



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

March 28, 2022

Mr. Michael Foley
Mayor
2 York Street
Westbrook, Maine 04092
e-mail: mfoley@westbrook.me.us

**RE: Municipal Separate Storm Sewer System (MS4) General Permit #MER041000
Proposed Draft - MER041002**

Dear Mr. Foley:

Enclosed is a **proposed draft** Department Order granting coverage for the City of Westbrook under the Municipal Separate Storm Sewer System (MS4) General Permit, #MER041000, issued by the Department on October 15, 2020 and revised on November 23, 2021. The Department proposes to issue this Department Order as a final document after opportunity for your review and comment. By transmittal of this letter, you are provided with an opportunity to comment on the proposed draft document. If it contains errors or does not accurately reflect present or proposed conditions, please respond to this Department so that changes can be considered.

Beginning today, Monday, March 28, 2022, the Department is making the draft Department Order available for a 30-day public comment period. All comments on the proposed draft Department Order must be received in the Department of Environmental Protection office on or before the close of business on **Thursday, April 28, 2022**. Failure to submit comments in a timely fashion will result in the final permit document being issued as drafted.

Comments in writing should be submitted to my attention at the following address:

Maine Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333-0017
gregg.wood@maine.gov

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

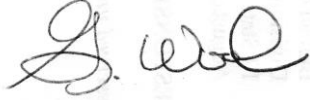
BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Wood". The signature is fluid and cursive, with the first letter "G" being particularly large and stylized.

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Alison Moody, DEP/SMRO
Damien Houlihan, USEPA
Newton Tedder, USEPA

Lori Mitchell, DEP/CMRO
Nathan Chien, USEPA

Holliday Keen, DEP/CMRO
Richard Carvalho, USEPA



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

**DEPARTMENT ORDER
IN THE MATTER OF**

CITY OF WESTBROOK)	MUNICIPAL SEPARATE STORM
WESTBROOK, CUMBERLAND COUNTY, MAINE)	SEWER SYSTEM
MER0410002)	MER041000
)	GENERAL PERMIT COVERAGE
March 28, 2022 Proposed Draft	APPROVAL)	RENEWAL

The Department of Environmental Protection (Department/DEP) has considered the Notice of Intent submitted by the CITY OF WESTBROOK (City/permittee), with supportive data, agency review comments and other related materials on file for coverage under the Municipal Separate Storm Sewer System (MS4) General Permit, #MER041000, issued by the Department on October 15, 2020 and revised on November 23, 2021, and FINDS THE FOLLOWING FACTS.

The permittee submitted a Notice of Intent (NOI) with an initial Stormwater Management Plan (SWMP) to the Department on March 31, 2021 that were made available for a 30-day public comment period on the Department's website at <https://www.maine.gov/dep/comment/comment.html?id=4463193>. No public comments were received on the NOI or the initial SWMP. The Department has reviewed the initial SWMP document and made the determination that the document is consistent with and fully articulates what is required to meet the MS4 GP standard. Pursuant to Part IV(B) of MS4 GP issued by the Department on October 15, 2020 and revised on November 23, 2021, the permittee must update the initial SWMP within 60 days of the effective date of this DEP permittee specific order or within 60 days of the final resolution to an appeal of this DEP permittee specific order. The final plan must be submitted to the Department and will be posted on the Department's website.

The permittee must fully implement all actions, schedules and milestones established in the March 31, 2021 initial SWMP and any revisions to the initial SWMP reflected in the final plan.

The permittee has agreed to comply with all terms and conditions of the MS4 General Permit, #MER041000, dated October 15, 2020 and revised on November 23, 2021. Operated in accordance with the Municipal Separate Storm Sewer System (MS4) General Permit, #MER041000, the discharges identified by the permittee will not have a significant adverse effect on water quality or cause or contribute to the violation of the water quality standards of the receiving water. To meet the standards of the MS4 General Permit, the permittee must implement the following terms and conditions.

Impaired Waters

The City's MS4 includes point source discharges to Capisic Brook and Nasons Brook both of which are classified as an Urban Impaired Streams in Maine DEP Rule Chapter 502. Westbrook also has MS4 point source discharges to the Stroudwater River which was recently categorized as impaired though it does not have a TMDL at this point. To address the impairments the permittee must;

Beginning calendar year 2022, the permittee must implement the following chloride reduction practices for the Capisic Brook and Nasons Brook watersheds.

- a. At least one representative from the City must attend an annual regional training or roundtable to learn about new chloride reduction techniques coordinated by the ISWG or another organization.
- b. The permittee, solely or in combination with others, must
 - Beginning July 1, 2022 and alternating years thereafter until it passes, provide educational outreach to legislators regarding limited liability legislation and at least two other organizations representing firms that conduct application of chloride on private property;
 - In years when limited liability legislation has not passed and is not active for procedural reasons, the City will provide winter maintenance education and outreach to the public using two tools from the City's Stormwater Management Plan.
 - The first year after legislation passes, the City must provide awareness of its passage in the form of a presentation to the Council.
 - Beginning the second and subsequent years after passage, the City must educate property managers, private contractors, and/or the public on winter maintenance practices to maintain public safety and protect the environment using two tools from the City's Stormwater Management Plan.

Results of implementation of the chloride reduction practices must be documented in the permittee's annual report required by Special Condition G, *Annual Compliance Report*, of MS4 GP #MER041000 referenced above.

On or before September 1, 2022, the permittee solely or in combination with other entities, must establish conductivity testing sites and protocols for the Nasons Brook and Capisic Brook watersheds. Baseline conductivity testing must begin on or before October 1, 2022. Routine conductivity testing in both watersheds must continue each year thereafter. Results of the annual testing must be reported must be documented in the permittee's Annual Report required by Special Condition G, *Annual Compliance Report*, of MS4 GP #MER041000 referenced above.

On or before July 1, 2023, the permittee, solely or in combination with other municipalities, must develop a written Salt Reduction Outreach Plan for commercial, industrial and residential property owners in the Nasons Brook watershed. The plan must be posted on the permittee's website.

Beginning on or before July 1, 2024, the permittee, must engage with the City of Portland to create an Intermunicipal Agreement in order to commence implementation of a study (e.g.: hydrogeomorphological, water quality or habitat study) of Nason Brook and Nasons Brook wetlands complex to support the development of a watershed management plan.

On or before July 1, 2027, the permittee, solely or in conjunction with others, must begin to prepare a written watershed management plan for Nasons Brook and the Nasons Brook wetlands complex.

On or before July 1, 2027, the permittee must develop a local ordinance requiring all development and redevelopment in the heavily developed Capisic Brook and Nasons Brook watersheds to improve the quality of stormwater runoff from the site. The ordinance must target all appropriate pollutants causing or contributing to the impairment(s) and must establish a means by which the permittee can measure the effectiveness of this BMP.

THEREFORE, the Department GRANTS the CITY OF WESTBROOK, coverage under the Municipal Separate Storm Sewer System (MS4) General Permit, #MER041000, issued by the Department on October 15, 2020 and revised on November 23, 2021, subject to the terms and conditions therein.

DONE AND DATED AT AUGUSTA, MAINE, THIS _____ DAY OF _____, 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
Melanie Loyzim, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

The Notice of Intent was received by the Department on _____ March 31, 2021 _____.

The Notice of Intent was accepted by the Department on _____ April 5, 2021 _____.

Date filed with Board of Environmental Protection: _____

This Order prepared by GREGG WOOD, BUREAU OF WATER QUALITY