



# STORMWATER MANAGEMENT PLAN

FOR

TOWN OF CUMBERLAND, MAINE

MS4 General Permit Effective July 1, 2022  
Initial Submittal to Maine DEP March 25, 2021  
Resubmitted 8/27/2021 to address Maine DEP Comments  
Updated 6/20/2022 to incorporate Permit Modification and Department Order

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# 1 INTRODUCTION

## 1.1 Overview of Regulatory Program

The Town of Cumberland is subject to the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s) which was issued by the Maine Department of Environmental Protection (DEP) with an effective date of July 1, 2022. Because the permit is a Clean Water Act permit, it is limited to a duration of five (5) years and is due to expire on June 30, 2027. However, if the Maine DEP does not issue another Permit by June 30, 2027, the permit will be administratively continued, and the Town may need to update this Stormwater Management Plan to show what activities it will complete during the continued time period.

Communities are regulated under this program when and if they are identified as having “Urbanized Areas” in their municipal boundary. An Urbanized Area is a U.S. Census-defined term, applied to a large area (50,000 people or more) that has a high population density and/or a high percentage of impervious cover (hard scape surfaces like parking lots or buildings). Both of these criteria (high population density and high percentage of impervious cover) cause an area to be at risk for adverse surface water quality impacts from polluted stormwater discharges.

The U.S. Environmental Protection Agency (USEPA) and Maine DEP began regulating communities for their stormwater discharges using the Urbanized Area criteria in 2003. The Town of Cumberland became regulated in 2003 based on the 2000 census.

Once a community becomes regulated by the MS4 General Permit, only the Urbanized Area portions of the town are regulated. As each U.S. Census is published, if the Urbanized Area changes (based on changes to the population or impervious cover), additional areas can be added to the regulated area only after a new MS4 General Permit is issued. Once an Urbanized Area is regulated by the MS4 General Permit, it cannot be removed from regulation, even if a subsequent census identifies it is no longer classified as an Urbanized Area. So, the area regulated by the MS4 General Permit can either grow larger or stay the same size, but it cannot become smaller. Appendix A shows the Urbanized Area that is regulated by the 2022 MS4 General Permit for the town, which is based on the combined 2000 and 2010 U.S. Census Urbanized Area data. The 2022 MS4 General Permit specifically does not include any areas identified by the 2020 U.S. Census.

## 1.2 Cooperation Between Regulated Communities

There are 30 municipalities in the State of Maine that are subject to the 2022 MS4 General Permit. There are also two transportation agencies which are subject to their own MS4 General Permit, and eight state/federal agencies (which are called “nested” MS4s) that are

subject to a third MS4 General Permit. The regulated MS4s (municipal, transportation and state/federal) have a good history of cooperating on a state-wide basis to complete activities required by the General Permit such as public outreach and training as a cost saving measure and to improve the quality of compliance.

The Town of Cumberland is a member of the Casco Bay Interlocal Stormwater Working Group (ISWG), pronounced *izzy-wig*. ISWG is a coalition of 14 MS4 municipalities in the greater Portland and Saco areas (Biddeford, Cape Elizabeth, Falmouth, Freeport, Gorham, Old Orchard Beach, Portland, Saco, Scarborough, South Portland, Westbrook, Windham, and Yarmouth) as well as the Southern Maine Community College and University of Southern Maine which are also regulated as MS4s under a separate permit. This coalition is facilitated by the Cumberland County Soil and Water Conservation District, which also assists in completing some of the permit requirements under contract to the coalition.

Similarly, the Bangor area MS4s have formed the Bangor Area Stormwater Working Group (BASWG), the Lewiston-Auburn area MS4s formed the Androscoggin Valley Stormwater Working Group (AVSWG), and the Portland Area regulated MS4s formed the Interlocal Stormwater Working Group (ISWG). For some public education requirements, all of the stormwater working groups are working cooperatively as identified in this plan.

In implementing the 2022 MS4 General Permit, the Town of Cumberland works with other entities statewide and through SMSWG to complete some requirements, hires a third party-consultant to implement some requirements and implements other requirements using municipal staff. This plan describes which elements will be completed individually, regionally or as a state-wide effort.

### **1.3 Stormwater Management Plan**

Though the MS4 General Permit is a Clean Water Act Permit, it does not specify numeric effluent limitations (concentrations that a stormwater discharge must meet). Instead, the MS4 General Permit specifies narrative effluent limitations, in the form of Minimum Control Measures (MCMs).

Each of the historically issued MS4 General Permits (in 2003, 2008, 2013, and 2022) have required that the regulated MS4s develop and implement a Stormwater Management Plan (SWMP or Plan) to coincide with the effective dates of the General Permit.

