violation of a condition or requirement of a general permit constitutes a violation of Maine's water quality laws and the federal Clean Water Act, and subjects the discharger to penalties under Organization and Powers, 38 M.R.S.A. § 349, and § 309 of the Clean Water Act. Nothing in this general permit is intended to limit the Department's authority under the waste discharge and water classification statutes or rules. This general permit does not affect requirements under other applicable Maine statutes such as Site Location of Development (Site Law), Stormwater Management, and Natural Resources Protection (NRPA).

This general permit does not prevent a municipality from adopting stricter standards than contained in this general permit, or in state or federal law.

**C. Continuation of General Permit Coverage.** Coverage under this general permit will be continued provided there are no changes in the discharge as described in the NOI. If changes occur or are proposed, the permittee

<sup>1</sup> See 38 M.R.S.A. § 413.

<sup>2</sup> See 06-096 CMR 529(2)(a)(2)(i).

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having filed the NOI shall notify the Department, as specified in this general permit. Upon reissuance of a new general permit, a permittee wishing to continue coverage shall submit a new NOI to the Department.

If this permit is not reissued, revoked or replaced prior to the expiration date, but the Department makes a determination that it is to be renewed, with or without changes, it will be administratively continued and remain in force and effect. In that case, any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this general permit, at which time the permittee shall submit a new NOI to the Department in accordance with the new general permit to maintain authorization to discharge;
2. The permittee's submittal of a Notice of Termination;
3. Issuance of an individual permit for the permittee's discharges; or
4. A formal permit decision by the Commissioner not to reissue this general permit, at which time the permittee shall seek coverage under an alternative general permit or individual permit.

**D. Limitations on coverage.** This general permit does not authorize a stormwater discharge that requires an individual waste discharge permit or is required to obtain coverage under another waste discharge general permit. The Department may require any person with a discharge authorized by this general permit to apply for and obtain an individual permit or an alternative general permit.<sup>3</sup> Any interested person may petition the Department to take action under this paragraph. Examples of when an individual waste discharge permit may be required are specified in rule.<sup>4</sup>

**1. Compliance with this general permit.** This general permit does not authorize a stormwater discharge that is not in compliance with the requirements of this general permit, or a discharge that fails to reduce the discharge of pollutants from the permittee's MS4 to the maximum extent practicable ("MEP"), to protect water quality, and to satisfy the water quality requirements of the Clean Water Act. If the Department determines that the standards of this general permit have not been met, the Department shall notify the person and may:

- a. Authorize coverage under this general permit after appropriate controls and implementation procedures designed to bring the discharge into compliance with this general permit and water quality standards have been implemented as determined by the Department;
- b. Require an individual waste discharge permit;
- c. Inform the person that the discharge is prohibited; or
- d. Take enforcement action to address the violation(s).

**2. Non-stormwater.** This general permit does not authorize discharges that are mixed with sources of non-stormwater, other than those discharges in compliance with Part IV (H)(3)(c).

**3. Discharge of hazardous substances, chemicals, or oil.** This general permit does not authorize the discharge of hazardous substances, chemicals, or oil resulting from an on-site spill.

**4. Total maximum daily load ("TMDL").** This general permit does not authorize a direct discharge that is inconsistent with any EPA approved TMDL waste load allocation and any implementation plan for the waterbody to which the direct discharge drains. This general permit does not authorize a discharge to an impaired waterbody for which the Department has issued a watershed-specific general permit.

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<sup>3</sup> See General Permits for Certain Wastewater Discharges, 06-096 CMR 529(2)(b)(3) (last amended June 27, 2007).

<sup>4</sup> See 06-096 CMR 529(2)(b)(3)(i)(A)-(G).

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5. **Violation of water quality standards.** This general permit does not authorize a discharge that causes or contributes to a violation of a water quality standard. Discharges covered under this permit may not:
  - a. Contain any pollutant, including toxic substances, in quantities or concentrations, which may cause or contribute to any adverse impact on the receiving water;
  - b. Be to a receiving water which is not meeting its classification standard for any characteristic which may be affected by the discharge; or
  - c. Impart color, taste, turbidity, radioactivity, settleable materials, floating substances or other properties that cause the receiving water to be unsuitable for the designated uses ascribed to its classification.
  
6. **Waste discharge license (groundwater).** A waste discharge license (“WDL”) may be required for the discharge of stormwater through any well or wells, including drywells and subsurface fluid distribution systems. For complete requirements, see Rules To Control The Subsurface Discharge Of Pollutants, 06-096 MCR 543 (effective October 6, 2006), and Stormwater Management, 06-096 CMR 500 Appendix D (last amended December 27, 2006).

A “subsurface fluid distribution system” is an assemblage of perforated pipes, drain tiles, or similar mechanisms intended to distribute fluids below the surface of the ground. A “well” is a bored, drilled, or driven shaft the depth of which is greater than the largest surface dimension, whether the shaft is typically dry or contains liquid; or a dug hole the depth of which is greater than the largest surface dimension; or a subsurface fluid distribution system. “Well injection” means the subsurface discharge of fluids into or through a well.
  
7. **Reopener.** This general permit may be modified or reopened by the Department as provided in Water Pollution Control, 38 M.R.S.A. § 414-A(5).

## **PART II. Definitions**

The following terms have the following meanings as used in this general permit in addition to the definitions found in Chapter 520 of the Department's rules, and applicable statutory definitions.

- A. **Applicant.** “Applicant” means a municipality, sanitary or sewerage district which files an NOI pursuant to Part III of this general permit.
  
- B. **Best Management Practices (“BMP”).** “Best Management Practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
  
- C. **Commissioner.** “Commissioner” means the Commissioner of the Maine Department of Environmental Protection.
  
- D. **Common plan of development or sale.** “Common Plan of Development or Sale” means a subdivision under municipal law as determined by the municipality where the subdivision is located.
  
- E. **Compensation Fee Utilization Plan.** A “Compensation Fee Utilization Plan” means a plan that specifies how funds received as a fee payment will be allocated to reduce the impact of stormwater pollution to an impaired waterbody.

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**F. Construction activity.** “Construction activity” or “activity” means:

1. Construction activity including one acre or more of disturbed area, or activity with less than one acre of total land area that is part of a common plan of development or sale, if the common plan of development or sale will ultimately disturb equal to or greater than one acre;<sup>5</sup> or
2. Any other construction activity designated by the Department based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the State.

**G. Department.** “Department” means the State of Maine Department of Environmental Protection.

**H. Discharge.** “Discharge” means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to waters of the State other than groundwater. “Direct discharge” or “point source” means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.<sup>6</sup>

**I. Disturbed area.** “Disturbed area” means all land areas that are stripped, graded, grubbed, filled or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered “disturbed area” “Disturbed area” does not include routine maintenance, but does include redevelopment and new impervious areas. “Routine maintenance” is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces while maintaining the original line and grade, hydraulic capacity and original purpose of the facility is considered routine maintenance.

