



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS  
GOVERNOR

MELANIE LOYZIM  
COMMISSIONER

March 16, 2022

Ms. Debbie Laurie  
City Manager  
73 Harlow Street  
Bangor, Maine 04401  
*e-mail:* [city.manager@bangormaine.gov](mailto:city.manager@bangormaine.gov)

**RE: Municipal Separate Storm Sewer System (MS4) General Permit #MER041000  
Proposed Draft - MER041026**

Dear Ms. Laurie:

Enclosed is a **proposed draft** Department Order granting coverage for the City of Bangor 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](mailto:gregg.wood@maine.gov)

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

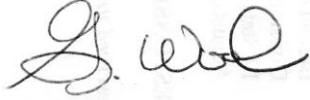
BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

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: 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**

|                                      |                   |                                |
|--------------------------------------|-------------------|--------------------------------|
| CITY OF BANGOR                       | )                 | MUNICIPAL SEPARATE STORM       |
| BANGOR, PENOBSCOT COUNTY, MAINE      | )                 | SEWER SYSTEM                   |
| MER041026                            | )                 | 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 BANGOR (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 26, 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 26, 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

The City of Bangor has six urban impaired streams within the Urban Area which include Arctic Brook, Birch Stream, Capehart Brook, Penjajawoc Stream, Sucker Brook, and Shaw Brook. The City will educate its citizens on the six (6) Urban Impaired Streams cited above through their website.

- 1) **On or before July 1, 2023**, the permittee must complete the development of a landing page describing what an urban impaired stream is as well as mechanisms that cause stream impairments. The landing page must include information on what citizens can do on an individual level to improve the water quality in the streams. Each stream identified above must have an individual landing page which will include basic information about the stream, its impairment, identified stressors, and any plans to improve the stream such as a watershed-based plan.
- 2) **Beginning September 15, 2024 and each year thereafter**, the permittee must compile and assess the statistics on webpage traffic to determine how well the target audience was reached. At a minimum, the statistics must include the number of views on the pages, as well as the referral method that each user had to the page. The statistics must be included in the Annual Compliance Report required by Special Condition G of the MS4 GP #MER041000 referenced above.
- 3) **On or before July 1, 2024**, the permittee must update the Watershed Based Plans for Penjajawoc Stream and Birch Stream.
- 4) **On or before July 1, 2024**, the permittee must complete a geomorphic assessment with recommendations for in-stream restoration projects for the portion of the Shaw Brook and Sucker Brook watersheds that are within City limits.
- 5) **Beginning July 1, 2022 and lasting through June 30, 2027**, the permittee must implement at least one (1) structural BMP in the Birch Stream, Penjajawoc Stream, Shaw Brook and Sucker Brook watersheds and at least two (2) structural BMPs in the Arctic Brook and Capehart Brook watersheds. These structural BMPs may include, but are limited to:
  - a. treatment of existing impervious cover on public or private property (minimum ½ acre treated),  
OR
  - b. stream channel fluvial geomorphological restorations, and/or stabilizations (minimum 300 feet stream length), focusing on improving channel stability in dynamic equilibrium, improving habitat, and improving water quality. OR
  - c. Culvert improvements on stream mainstem or major tributary (minimum length 40 feet)
  - d. conservation of lands projects (minimum ½ acre) to improve, conserve, or stabilize stream water quality or habitat.

THEREFORE, the Department GRANTS the CITY OF BANGOR, 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 26, 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