This SWMP describes how the Town will implement Best Management Practices (BMPs) to meet the six MCMs, set forth in Part IV(C) of the 2022 MS4 General Permit. The six MCMs that are required to be addressed in this Plan are:

- 1 Education/Outreach Program
- 2 Public Involvement and Participation
- 3 Illicit Discharge Detection and Elimination Program

- 4 Construction Site Stormwater Runoff Control
- 5 Post-Construction Stormwater Management in New Development and Redevelopment
- 6 Pollution Prevention/Good Housekeeping for Municipal Operations

The 2022 MS4 General Permit requires that for each MCM, the Town must: define appropriate BMPs; designate a person(s) responsible for implementing each BMP; define a date or timeline with milestones for implementation of each BMP; and define measurable goals for each BMP.

The prior MS4 General Permits also required that the SWMP address these six MCMs, but the specific requirements related to each MCM have changed with each permit. In many instances, the BMPs in this plan expand upon or continue BMPs that were developed under prior General Permits.

In addition to addressing the six (6) Minimum Control Measures, the Town must address several impaired waters requirements. Sections 1.4 and 1.5 describe the water quality status in the Town, and what watersheds are considered to be priorities. Sections 1.6 through 1.9 describe how permit coverage is obtained, how the SWMP is modified (when needed), when public notice is required and annual reporting requirements.

The Maine DEP will review this Stormwater Management Plan and determine if the Town is controlling pollutants to the “Maximum Extent Practicable.” The term “Maximum Extent Practicable” is defined in the Clean Water Act. The term means available and feasible considering cost, existing technology, and logistics based on the overall purpose of the project. Effectively, the Town is allowed to consider these concepts as they select Best Management Practices (BMPs) to meet permit requirements, but the Maine DEP decides if the Town is meeting the “Maximum Extent Practicable” standard.

The SWMP is not an enforceable document however, some of its elements are enforceable as identified in The Town’s Department Order contained in Appendix B. Some flexibility is built in to the SWMP to allow communities to engage in an adaptive management approach to mitigating or eliminating the discharge of pollutants to and from its regulated small MS4. This allows the Town to adjust the SWMP and BMPs throughout the Permit Cycle if needed based on evaluations of their effectiveness, changing conditions, specific local concerns, or changes in other factors. Some SWMP Modifications require DEP review and approval and public notice. Section 1.6 Obtaining Coverage to Discharge, and Section 1.8 SWMP Modifications describe the requirements associated with modifying a SWMP.

#### **1.4 Water Quality and Discharges to Impaired Waters**

The 2022 MS4 General Permit contains the following requirements for discharges to waters that are not meeting their fishable and swimmable standards (a.k.a. impaired waters):

- (1) If the waterbody to which a point source discharge drains is impaired and has an

EPA approved total maximum daily load (TMDL), then the SWMP must propose clear, specific, and measurable actions to comply with the TMDL waste load allocation (“WLA”) and any implementation plan. The GP does not authorize a direct discharge that is inconsistent with the WLA of an approved TMDL. This requirement applies only to TMDLs that were approved by EPA as of 10/13/2020.

- (2) If a TMDL is approved or modified by EPA after 10/13/2020, the Maine DEP will notify the permittee if any changes are needed to the SWMP and may take other actions regarding the approved TMDL as identified in the 2022 MS4 General Permit.
- (3) If an MS4 has a discharge to an Urban Impaired Stream, it must develop and implement three (3) BMPs to address the water’s impairment, unless the DEP has determined the MS4 discharge is not causing or contributing to the impairment.

The Fact Sheet that was issued with the 2022 MS4 General Permit also contained a strongly worded recommendation for MS4s to consult with the Maine DEP Division of Environmental Assessment regarding impaired waters that do not have approved TMDLs. The consult would be focused on identifying the root cause of the impairment and developing a strategy to reduce the discharge of pollutants of concern if the permittee is causing or contributing to the impairment.

Section 1.4.1 describes generally how the State evaluates surface waters and describes TMDL documents and Urban Impaired Streams. Section 1.4.2 describes the status of the waters that receive discharges from the Town’s MS4. Section 1.4.3 describes how the Town is addressing any impairments which have MS4 requirements.

#### **1.4.1 State Water Quality Assessments**

The State of Maine is required by the Clean Water Act to identify water quality classifications for each surface water in the State, and then to assess whether each of those waters is meeting its designated classification standards. Maine has four classifications for freshwater rivers, three classes for marine and estuarine waters, and one class for lakes and ponds. Each classification identifies a use and set of water quality standards for the water. The classifications, uses, and standards are described and assigned to the various waters in the Maine Statutes (Title 38, Sections 464 through 469).

Assessments as to whether each water is achieving its designated classification are based on data that is obtained from a number of sources depending on the type of water being assessed:

- Lakes and ponds are assessed primarily through data obtained by the DEP and regional entities and lake associations. The regional and lake association data is coordinated through the Lake Stewards of Maine (Volunteer Lake Monitoring Program).