**J. Illicit Discharge.** “Illicit Discharge” means any non-permitted discharge to a regulated small MS4 or to the waters of the State that does not consist entirely of stormwater or authorized non-stormwater discharges identified in Part IV(H)(3)(b).

**K. Impaired waterbody.** “Impaired Waterbody” means a waterbody that is not attaining water quality criteria or standards, as determined by the Department.

**L. Maximum Extent Practicable (“MEP”).** “Maximum Extent Practicable” or “MEP” means available and feasible considering cost, existing technology, and logistics based on the overall purpose of the project. MEP is the Clean Water Act standard that establishes the level of pollutant reductions that operators of regulated small MS4s must achieve. The reduction of pollutants is achieved by implementing BMPs and other requirements of this general permit in an iterative process that continually adapts to current conditions and BMP effectiveness, on a location-by-location basis, taking into consideration such factors as condition of receiving waters, specific local concerns, a comprehensive watershed plan, MS4 size, climate implementation schedules, current ability to finance the program, beneficial uses of receiving water, hydrology, geology, and capacity to perform operation and maintenance. The goal of the general permit, and the projects required to be undertaken under the general permit, is to protect and improve water quality.

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<sup>5</sup> Common plan of development or sale has the same meaning as defined in the Maine Construction General Permit.

<sup>6</sup> See Water Classification Program, 38 M.R.S.A. § 466(5) (definition of “direct discharge”) and 06-096 CMR 520 (definition of “point source”).

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- M. Municipal Separate Storm Sewer System (“MS4”).** “Municipal Separate Storm Sewer System” or (“MS4”) means conveyances for stormwater, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, Maine Department of Transportation (MaineDOT), Maine Turnpike Authority (MTA), State agency or Federal agency or other public entity that discharges directly to waters of the State other than groundwater.
- N. Notice of Intent (“NOI”).** "Notice of Intent" or "NOI" means a notification of intent to seek coverage under this general permit, as provided in Part III(A), made by the applicant to the Department on an NOI form(s) provided by the Department.
- O. Outfall.** “Outfall” means the point source where the MS4 discharges from a pipe, ditch or other discrete conveyance to the waters of the State other than groundwater, or to another MS4.
- P. Permittee.** “Permittee” means a municipality, sanitary or sewerage district that owns or operates the storm sewer system authorized under this general permit.
- Q. Person.** “Person” means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity which creates, initiates, originates or maintains a discharge authorized by this general permit.<sup>7</sup>
- R. Regulated Small MS4.** “Regulated Small MS4” means any Small MS4 authorized by this general permit or the general permits for the discharge of stormwater from Maine Department of Transportation (MaineDOT) and Maine Turnpike Authority (MTA) small MS4s or State or Federally owned or operated small MS4s including all those located partially or entirely within an Urbanized Area (UA). A list of these regulated small MS4 municipalities is included in Appendix A of this general permit.
- S. Small MS4.** “Small MS4” means any MS4 that is not already covered by the Phase I MS4 stormwater program including municipally owned or operated storm sewer systems, State or Federally-owned systems, such as colleges, universities, prisons, military bases and facilities, and MaineDOT and MTA road systems and facilities.
- T. Stormwater.** "Stormwater" means the part of precipitation including runoff from rain or melting ice and snow that flows across the surface as sheet flow, shallow concentrated flow, or in drainageways. “Stormwater” has the same meaning as "storm water".
- U. Stormwater Pollution Prevention Plan (“SWPPP”).** “Stormwater Pollution Prevention Plan” or “SWPPP” means a written plan developed and implemented for select municipal operations to reduce or eliminate pollutants as described in this general permit.
- V. Total Maximum Daily Load (“TMDL”).** “Total Maximum Daily Load” or “TMDL” means the maximum capacity of a surface water to assimilate a pollutant as established by the Department and approved by the U.S. Environmental Protection Agency (“EPA”), consistent with conditions set forth in 40 CFR Part 130 including pollutants contributed by point and non-point sources and a margin of safety.
- W. Urban Impaired Stream.** “Urban Impaired Stream” means a stream that fails to meet water quality standards because of effects of stormwater runoff from developed land. Urban impaired streams are those streams identified and listed in Chapter 502, Appendix B of the Department of Environmental Protection

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<sup>7</sup> See Protection and Improvement of Waters Laws – General Provisions, 38 M.R.S.A. § 361-A(4).

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Rules as amended from time to time. A list of the urban impaired streams is included in Appendix B of this general permit.

- X. Urban Runoff.** “Urban Runoff” means stormwater runoff from an Urbanized Area, and may contain elevated levels of pollutants such as hydrocarbons, heavy metals and nutrients which may cause or contribute to a waterbody’s impairment. In many instances frequent elevated storm flows, low base flows, and high temperatures will also be significant contributors to a waterbody’s impairment.
- Y. Urbanized Area (“UA”).** “Urbanized Area” or “UA” means the areas of the State of Maine so defined by the latest decennial (2000) census by the U.S. Bureau of the Census.

### Part III. Procedure

- A. NOI requirements.** Any regulated small MS4 that initiates, creates, originates or maintains a discharge described in Part I of this general permit and that wishes to obtain coverage under this permit shall file with the Department an NOI that meets the requirements of this general permit no later than July 7, 2008. By submitting a signed NOI, the applicant agrees to comply with the terms and conditions of this general permit.
- B. Scope of NOI.** The applicant shall register on one set of NOI forms for all discharges from the regulated small MS4 within the UA that are operated by the municipality.
- C. Submission.** The applicant shall file the NOI using a form(s) provided by the Department. The applicant shall sign the NOI in accordance with Part III(D)(2). The NOI must be submitted to the Department with the appropriate fee, with failure of proper payment resulting in summary rejection of the NOI as incomplete. An applicant is not prohibited from submitting an NOI after July 7, 2008. If a late NOI is submitted, authorization to discharge is only for discharges that occur after obtaining authorization pursuant to Part III(E). The Department reserves the right to take appropriate enforcement actions for any unpermitted discharges.
- D. Contents of NOI.**
  - 1. NOI Form.** The NOI must be filed on a form(s) provided by the Department and must include the following.
    - a.** Name of the municipality and the name, title, address, email address, and telephone number of the chief elected official or principal executive officer.
    - b.** Name, address, email address, and telephone number of the primary municipal contact person responsible for the stormwater management program.
    - c.** Permit number assigned to the municipality under the previous Department MS4 permit, if any.
    - d.** Name of the receiving stream(s), wetland(s) or waterbody(s) to which the Regulated Small MS4 discharges, and a list of the impaired waterbody(s) which receive stormwater from the Regulated Small MS4.
    - e.** An estimate of the area in square miles, of the Urbanized Area.
  - 2. Signatory Requirements.** All Notices of Intent, reports certifications or information either submitted to the Department, or that this permit requires to be maintained by the permittee, must be signed and certified in accordance with Waste Discharge Licenses, 06-096 CMR 521(5) (effective date January 23, 2001).

