



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

March 16, 2022

Ms. Paula Scott
Town Manager
106 Western Avenue
Hampden, Maine 04444
e-mail: townmanager@hampdenmaine.gov

**RE: Municipal Separate Storm Sewer System (MS4) General Permit #MER041000
Proposed Draft - MER041022**

Dear Ms. Scott:

Enclosed is a **proposed draft** Department Order granting coverage for the Town of Hampden 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 18, 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

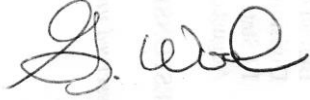
BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

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: Jana Wood, DEP/EMRO
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**

TOWN OF HAMPDEN)	MUNICIPAL SEPARATE STORM
HAMPDEN, PENOBSBOT COUNTY, MAINE)	SEWER SYSTEM
MER041022)	MER041000
)	GENERAL PERMIT COVERAGE
March 16, 2022 Proposed Draft	APPROVAL)	RENEWAL

The Department of Environmental Protection (Department/DEP) has considered the Notice of Intent submitted by the TOWN OF HAMPDEN (Town/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 25, 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 25, 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 Streams

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

The Town of Hampden has one urban impaired stream (UIS) that the MS4 discharges to within the urbanized area. This stream is Sucker Brook. Progress has been made on identifying and addressing impairments through assessment, best management practices, and/or public education.

Beginning July 1, 2022, the permittee must create a website landing page targeted at educating Town Council members and residents on the impairments in the Sucker Brook watershed. The web page must include information on plans to improve the stream, as well as information on what Hampden citizens can do to help improve the water quality in Sucker Brook. The Town Council must receive annual training on Sucker Brook watershed using the web page. This training must be updated annually to include any new data collected or any progress on stream improvements. The permittee must compile and assess statistics annually on traffic and how many residents were reached to this website landing page. The statistics must be included in the *Annual Compliance Report* required by Special Condition G of the MS4 GP #MER041000 referenced above.

On or before July 1, 2022, the permittee, solely or in conjunction with others, hire a qualified stream geomorphologist to conduct a geomorphology assessment within the Sucker Brook watershed. The goal of the assessment is to understand the response of the stream channel to disturbances in Sucker Brook, as well as identify potential structural BMPs to help address these disturbances. The geomorphology assessment will include a background review of existing materials and past studies of Sucker Brook, as well as a historic assessment of topographic maps and aerial images to review changes over time. The on-site assessment will begin with a rapid geomorphic assessment to choose three sites for detailed assessment. The detailed assessment will include a walk of survey sites, a topographic survey, and pebble counts at each site.

On or before July 1, 2024, the geomorphology assessment and final report must be completed. The final report must include at least two (2) conceptual designs with illustrations, material lists, and estimated costs for structural BMPs that the permittee will consider for implementation. The Town must evaluate stormwater treatment options and based on the availability of potential grant funding, select a minimum of one structural BMP for implementation and notify the Department in writing which BMP(s) will be implemented.

On or before July 1, 2027, one or more of the following structural BMPs must be fully implemented:

- a. Replace the existing Old County Road culvert at the Sucker Brook crossing.
- b. Select a BMP design from the geomorphic assessment; or
- c. Construct another MDEP approved structural BMP within the Sucker Brook watershed.

THEREFORE, the Department GRANTS the TOWN OF HAMPDEN, 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 25 2021 _____.

The Notice of Intent was accepted by the Department on _____ April 2, 2021 _____.

Date filed with Board of Environmental Protection: _____

This Order prepared by GREGG WOOD, BUREAU OF WATER QUALITY