- Marine and Estuarine waters are assessed by evaluation of data obtained from the DEP, Maine Healthy Beaches, Department of Marine Resources, Marine Environment’s Gulf Watch, Gulf of Maine Council, and several other academic and non-profit organizations.
- Wetlands are assessed primarily using data obtained from the DEP Biomonitoring Program.
- Rivers and Streams are assessed using data from the DEP Biomonitoring Program, Surface Water Ambient Toxics (SWAT) Monitoring Program, the Atlantic Salmon Recovery Plan, Volunteer River Monitoring Program (VRMP) and through many other government agencies such as the Department of Inland Fisheries and Wildlife, EPA, United States Geologic Survey.

Every two years, the DEP publishes a report and list documenting the results of the assessments, and identifying which waters are meeting their designated classifications, and which are considered impaired. The report and list are called the Integrated Water Quality Report and are generally referred to by the Section of the Clean Water Act which requires them: the 305(b) report and/or the 303(d) list, respectively. There are five general status categories available for assignment to each water:

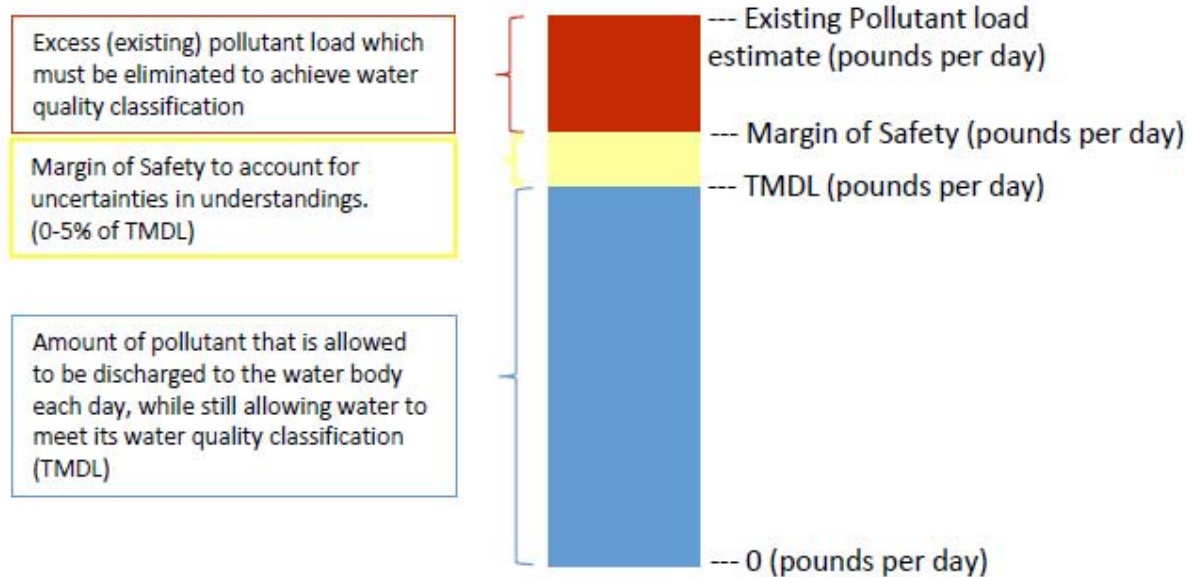
- Category 1: Attaining all designated uses and water quality standards, and no use is threatened.
- Category 2: Attains some of the designated uses; no use is threatened; and insufficient data or no data and information is available to determine if the remaining uses are attained or threatened (with presumption that all uses are attained).
- Category 3: Insufficient data and information to determine if designated uses are attained (with presumption that one or more uses may be impaired).
- Category 4: Impaired or threatened for one or more designated
  - 4A means a TMDL has already been completed
  - 4B means other pollution control measures will address impairment, so no TMDL is required to be completed
  - 4C means the impairment is not caused by a pollutant and so does not require development of a TMDL (Total Maximum Daily Load) report.
- Category 5: Waters impaired or threatened for one or more designated uses by a pollutant(s), and a TMDL report is required.

In Maine, the most current 303(d) list approved by the EPA is from the 2016 data. The Maine DEP has indicated they will issue a combined 2018/2020/2022 303(d) list sometime in 2022.

A TMDL document identifies the source(s) of the impairments and recommendations to correct the impairments. In particular, a TMDL document identifies how much of a pollutant a water body can receive and still meet its water quality classification. Typically, the units are identified as pounds per day, which is the basis for the term “Total Maximum Daily Load.”



TMDLs typically include a Margin of Safety between 2 and 5% of the TMDL to account for uncertainties or lack of knowledge about the relationship between the pollutant loading and water quality.