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The signature of the applicant's chief elected official or principal executive officer of the municipality shall certify in writing as follows:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons that directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- 3. Filing an NOI form.** An NOI must be filed with the Department at the following address:

Municipal/Industrial Stormwater Coordinator  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017

- 4. Additional information.** The Department may require an applicant to submit additional information that the Department reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit.

**E. Obtaining Authorization.**

- 1. Interim Coverage.** Upon the Department's receipt of an NOI, meeting the requirements of Part III(C) of this general permit, the applicant is authorized to discharge on an interim basis for up to 180 days from the effective date of this permit. The Commissioner shall return as incomplete any NOI that does not satisfy the requirements of Part III (C) of this general permit. The applicant shall meet the standards contained in this general permit during the interim period. Interim coverage will terminate earlier than 180 days if a complete Stormwater Program Management Plan has been submitted and reviewed by the Department and coverage under this permit is either granted or denied by the Department. The Department shall provide written notice of interim coverage under the NOI.

**2. Public Notice and Comment.**

- a. Applicant Public Notice and Comment.** Applicants are required to publish a public notice that the NOI is being filed with the Department of Environmental Protection. The notice must be published within 30 days prior to the NOI being sent to the Department. The notice should be published in the legal advertisement section of a daily or weekly newspaper having general circulation in the area where the discharges authorized by this permit will occur. Applicants are required to provide a letter of notice to all regulated small MS4s into which the MS4 discharges, and also to persons who have requested to be notified of the NOI application, provided that the Department has provided the mailing addresses of such interested persons to the respective applicants. If the public notice is not published at the proper time, or if the NOI is returned because it is incomplete the Department may require that notice be published a second time.
- b. Department Public Notice and Comment.** The Department will provide a public notice and opportunity for comment on the contents of the submitted NOIs and Stormwater Program Management Plans by making information available on the internet.



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The public comment period is a minimum of 20 days. Based on a review of the NOI, Stormwater Program Management Plan or other information, the Department may extend the public comment period, require additional information or may deny coverage under this permit and require submission of an application for an individual or alternative MEPDES permit.

3. **Action by Commissioner.** The Commissioner shall return as incomplete any NOI that does not satisfy the requirements of Part III (C) and Part III (D) of this general permit.
  - a. The Commissioner may deny coverage under this general permit if more than 30 days have elapsed following the applicant's receipt of a written request by the Commissioner that the applicant submit additional information required pursuant to this general permit and the applicant has not timely and completely submitted such information.
  - b. The Commissioner shall deny coverage under this general permit if the subject activity is ineligible for this general permit, if the applicant cannot or is unlikely to comply with this general permit, or for any other reason provided by law.
  - c. The Commissioner shall grant coverage under this general permit if the Stormwater Program Management Plan is consistent with the requirement to reduce pollutants under the MEP standard, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act.
4. **Coverage under this General Permit.** The applicant is authorized to discharge under the terms and conditions of this general permit when coverage under this general permit is granted. The grant or denial of coverage under this general permit must be in writing.
5. **Effect of Denial of Coverage.** Denial of coverage under this general permit constitutes notice to the applicant that the subject activity may not lawfully be conducted or maintained without issuance of an individual MEPDES permit or coverage under an alternative general permit. Denial of coverage under this general permit must be in writing.

#### Part IV. Requirements

The permittee shall at all times continue to meet the requirements for authorization set forth in Part I of this general permit. In addition, the permittee shall assure that authorized activities are conducted in accordance with the following required conditions.

- A. **Stormwater program management plan.** The permittee shall develop, implement, and enforce a Stormwater Program Management Plan ("Plan") implementing six minimum control measures, set forth in Section H below, which are designed to reduce the discharge of pollutants within the UA, from its regulated small MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. Maximum extent practicable is generally a focus on pollution prevention and source control. Maximum extent practicable is an iterative process with an ultimate goal of protecting and improving water quality. For the purposes of this permit, narrative effluent limitations requiring implementation of BMPs are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements (including reductions of pollutants to the MEP) and to protect water quality. The Plan and all Minimum Control Measures must be substantially implemented by June 30, 2013.

The permittee shall describe in its Stormwater Program Management Plan how it will reduce or eliminate polluted stormwater runoff to the maximum extent practicable within the UA, from its MS4. The "Plan" must

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be signed in accordance with the signatory requirements in Part III (D)(2). Upon receipt of the NOI and Stormwater Program Management Plan, the Department shall post the NOIs and “Plans” on the Department’s website to provide public notice. The permittee shall submit the regulated small MS4’s comprehensive Stormwater Program Management Plan for Department review in accordance with the following submittal schedule.

Stormwater Program Management Plan Submission Date	Municipalities
October 27, 2008	Hampden, Bangor*, Brewer, Veazie, Orono, Old Town, Milford
November 17, 2008	Falmouth, Cumberland Yarmouth, Windham, Lewiston, Auburn, Sabattus
December 8, 2008	Biddeford, Old Orchard Beach, Scarborough, Cape Elizabeth, Westbrook, Gorham, Freeport
December 29, 2008	Kittery, Eliot, South Berwick, Berwick, Saco, South Portland, Portland

\* Bangor’s additional requirements for urban impaired streams must be submitted by no later than December 29, 2008.

**1. Stormwater Program Management Plan Requirements.**

- a. For each of the six Minimum Control Measures in Part IV(H), the following information must be included:
  - i. The measurable goal(s) by which each BMP will be evaluated;
  - ii. The person(s) or position(s) responsible for implementing each BMP; and
  - iii. The date by which each BMP will be implemented including as appropriate, time lines and milestones for implementation of BMPs.

Note: Guidance documents that may be used in the development of BMPs and measurable goals include, but are not limited to, the following:

- EPA’s BMP menu: [www.epa.gov/npdes/menuofbmps](http://www.epa.gov/npdes/menuofbmps)
- EPA’s guidance on Measurable goals: <http://cfpub.epa.gov/npdes/stormwater/measurablegoals/index.cfm>
- MDOT’s Best Management Practices for Erosion & Sedimentation Control <http://mainegov-images.informe.org/mdot/environmental-office-homepage/pdf/bmpmanual2008/BMP2008-full.pdf>
- Bangor Area Storm Water Group’s BMP matrix

- b. Additional stormwater treatment controls within the UA are necessary for Urban Impaired Stream watersheds. For discharges from the permittee’s infrastructure and operations within the UA, to an Urban Impaired Stream, the permittee shall implement measures necessary to control, to the maximum extent practicable, the discharge of stormwater runoff including known pollutants of concern. Pollutant(s) of concern refer to the pollutant(s) identified as causing or contributing to the waterbody’s impairment. Urban runoff may be used as a surrogate pollutant of concern where information is lacking on specific causes of impairment.

