



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

March 16, 2022

Ms. Diana Asanza
Town Manager
1 Portland Avenue
Old Orchard Beach, Maine 04064
e-mail: dasanza@oodmaine.com

**RE: Municipal Separate Storm Sewer System (MS4) General Permit #MER041000
Proposed Draft – MER041025**

Dear Ms. Asanza:

Enclosed is a **proposed draft** Department Order granting coverage for the Town of Old Orchard Beach 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 the 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

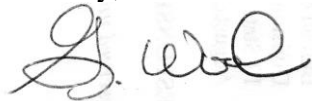
BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

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: 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**

TOWN OF OLD ORCHARD BEACH)	MUNICIPAL SEPARATE STORM
OLD ORCHARD BEACH, YORK COUNTY, ME.)	SEWER SYSTEM
MER041025)	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 OLD ORCHARD BEACH (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 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. To meet the standards of the MS4 General Permit, the permittee must implement the following terms and conditions.

Impaired Waters

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

- 1. Beginning July 1, 2022**, the permittee, solely or in combination with others, must provide one digital and one print targeted education outreach each year to residents living adjacent to Goosefare Brook about ways to create, improve, and maintain their riparian zone and/or select tributaries to Goosefare Brook. 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, following proper yard waste practices.
- 2. Beginning July 1, 2022 and lasting through June 30, 2023**, the permittee must review the recommendations from the 2015 smoke testing effort in the New Salt Road Tributary subwatershed and confirm those properties or areas identified as requiring further investigation continue to require follow up. A listing of properties and areas must be identified along with identified concerns.
- 3. Beginning July 1, 2023 and lasting through June 30, 2024**, the permittee must conduct smoke testing of the sanitary sewer system in the New Salt Road Tributary subwatershed to locate potential problem areas within the sanitary sewer system, including sewer connection issues. The smoke testing must be generally focused on sanitary sewer in the area where the New Salt Road Tributary goes underground (in a closed box culvert parallel to West Grand Avenue) between Randall Avenue and Ancona Avenue, and must include portions of West Grand, Randall, Temple, Colby, Seaside, and Ancona Avenues. The permittee must determine their ability to enter private property and their right to access and develop a plan to conduct internal house inspections. The Town will reach out to each affected property owner a minimum of one time to discuss access.
- 4. Beginning July 1, 2024 and lasting through June 30, 2025**, the permittee must develop a list of recommendations, including problem areas/properties which require further investigation based on the results of the smoke testing conducted under item #3 of this Order.
- 5. Beginning July 1, 2025 and lasting through June 30, 2027**, the permittee must conduct internal house inspections of properties with potential sewer connection issues identified through smoke testing efforts, contingent on securing access to private properties. House inspections may include a plumbing inspection, observation of where the sewer exits the house, push camera inspections, and/or dye testing. At a minimum, the private properties recommended for internal house inspections under item #2 of this order will be inspected. Additional houses will be inspected, based on the findings from the smoke testing to be conducted under item #3 of this order. Up to a total of fifteen (15) houses will be inspected under this item. The permittee must conduct follow-up investigation of areas identified through smoke testing that did not involve internal house inspection. At a minimum, the applicable items identified under item #2 of this order will be investigated. Additional investigations based on the findings from the smoke testing to be conducted under item #3 of this order will be conducted. Up to a total of five (5) areas will receive follow-up investigation under this item.

THEREFORE, the Department GRANTS the TOWN OF OLD ORCHARD BEACH, 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