



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS  
GOVERNOR

MELANIE LOYZIM  
COMMISSIONER

March 25, 2022

Ms. Danielle West  
Interim City Manager  
389 Congress Street  
Portland, Maine 04101  
*e-mail:* [citymanager@portlandmaine.gov](mailto:citymanager@portlandmaine.gov)

**RE: Municipal Separate Storm Sewer System (MS4) General Permit #MER041000  
Proposed Draft - MER041024**

Dear Ms. West:

Enclosed is a **proposed draft** Department Order granting coverage for the City of Portland 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 25, 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

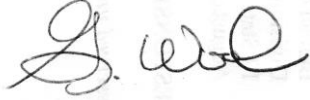
BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

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 PORTLAND	)	MUNICIPAL SEPARATE STORM
PORTLAND, CUMBERLAND COUNTY, MAINE	)	SEWER SYSTEM
MER041024	)	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 PORTLAND (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 Streams**

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

The Urban Impaired Streams (UISs) in Portland are Capisic Brook, Dole Brook, Long Creek, Nasons Brook, and Fall Brook; all of which are covered by the Statewide Impervious Cover TMDL, with the exception of Fall Brook, which is classified as Category 5-A (TMDL Required) in the Department's document entitled, *2016 Integrated Water Quality Monitoring and Assessment Report* and Long Creek, which is subject to a separate impervious cover-based permit. Consistent with the requirements in Section IV.E.3. of the MS4 General Permit, the BMPs Portland must implement the following best management practices (BMPs) in these watersheds as follows:

### **Capisic Brook and Capisic Pond Wetland**

**Beginning July 1, 2022**, the permittee must commence a targeted public education program to reduce illegal dumping of pet waste bags into catch basins within the Capisic Brook and Dole Brook Brook watersheds. The program must include but not be limited to, use of a catch basin inspection tracking system, targeted signage and other education and outreach methods developed under the Capisic Brook Watershed Greener Neighborhoods Cleaner Streams Program to help reduce nutrient and bacteria inputs to the MS4 that contribute to harmful algae blooms lower dissolved oxygen levels and adversely impact both aquatic habitat and water quality. Progress reports on the implementation of the public education program 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, 2024** – the permittee must review, assess progress on and update the Capisic Brook Watershed Management Plan developed between 2010-2012 and approved in 2012. The update shall include a data gap analysis if necessary (e.g.: Impervious cover “disconnection” analysis, habitat assessment, geomorphic stream channel restoration needs, wetlands/groundwater recharge study, etc.).

**On or before July 1, 2025**, the permittee must install multiple, distributed green infrastructure BMPs to treat 21 acres (approximately 9 acres existing impervious area) directly discharging to the Capisic Brook. This project is referred to as the Sagamore Village Stormwater Retrofit Project.

### **Dole Brook and Dole Brook Wetland**

**Beginning July 1, 2022 and lasting through July 1, 2023**, the permittee must conduct preliminary mapping study to identify wetlands, stream channel/drainage and other habitat within the Dole Brook watershed in preparation for development of a watershed management plan.

**On or before July 1, 2024**, the permittee must conduct a hydrogeomorphological study in preparation for development of a watershed management plan.

**On or before July 1, 2025**, the permittee must upgrade the detention pond on Palmer Avenue to meet the most current stormwater treatment and volume standards of Department's Chapter 500 rule.

**On or before July 1, 2027**, the permittee must prepare a written watershed management plan for Dole Brook.

### **Nasons Brook and Nasons Brook Wetlands Complex**

**On or before July 1, 2023**, the permittee, solely or in conjunction with others, develop a Salt Reduction Outreach Plan for commercial, industrial and residential property owners in the Nasons Brook watershed.

**Beginning on or before July 1, 2024**, the permittee, must engage with the City of Westbrook 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.

### **Fall Brook**

**On or before July 1, 2024**, conduct a hydrogeomorphological study of Fall Brook to better understand how water is moving through the watershed (e.g.: Infiltration and groundwater recharge areas, reasons for lack of base flow in lower reaches, etc.) to support the development of a watershed management plan.

**On or before July 1, 2024**, conduct a wetlands, stream channel, and MS4/combined sewer mapping study in preparation for development of a watershed management plan.

**Beginning July 1, 2024 and last through July 1, 2026**, conduct seasonal (June 1 – August 30) monitoring for flow, dissolved oxygen, and conductivity in the upper reaches of the watershed if there is sufficient flow during at least part of the season.

### **Long Creek**

**Beginning July 1, 2022 and each year thereafter**, continue to work with the LCWMD to implement the Long Creek Watershed Management Plan as a Participating Landowner and permittee.

THEREFORE, the Department GRANTS the CITY OF PORTLAND, 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