**B. Keeping plans current.** The permittee shall keep the Plan current. Circumstances when the Plan must be

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amended include the following:

- 1. Amended plan.** The Plan must be amended if the Department or the permittee determines that:
    - a. The actions required by the Plan fail to ensure or adequately protect against pollution of the waters of the State other than groundwater;
    - b. The Plan does not prevent the potential for a significant contribution of pollutants to waters of the State other than groundwater;
    - c. The Plan does not meet one or more requirements of this general permit; or
    - d. New information results in a shift in the Plan's priorities.
  - 2. Department notification.** The Department shall notify the permittee if Department determines that the Plan must be amended. Within 30 days of such notification, unless otherwise specified by the Department in writing, the permittee shall respond to the Department indicating how the permittee plans to modify the Plan to address these requirements. Within 90 days of this response or within 120 days of the original notification, whichever is less, unless otherwise specified by the Department in writing, the permittee shall revise the Plan. The permittee shall perform all actions required by the revised Plan in accordance with the timelines in the revised Plan, and certify to the Department that the requested changes have been made and implemented.
  - 3. Permittee information.** The permittee shall provide such information as the Department requires to evaluate the Plan and its implementation. The permittee shall note minor modifications to the Plan in its annual report. Major modifications to the Plan such as a change in the Plan's priorities must be submitted to the Department and approved prior to implementation.
- C. Failure to prepare or amend the plan.** Failure to complete or update a Plan in accordance with this general permit does not relieve a permittee of responsibility to implement actions required to protect the waters of the State other than groundwater and to comply with all conditions of this general permit.
- D. Evaluation and assessment.** As specified in Part IV(J)(1), the permittee shall evaluate program compliance, the appropriateness of identified best management practices, and progress towards achieving identified measurable goals.
- E. Assessment of stormwater program management plan.** The Plan must address the six Minimum Control Measures as required in this permit. The Plan must, at a minimum, include the measures indicated as required within the UA of the municipality. The permittee may also include in the Plan those measures indicated as suggested and any other measures the permittee deems appropriate. Some municipalities may choose to implement required measures or portions there of throughout the entire municipality, however this general permit only requires implementation of the minimum control measures within the UA to the extent the measures will have an impact on the MS4, and for municipal facilities, operations and activities within the UA, that discharge to waters of the State other than groundwater.
- F. Signature requirements**
- 1. Signature.** The Plan must be signed by the chief elected municipal official or principal executive officer. The Plan must be retained by the chief elected official or principal executive officer for the duration of the permit period and copies must be available and retained by municipal officials or employees responsible for implementation of the Plan.
  - 2. Plan availability.** The permittee shall make a copy of the Plan available to the following immediately upon request:

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- a. The Commissioner of the Department;
- b. In the case of a regulated small MS4 adjacent to or interconnected with the permittee's storm sewer system, to the operator of that regulated small MS4; and
- c. In the case of a regulated small MS4 stormwater discharge to a water supply watershed, to the public water supply company.

**G. Annual fee.** Coverage under an existing general permit will be continued upon payment of an annual fee. An annual fee must be submitted by no later than July 7 each year, starting July 7, 2008. Fees must be paid by check or money order payable to **Treasurer, State of Maine**.

**H. Minimum control measures.** For each Minimum Control Measure, the permittee shall: define appropriate BMPs; designate a person(s) responsible for each BMP; define a time line for implementation of each BMP; and define measurable goals for each BMP. The Minimum Control Measures to be included in the Plan are as follows.

**1. Public education and outreach on stormwater impacts.**

The three goals of this minimum control measure are:

1. To raise awareness that polluted stormwater runoff is the most significant source of water quality problems for Maine's waters;
2. To motivate people to use Best Management Practices (BMPs) which reduce polluted stormwater runoff ; and
3. To reduce polluted stormwater runoff as a result of increased awareness and utilization of BMPs.

The permittee shall document changes in awareness and BMP adoption (behavior change) in target audiences.

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NOTE: There is a documented lack of awareness in Maine that the most significant sources of water quality problems are the result of polluted stormwater runoff from vehicles, driveways, pets, lawn care practices, fertilizer and pesticide use, eroding soil, and other common residential activities. The largest sources are not industries and municipal treatment plants as much of the public currently believes. Maine's regulated small MS4s made significant progress raising public awareness in the first five-year permit cycle; this effort needs to be continued and expanded.

Awareness that polluted stormwater runoff is a problem, though, is usually not sufficient to get people to adopt BMPs. Most people need encouragement to adopt a new practice. In the first five-year permit cycle, regulated small MS4s undertook pilot projects to support the use of specific BMPs. During this second five-year permit cycle, the permittee shall continue to encourage the use of BMPs but on a broader scale.

Typically, awareness raising activities are done in a broad manner and involve the use of mass media, watershed boundary signs, brochures, bill stuffers, etc.) Activities normally associated with motivating people to change their behavior (picking up pet waste, minimizing lawn fertilizers, avoiding use of pesticides...) are done on a more personal basis. Examples include collecting personal pledges, contact with consumers at points of sale, cost share/financial incentives, community socials, etc.

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**a. Required Strategies.**

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- i. Raise Awareness (Goal 1): Beginning July 1, 2008, the permittee shall continue their outreach efforts from the previous MS4 permit cycle while developing or revising an existing awareness plan.
1. Develop or revise a Plan to Raise Awareness: By July 1, 2009, each permittee or stormwater group of which the permittee is a member shall have a new or revise a Plan to raise awareness of stormwater issues. The Plan's goal must be to raise awareness of polluted stormwater runoff issues such as the path stormwater runoff takes, sources of stormwater pollution, and the impact that polluted stormwater runoff has in the community(s).
  2. By March 2, 2009, the Plan will be submitted for approval. Unless DEP responds in writing or verbally otherwise, then as of July 1, 2009, the plans are considered approved and communities must begin implementation.

The Awareness Plan must identify:

- a) The target audience
- b) The outreach tool(s) to be used
- c) The message
- d) The distribution system
- e) The time line and implementation schedule
- f) The person(s) responsible for implementation
- g) An impact evaluation protocol
- h) A plan modification protocol (this must include DEP approval of significant plan modifications)
- i) The goals (e.g., the targeted level of change sought as a result of the education and outreach effort)

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NOTE: For example, if it is known that 20% of the target audience is aware of stormwater pollution, the permittee could select a goal of increasing awareness to 30% of the target audience.

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3. The permittee shall include a review of the Plan in each of its Annual Reports. The review must include process indicators which assess the permittee's execution of the Plan. The permittee shall also include impact indicators according to the following schedule unless otherwise indicated in the approved Plan: in Year 1 the permittee will assess the target audience to set the baseline and inform the development of the Plan. In year 3, the permittee will do a cursory evaluation and assessment on both the progress of implementing the plan as well as the impact the efforts are having on the target audience. In year 5 the permittee shall provide an in-depth assessment of both the implementation and the impact of the Plan.

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NOTE: Process indicators relate to the execution of the program (e.g., did people attend the meetings? did the press release result in media coverage?). Impact indicators relate to the achievement of the goals/objectives of the program (e.g., what effect did the effort have on behavior?).

