



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS  
GOVERNOR

MELANIE LOYZIM  
COMMISSIONER

March 16, 2022

Mr. James A. Bennett  
City Manager  
205 Maine Street  
Biddeford, Maine 04210  
e-mail: [james.bennett@biddefordmaine.org](mailto:james.bennett@biddefordmaine.org)

**RE: Municipal Separate Storm Sewer System (MS4) General Permit #MER041000  
Proposed Draft - MER041021**

Dear Mr. Bennett:

Enclosed is a **proposed draft** Department Order granting coverage for the City of Biddeford 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, Wednesday, March 16, 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 **Monday, April 16, 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](mailto:gregg.wood@maine.gov)

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

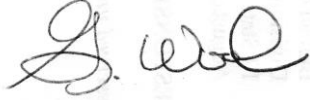
BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

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 name "G." and the last name "Wood" clearly distinguishable.

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 BIDDEFORD	)	MUNICIPAL SEPARATE STORM
BIDDEFORD, YORK COUNTY, MAINE	)	SEWER SYSTEM
MER041021	)	MER041000
	)	<b>GENERAL PERMIT COVERAGE</b>
<b>March 16, 2022 Proposed Draft</b>	<b>APPROVAL )</b>	<b>RENEWAL</b>

The Department of Environmental Protection (Department/DEP) has considered the Notice of Intent submitted by the CITY OF BIDDEFORD (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 30, 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 30, 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.

## Impaired Waters

To meet the standards of the MS4 GP for impaired waters, the permittee must implement the following terms and conditions:

The City's MS4 includes point source discharges to Thacher Brook which is classified as an Urban Impaired Stream in Maine DEP Rule Chapter 502 and is listed in the 2005 Maine Impervious Cover Total Maximum Daily Load document dated. A Watershed Management Plan was completed for Thacher Brook in 2015. The Watershed Management Plan identified several restoration actions that will help Thacher Brook meet its water quality classifications. The City applied for and completed a Phase I Restoration. To meet the Urban Impaired Stream requirement of the 2022 MS4 General Permit, the City will implement the following best management practices (BMPs).

**Beginning calendar year 2022**, the permittee must implement the following chloride reduction practices for the Thacher Brook watershed.

- a. At least one representative from the City Engineering Department and one from the Public Works Department 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 Town must provide winter maintenance education and outreach to the public using two tools from Appendix D Table 5 of 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 will 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 Appendix D Table 5 of the City's Stormwater Management Plan.

**Beginning July 1, 2022**, the permittee, solely or in combination with others, must:

- a. Provide one digital and one print targeted education outreach each year to the residents living adjacent to Thacher Brook in the following areas at a minimum: Mountain Road, Easy Street, Autumn Lane, Glaude Ave, Village Lane, Cathedral Oaks Drive, Thacher Brook Lane, and Brook Street. The goal of the enhanced public education is to encourage the residents to improve their riparian zone by creating or improving and maintaining the riparian buffer with native species to minimize erosion and following proper yard waste practices.
- b. Offer four regional workshops annually on Yardscaping and buffer BMPs. At least one workshop during the permit term must target residents living adjacent to Thacher Brook as identified in paragraph a above.

**Beginning July 1, 2022 and lasting through June 30, 2023** the City must conduct site visits to at least five (5) catchment, erosion, and inadequate buffer sites and evaluate them for current condition and potential for retrofits, repair and/or impervious cover disconnection. The intersection of Rt 111 and Precourt Road (retrofits sites 7 and 8) must be included as one of the five sites being evaluated. The City must prepare a report summarizing the results of the evaluation and must select a site or sites for design. Results of the evaluation must be documented in the permittee’s annual report required by Special Condition G, *Annual Compliance Report*, of MS4 GP #MER041000 referenced above.

**Beginning July 1, 2023 and lasting through June 30, 2024**, should the budget be approved, the City must prepare the design for the recommended project(s).

**Beginning July 1, 2024 and lasting through June 30, 2025**, should the budget be approved, the City must attempt to obtain the necessary permits and easements to construct the recommended project(s).

**Beginning July 1, 2025 and lasting through June 30, 2026**, should the budget be approved and necessary permits and easements are able to be obtained, the City will construct the project(s).

**Beginning upon completion of the project(s)**, the City must begin annual inspection(s) and maintenance on the completed project.

Should the budget for the requirements listed above not be approved, the City must notify the Department as soon as it is aware of the lack of funding. The Department reserve the right to reopen this order to reestablish a scope of work and schedule for the implementation of alternate BMPs.

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

THEREFORE, the Department GRANTS the CITY OF BIDDEFORD, 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 30, 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