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The Department has available a number of evaluation tools as well as samples from other regions.

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4. The permittee shall include a comprehensive review of the Awareness Plan in its fifth year Annual Report. The review must include an analysis of the process indicators and impact indicators.

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- ii. Targeted BMP Adoption (Goal 2): Beginning July 1, 2008, the permittee shall continue outreach efforts from the previous MS4 permit cycle while developing or revising a new BMP Adoption Plan.
  1. By July 1 2009, each permittee shall have a new or revise a Plan to encourage adoption of BMPs. Each permittee or stormwater group of which the permittee is a member shall select at least one specific BMP to target for a focused outreach Plan. If a permittee is aware of contributing pollution sources to water quality problems, one of these sources should be selected as the target. The permittee will also select the appropriate audience(s) to target from the following: residential, industrial, commercial, institutional or government.

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NOTE: The permittee is expected to then segment the large target audience into an appropriate size to be effective. For example, residential can be segmented into focusing on those with pets to pick up pet waste, or the residents who apply fertilizer. If institutional is chosen, a segment could be the public schools with athletic fields and municipal buildings with yards as examples of using phosphorus free fertilizer. Audiences can also be segmented geographically; for example, picking neighborhoods or specific watersheds to implement a project. Or previous efforts may have been directed at residents and now the effort may expand to include contractors or lawn care companies as well.

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By June 30, 2013, the permittee shall target at least 15% of the segmented audience within the urbanized area to adopt the targeted BMPs. The plan should outline its level of expansion in this 5 year permit cycle.

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NOTE: The goal over time should be to target and encourage the entire urban population, as appropriate, to use the targeted BMP.

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2. By March 2, 2009, the Plan will be submitted for approval. Unless DEP responds in writing or verbally otherwise, then as of July 1, 2009, the Plans are considered approved and communities must begin implementation.

The BMP Adoption Plan must identify:

- a) The BMP
- b) The target audience
- c) The outreach tool(s) to be used
- d) The message
- e) The distribution system
- f) The time line
- g) The person(s) responsible for implementation
- h) An impact evaluation protocol
- i) A plan modification protocol (this must include DEP approval of significant plan modifications)
- j) The targeted level of change as a result of the outreach effort.

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NOTE: For example, if 10% of dog owners are picking up pet waste in public parks, than in five years the permittee will seek to raise the percentage of dog owners picking up pet waste and disposing of it in the trash to 50% in public parks. Or if 50% of the homeowners are using weed & feed lawn care chemicals, seek to reduce the number to 35%.

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3. The permittee shall include a review of the Plan in each of its Annual Reports. The review must include process indicators which assess the permittee's execution of the Plan. The permittee shall also include impact indicators according to the following schedule unless otherwise indicated in the approved Plan: in Year 1, the permittee will assess the target audience to set the baseline and inform the development of the Plan. In year 3, the permittee will do a cursory evaluation and assessment on both the progress of implementing the plan as well as the impact the efforts are having on the target audience. In year 5 the permittee shall provide an in-depth assessment of both the implementation and the impact of the Plan.

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NOTE: The Department has available a number of evaluation tools as well as samples from other regions.

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4. The permittee shall include in its fifth year Annual Report a comprehensive review of the BMP Adoption Plan. The review must include an analysis of the process indicators and impact indicators.

iii. Compliance with this minimum control measure will be based upon whether the permittee:

- a) Continued existing education and outreach efforts
- b) Developed both an Awareness Plan and a BMP Adoption Plan
- c) Successfully executed the plans
- d) Reported process and impact indicators, and
- e) Completed annual reports and a 5-year analysis of the plans.

Ultimately, the adoption and use of BMPs by the targeted audience in order to reduce polluted stormwater runoff is a goal of this section but is not a condition of compliance with the education and outreach minimum control measure.

**b. Suggested Strategies.**

- i Schools. Each permittee or regional stormwater group of which the permittee is a member is encouraged to develop an outreach plan directed at its school age population. It is recommended that students receive information regarding:
  - The definition of stormwater
  - The path stormwater takes
  - The sources of pollution in stormwater
  - The harmful effects of polluted stormwater
  - BMPs in age appropriate concepts and materials

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NOTE: To facilitate the inclusion of stormwater education the permittee should consider offering implementation assistance such as an educator who can go into the classroom, a field event, a community service event, stream clean-up, etc. There are many curriculum materials available some of which are available through the Department or on the web.

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1. The permittee is encouraged to include in each of its Annual Reports, a review of the plan. The review could include process indicators which assess the permittee's execution of the Plan, and impact indicators which assess the effectiveness of the plan.
2. The permittee is encouraged to include in its fifth year Annual Report a comprehensive review of the school plan. The review could include an analysis of the process indicators and an analysis of the impact indicators.

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NOTE: The Department has available a number of evaluation tools as well as samples from other regions.

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- ii. Partnering with local organizations: A critical mass of a community (e.g., a neighborhood, a social group, or some sort of group with identifiable and similar characteristics) must accept new ideas and behaviors for those new ideas and behaviors to spread. With this in mind, a permittee may wish to include in its outreach efforts various local organizations which may be able to assist in helping to spread the stormwater message. Examples of potential partner organizations include: girl and boy scouts, fish & game clubs, water districts, conservation commissions, garden clubs, rotary, religious organizations, ethnically based groups, and watershed associations.

## 2. Public involvement and participation.

The goal of this minimum control measure is to involve the public in both the planning and implementation process of improving water quality and reducing quantity via the stormwater program. A program planned with a stakeholder group is more likely to be successful in achieving its goals. The public can provide valuable input and assistance to a MS4's municipal stormwater management program. Therefore, the public should be given opportunities to play an active role in both the development and implementation of the program. An active and involved community is crucial to the success of a municipal stormwater management program because it allows for broader public support, additional expertise and a conduit to other programs. Community members are also more likely to apply these lessons/BMPs at home.

### a. Required Strategies.

- i. Public notice requirements. The permittee shall comply with applicable state and local Public Notice requirements using effective mechanisms for reaching the public, and comply with the public notice requirements of the Maine Freedom of Access Act, 1 M.R.S.A. §§ 401 et seq. ("FOAA") when the permittee involves stakeholders in the implementation of this general permit. The permittee shall document the meetings and attendance through the annual report as a way of measuring this goal.
- ii. Public Event. The permittee or regional stormwater group of which the permittee is a member shall annually host/conduct or participate a public event (for example, storm drain stenciling, stream clean-up, household hazardous waste collection day, volunteer monitoring, neighborhood educational events, conservation commission outreach program, Urban Impaired Stream outreach program, or adopt a storm drain or local stream program). The event must have a pollution prevention and/or water quality theme. The target audience does not need to be the entire urbanized area but should be aimed at a segment of the population that the permittee wishes to reach. The permittee is encouraged to plan this event and consult with the Department to ensure it will satisfy this permit's requirements.
  1. The permittee shall include a report of the public event in each of its Annual Reports. The report must include process indicators which assess the permittee's planning and execution, as well as impact indicators which assess the effectiveness of the event.

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NOTE: The Department has available a number of evaluation tools as well as samples from other regions.

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2. The permittee shall include a comprehensive review of the public events in its fifth year Annual Report that must include an analysis of the process indicators and impact indicators.



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**b. Suggested Strategies.**

If there are a variety of ethnic or economic groups in the community, the permittee could develop specific public participation outreach opportunities for these communities.

**3. Illicit discharge detection and elimination.**

**a. Required Strategies.** Each permittee shall develop, implement and enforce a program to detect and eliminate illicit discharges and non-stormwater discharges, as defined in 06-096 CMR 521(9)(b)(2), except as provided in Part IV(H)(3)(c) of this permit.

- i. By June 30, 2013, each permittee shall develop a watershed based storm sewer system infrastructure map showing the location of all stormwater catch basins, connecting surface and subsurface infrastructure depicting the direction of in-flow and out-flow pipes, and the locations of all discharges from all stormwater outfalls operated by the regulated small MS4. Each catch basin must be uniquely identified to facilitate control of potential illicit discharges, and to ensure proper operation and maintenance of the structures. For each outfall, the following information must be included: type, material, and size of conveyance, outfall or channelized flow (e.g. 24" concrete pipe); the name and location of the immediate surface waterbody or wetland to which the stormwater runoff discharges. If an outfall does not discharge directly to a named waterbody, identify the name and location of the nearest named waterbody to which the outfall eventually discharges.
- ii. To the extent allowable under State or local law, and by no later than November 28, 2008, implement and enforce a non-stormwater discharge ordinance that effectively prohibits, unauthorized non-stormwater discharges into the permittee's storm sewer system.
- iii. Each permittee shall develop and implement a prioritized dry weather outfall inspection plan based on drainage areas such as an urban impaired stream watershed, or based on a watershed or sub-watershed that the permittee has identified as having the greatest potential threat to the receiving water. (See *Guidelines and Standard Operating Procedures For Stormwater Phase II Communities in Maine* volumes 1 and 2) The SOP can be obtained from the following web site. <http://thinkbluemaine.org/municipal.stm> under the illicit discharge detection and elimination section.

In the first permit year, each permittee shall conduct a dry weather inspection of MS4 outfalls that discharge to the two highest priority sub-watersheds. In subsequent permit years, dry weather inspections must be expanded to other sub-watersheds within the permittee's two highest priority watersheds. The municipality must have a defined procedure/policy or protocol in place that details the steps that must be taken when an illicit discharge is identified during these inspections to locate the source of the illicit discharge and eliminate it.

- iv. By the end of permit year five, to the extent allowable under State or local law, each permittee shall develop and implement a strategy to detect any illicit discharges to their open ditch system within their highest priority watershed.

**b. Suggested Strategies.**

- i. Each permittee should develop a list of septic systems in its highest priority watershed that are 20 years old or greater by the end of permit year two. By the end of permit year three, determine if

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malfunctioning systems would have the potential to discharge directly or indirectly to the MS4. By the end of permit year five ensure that all septic systems that are at least 20 years old that have the potential to discharge directly or indirectly into the MS4 within the permittee's highest priority watershed are functioning as intended.

ii. Each permittee should develop and implement an annual municipal household hazardous waste collection, or participate in an annual regional household hazardous waste collection program, or provide some other mechanism for residents to dispose of household hazardous waste.

c. **Non-stormwater discharges.** This permit authorizes the following non-stormwater discharges provided they do not contribute to a violation of water quality standards as determined by the Department. These discharges must be addressed in the Plan if they are identified by the permittee as significant contributors of pollutants to the regulated small MS4.

- landscape irrigation
- diverted stream flows
- rising ground waters
- uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))
- uncontaminated pumped ground water
- uncontaminated flows from foundation drains
- air conditioning and compressor condensate
- irrigation water
- flows from uncontaminated springs
- uncontaminated water from crawl space pumps
- uncontaminated flows from footing drains
- lawn watering runoff
- flows from riparian habitats and wetlands
- residual street wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material has been removed and detergents are not used), and
- hydrant flushing and fire fighting activity runoff
- water line flushing and discharges from potable water sources
- individual residential car washing
- dechlorinated swimming pool discharges

4. **Construction site stormwater runoff control.** Each permittee shall develop, implement, and enforce a program, or modify an existing program, to reduce pollutants in any stormwater runoff to the regulated small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must include, but not be limited to, the development and implementation of:

a. **Required Strategies.** If the permittee chooses to rely on either the Maine Construction General Permit ("MCGP") or Chapter 500, Stormwater Management, the program must include the development and implementation of:

i. Procedures for notifying construction site developers and operators of the requirements for registration under the Maine Construction General Permit or Chapter 500, Stormwater Management for the discharge of stormwater associated with construction activities; and

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- ii. Document every construction activity that disturbs one or more acres within the UA.
- iii. Implement site inspections procedures to ensure projects are in compliance with the MCGP and Chapter 500, Stormwater Management. In watersheds of Urban Impaired Streams, and in the permittee's highest priority watershed, inspect the construction activity at least three times with one inspection at project completion to ensure that all post construction BMPs were properly installed, and that final stabilization of the site has been completed. All construction inspections must be properly documented. For other watersheds, inspect the construction activity a minimum of twice, with one inspection at project completion to ensure that all post construction BMPs were properly installed, and that final stabilization of the site has been completed.

**b. Non-reliance on the MCGP.** If the permittee does not choose to rely on the MCGP, the program must include the development and implementation of:

- i. An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions for non-compliance, to the extent allowable under State or local law;
- ii. Procedures for notifying construction site developers and operators of the requirements for registration under the MCGP and Chapter 500, Stormwater Management for the discharge of stormwater associated with construction activities;
- iii. Requirements for construction site operators to implement appropriate erosion and sediment control best management practices in accordance with state law and any local requirements;
- iv. Requirements for construction site operators to control waste at the site such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste that may cause adverse impacts to water quality;
- v. Procedures for site plan review that incorporate consideration of potential water quality impacts;
- vi. Procedures for receipt and consideration of information submitted by the public; and
- vii. Site inspections procedures to ensure projects are in compliance with the erosion and sedimentation control plan, MCGP and Chapter 500, Stormwater Management. In watersheds of Urban Impaired Streams and the permittee's highest priority watershed or sub-watershed, inspect and properly document the construction activity at least three times with one inspection just prior to or within 24 hours of a rain event greater than .2 inches, and one inspection at project completion to ensure that all post construction BMPs were properly installed, and that final stabilization of the site has been properly completed. For other watersheds, inspect the construction activity at least twice, with one inspection at project completion to ensure that all post construction BMPs were properly installed, and that final stabilization of the site has been properly completed.

**5. Post-construction stormwater management in new development and redevelopment.**

**a. Required Strategies.**

- i. Each permittee shall develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale,

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that discharge into the MS4. This program shall ensure that controls are in place that will prevent or minimize water quality impacts.

- ii. To ensure adequate long-term operation and maintenance of post construction BMPs, each permittee shall implement an ordinance, or similar measure approved by the Department, by no later than June 30, 2009. This ordinance or similar measure must stipulate that the owner or operator of a post construction BMP described in Part IV(H)(5)(a)(i) provide the permittee with an annual report documenting that the BMP is adequately maintained and is functioning as intended or requires maintenance. If the post construction BMP requires maintenance, the owner or operator shall provide a record of the deficiency and corrective action(s) taken to the permittee. In permit year two and in subsequent permit years, each permittee shall include the following in their annual report:
  - the cumulative number of sites that have post construction BMPs discharging into their MS4;
  - a summary of the number of sites that have post construction BMPs discharging into their MS4 that were reported to the municipality;
  - the number of sites with documented functioning post construction BMPs; and
  - the number of sites that required routine maintenance or remedial action to ensure that the post construction BMP is functioning as intended.
- iii. Each permittee shall annually inspect a percentage of post construction BMPs located in the direct watershed of a lake most at risk from new development or in watersheds of an urban impaired stream. If the owner or operator of a post construction BMP hires a qualified third party inspector, the permittee will have no inspection requirements. If the owner or operator of a post construction BMP does a “self” inspection, the permittee is required to conduct the following inspection schedule.

1-10 post construction sites: inspect at least one site, or 40% (whichever is greater)  
11-30 post construction sites: inspect at least four sites, or 30% (whichever is greater)  
31-60 post construction sites: inspect at least nine sites, or 25% (whichever is greater)  
61-100 post construction sites: inspect at least fifteen sites, or 20% (whichever is greater)  
101-160 post construction sites: inspect at least twenty sites, or 17% (whichever is greater)  
Over 160 post construction sites: inspect at least twenty seven sites, or 11% (whichever is greater)

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NOTE: For the purposes of this Minimum Control Measure, a post construction site may be a large commercial development i.e. big box store, or a subdivision, or any activity that disturbed one of more acres. Construction sites may have multiple post construction BMPs.

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- b. **Suggested Strategies.** The permittee should also consider the adoption and implementation of low impact development techniques through an ordinance or other regulatory mechanism.

**6. Pollution prevention/good housekeeping for municipal operations.**

This program has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

**a. Required Strategies.**

- i. By the end of permit year one, each permittee shall develop an inventory of all municipal operations conducted in, on, or associated with facilities, buildings, golf courses, cemeteries, parks and open space owned or operated by the permittee that have the potential to cause or contribute to stormwater or surface water pollution. By the end of permit year two, the permittee shall develop and implement written operation and maintenance procedures for its highest priority

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watershed that includes maintenance schedules and inspection procedures to ensure long term operation of structural and non-structural controls that reduce stormwater pollution to the maximum extent practicable. By the end of year three develop and implement operation and maintenance procedures for the remaining watersheds within the Urbanized Area. These procedures must address as applicable:

- Proper use, storage and disposal of petroleum and non petroleum products, hazardous materials, waste materials, pesticides and fertilizers including minimizing the use of these products, and an alternative product analysis;
  - Spill response and prevention;
  - Vehicle and equipment storage, maintenance and fueling;
  - Amount of deicing materials used each deicing season
  - Landscaping and lawn care including, where applicable, an evaluation of reduced mowing frequencies, establishing and maintaining buffers, cutting vegetation within 100 feet of a stormwater conveyance or surface water;
  - Erosion and sedimentation control;
  - Feeding gulls, waterfowl or other wildlife.
- ii. Using training materials that are available from the EPA, the State, regional stormwater groups or other organizations, *Guidelines and Standard Operating Procedures For Stormwater Phase II Communities in Maine* volumes 1 and 2, and the Think Blue Maine website, [www.thinkblumaine.org](http://www.thinkblumaine.org) this program must include employee training to prevent and reduce stormwater pollution from municipal operations and facilities. The permittee shall report annually on the types of trainings presented, the number of municipal and contract staff that received training, the length of the training, and training effectiveness.
- iii. The permittee shall develop and implement a program to sweep all publicly accepted paved streets and publicly owned paved parking lots maintained by the permittee at least once a year as soon as possible after snowmelt.
- iv. The permittee shall develop and implement a program to evaluate and, if necessary, clean catch basins and other stormwater structures that accumulate sediment at least once every other year and dispose of the removed sediments in accordance with current state law. The permittee shall clean catch basins more frequently if inspections indicate excessive accumulation of sediment. Excessive accumulation is greater than or equal to 50 percent filled.
- v. The permittee shall evaluate and implement a prioritized schedule, as necessary, for repairing or upgrading the conveyances, structures and outfalls of the regulated small MS4.
- vi. By the end of permit year two, the permittee shall develop and implement a stormwater pollution prevention plan (“SWPPP”) for the following municipal operations: public works facilities, transfer stations, and school bus maintenance facilities operated by the permittee unless the facility is currently regulated under Maine’s Industrial Stormwater Program. The SWPPP outlines sources of potential stormwater pollutants and the methods by which these pollutants will be reduced or prevented from entering Waters of the State, other than groundwater, or to an MS4. The Plan identifies in writing a SWPPP team of facility personnel as well as a SWPPP team leader who is ultimately responsible for SWPPP implementation. The Department has developed a generic SWPPP for municipal operations which can be modified by the permittee for individual facilities as required by this permit. The SWPPP is available on the Department’s web site: <http://www.maine.gov/dep/blwq/docstand/stormwater/MS4.htm>

- b. Suggested Strategies.** At a minimum, consider the following in developing your program.
- i. Structural and non-structural stormwater controls to reduce floatables and other pollutants discharged from your separate storm sewers.
  - ii. Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, and snow disposal areas.
  - iii. Ways to ensure that new flood and stormwater management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices.

## **I. Sharing responsibility**

- 1. Qualifying local program.** The permittee may satisfy the requirement to implement a BMP for a Minimum Control Measure by having a third party implement the BMP. For example, if a local watershed organization organized or funded by the permittee performs an annual “river clean-up”, this event may be used to satisfy a BMP for the Public Participation and the Pollution Prevention and Good Housekeeping Minimum Control Measure.

If the permittee is relying on a third party to implement one or more BMP(s), the permittee shall note that fact in the Stormwater Program Management Plan and annual report required in Part IV (J). If the third party fails to implement the BMP(s), the permittee remains responsible for its implementation.

- 2. Qualifying state or federal program.** If a BMP or Minimum Control Measure is the responsibility of a third party under another NPDES or MEPDES permit, the permittee is not required to include such BMP or Minimum Control Measure in its stormwater management program. The permittee shall reference this qualifying program in their Stormwater Program Management Plan. However, the permittee is responsible for its implementation if the third party fails to perform. The permittee shall periodically confirm that the third party is still implementing this measure. If the third party fails to implement the measure, the Plan may be modified to address the measure, if necessary.

In the case of a permitted municipal industrial activity, such as a publicly owned treatment works covered by the Multi Sector General Permit, the permittee may reference the activity’s Stormwater Pollution Prevention Plan to address a portion of the permittee’s Plan.

- 3. Other MS4 Permittees.** The permittee shall identify interconnections within the regulated small MS4s and find ways to cooperate with other regulated entities. Where a portion of the separate storm sewer system within a municipality is owned, operated or otherwise the responsibility of another regulated small MS4, the two entities may coordinate the development and implementation of their respective Plans to address all elements of Part IV H (1-6). At the very least, a clear description of their respective responsibilities for these elements must be included in each regulated small MS4’s Plan.

For example, a storm sewer system within a municipality may be operated and maintained by the MaineDOT, or other public or quasi-public entity. In cases such as these, the two entities shall cooperate and coordinate their Plans to reduce duplicative efforts to address the Minimum Control Measures, particularly at the interconnections within storm sewer systems. Where an illicit discharge is detected from an outfall near an interface between two storm sewer systems and where there is more than one responsible entity, the two entities shall coordinate their efforts to detect and ultimately eliminate the cause of the illicit discharge. These efforts must be noted in both the regulated small MS4’s annual reports.

**J. Reporting and record keeping requirements**

1. The permittee shall keep records required by this permit for at least three (3) years following its expiration, or longer if requested by the Commissioner. The permittee shall make records, including its Stormwater Program Management Plan, available to the public at reasonable times during regular business hours.

By September 1, 2009 and annually thereafter by September 1, the permittee shall submit a report for the Department's review and approval to:

Municipal/Industrial Stormwater Coordinator  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017

The report must include the following.

- a. The status of compliance with permit conditions based on the permittees Plan, an assessment of the appropriateness of identified best management practices, progress towards achieving identified measurable goals for each of the Minimum Control Measures, and progress toward achieving to goal of reducing the discharge of pollutants to the MEP.
  - b. Results of information collected and analyzed, including monitoring data, if any, during the reporting period.
  - c. A summary of the stormwater activities the permittee intends to undertake pursuant to its Plan during the next reporting cycle.
  - d. A change in any identified BMPs or measurable goals that apply to the Plan.
  - e. A summary describing the activities, progress, and accomplishments for each of the minimum control measures #1 through #6 (including such items as the status of education and out reach efforts, public involvement activities, stormwater mapping efforts, dry weather inspections, detected illicit discharges, detected illicit connections, illicit discharges that were eliminated, construction site inspections, number and nature of enforcement actions, post construction BMP status and inspections, and the status of the permittee's good housekeeping/pollution prevention program.
2. Changes to the report based on the Department's review comment(s) must be submitted to the Department within 30 days of the receipt of the comment(s).
  3. **Suggested.** Provide an estimate of annual expenditures for permit compliance for the reporting period and projected budget for the following year.<sup>8</sup>

**K. Impaired waters and total maximum daily load (TMDL).** If the waterbody to which a discharge drains is impaired and has an EPA approved TMDL, then the discharge must be consistent with the TMDL waste load

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<sup>8</sup>The collection of expenditure data by the Department is solely for the purpose of determining generic program costs not as a measure of the permittee's program compliance or effectiveness. The Department recognizes that expenditure data tracking and reporting methodology may vary from one reporting entity to another, as well as over time, and will assess any data for its validity, relevance and utility as it pertains to the purpose stated above.

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allocation and any implementation plan. If a TMDL is approved or modified by EPA subsequent to the effective date of this general permit, the Department shall notify the permittee and may:

1. Require the permittee to review its Plan for consistency with the TMDL, and propose any necessary modification to the Plan to be submitted to the Department within six months of the receipt of notification concerning the TMDL;
2. Issue a watershed-specific general permit for the area draining to the impaired waterbody. The watershed-specific MS4 general permit may reference parts of this general permit; or
3. Require an individual permit.

#### **PART V. Standard Conditions**

- A. Removed substances.** Solids, sludges, filter backwash or other pollutants removed or resulting from the treatment of wastewaters shall be disposed of in a manner approved by the Department.
- B. Other applicable conditions.** The conditions in Waste Discharge License Conditions, 06-096 CMR 523(2) (effective January 23, 2001) also apply to discharges pursuant to this general permit and are incorporated herein as if fully set forth. These conditions address areas such as: duty to comply; need to reduce or halt activity not a defense; duty to mitigate; permit actions; property rights; duty to provide information; and inspection and entry.
- C. Monitoring requirement.** The Department may require monitoring of an individual discharge as may be reasonably necessary in order to characterize the nature, volume or other attributes of that discharge or its sources.
- D. Other information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, he or she shall promptly submit such facts or information.-
- E. Endangered species.** Pursuant to State and Local Cooperation Law, 12 M.R.S.A. § 12806, A state agency or municipal government shall not permit, license, fund or carry out projects that will:
  1. Significantly alter the habitat identified under Conservation of Endangered Species Law, 12 M.R.S.A. § 12804, subsection 2 of any species designated as threatened or endangered under this subchapter; or
  2. Violate protection guidelines set forth in 12 M.R.S.A. § 12804, subsection 3.
- F. Individual permit or alternative general permit.** When an individual permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative general permit, the applicability of this permit to the individual permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Commissioner.



## Appendix A

### Regulated Small MS4 Municipalities

Auburn  
Bangor  
Berwick  
Biddeford  
Brewer  
Cape Elizabeth  
Cumberland  
Eliot  
Falmouth  
Freeport  
Gorham  
Hampden  
Kittery  
Lewiston  
Milford  
Old Orchard Beach  
Old Town  
Orono  
Portland  
Sabattus  
Saco  
Scarborough  
South Berwick  
South Portland  
Veazie  
Westbrook  
Windham  
Yarmouth

## Appendix B

### Urban Impaired Streams

Logan Brook	Auburn
Penjawoc Stream including Meadow Brook	Bangor
Birch Stream (Ohio Street)	Bangor
Unnamed Brook (Pushaw Road)	Bangor
Arctic Brook (Valley Avenue)	Bangor
Shaw Brook	Bangor, Hampden
Frost Gully Brook	Freeport
Concord Gully	Freeport
Hart/Dill Brook	Lewiston
Jepson Brook	Lewiston
Capisic Brook	Portland
Fall Brook	Portland
Nasons Brook	Portland
Goosefare Brook	Saco, Old Orchard Beach
Trout Brook (including Kimball Brook)	South Portland, Cape Elizabeth
Barberry Creek	South Portland
Long Creek	South Portland, Portland, Westbrook, Scarborough
Phillips Brook	Scarborough
Red Brook	Scarborough, South Portland

This general permit may be reopened to include or delete specific waterbodies or segments based upon new information. Reopening the general permit for this purpose is subject to the requirements in 38 MRSA 414-A (5), including notice to interested parties of record and opportunity for hearing. Actions may be appealed as provided in 38 MRSA 341-D and 346.