Total Maximum Daily Load (TMDL) Components

In addition to the Maine 305(b) report and 303(d) list, Maine has developed a special rule, Chapter 502, which has restrictions related to Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams. This rule became effective in 1997 and has been modified several times over the years. The rule defines an Urban Impaired Stream as a stream that fails to meet its water quality standards because of effects of stormwater runoff from developed land. The rule imposes additional stormwater treatment controls on development in the watersheds of Urban Impaired Streams.

### 1.4.2 Cumberland Water Quality Status

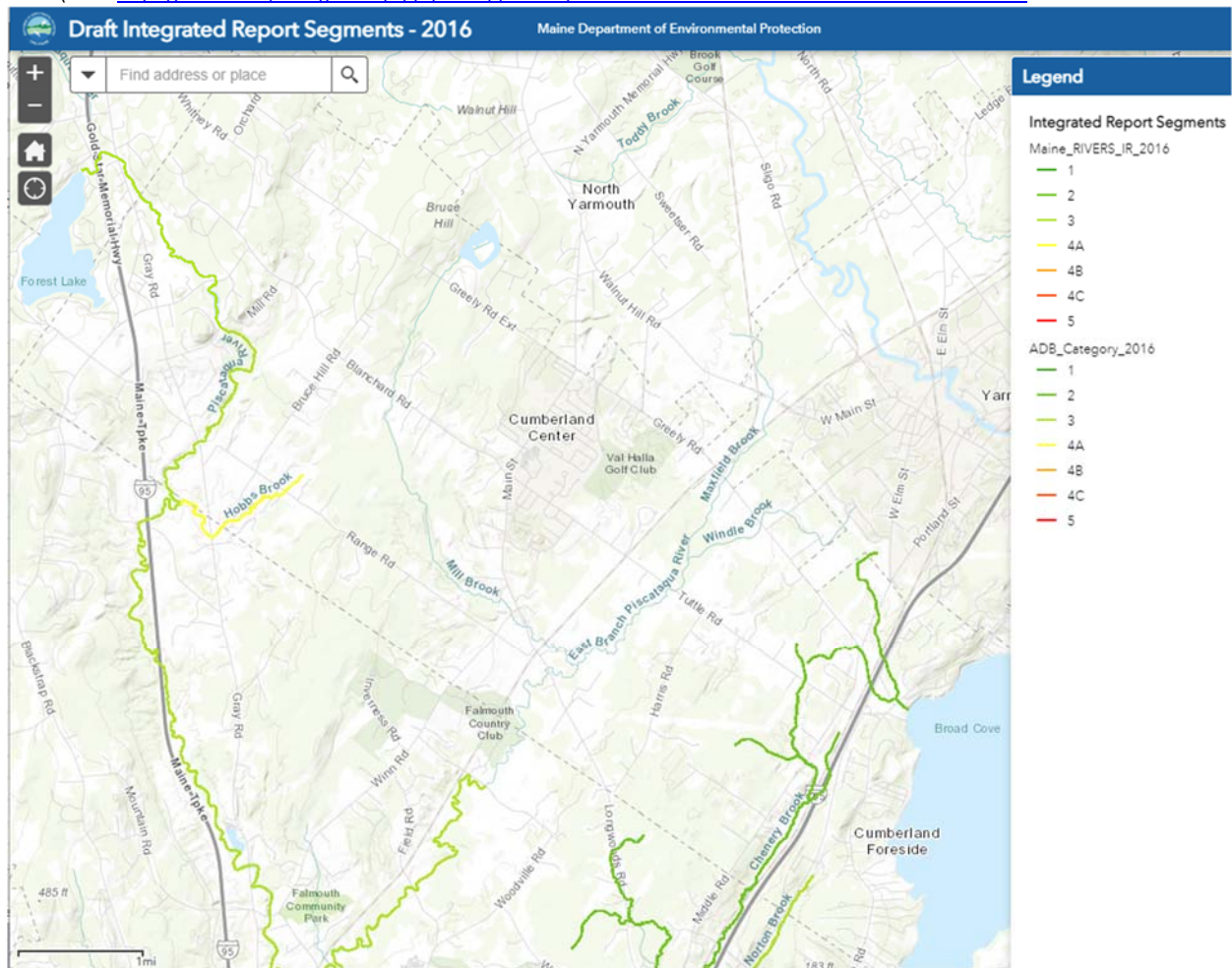
This section provides a summary of the waters in the Town’s Urbanized Area that receive point source discharges from the Town’s MS4 and each waterbody’s TMDL and impairment status. Table 1 shows the waters where the Town has MS4 discharges and their impairment status. The Table shows the number of MS4 outfalls (in parentheses) that discharge to each waterbody as of December 2020.

The following documents were reviewed developing Table 1:

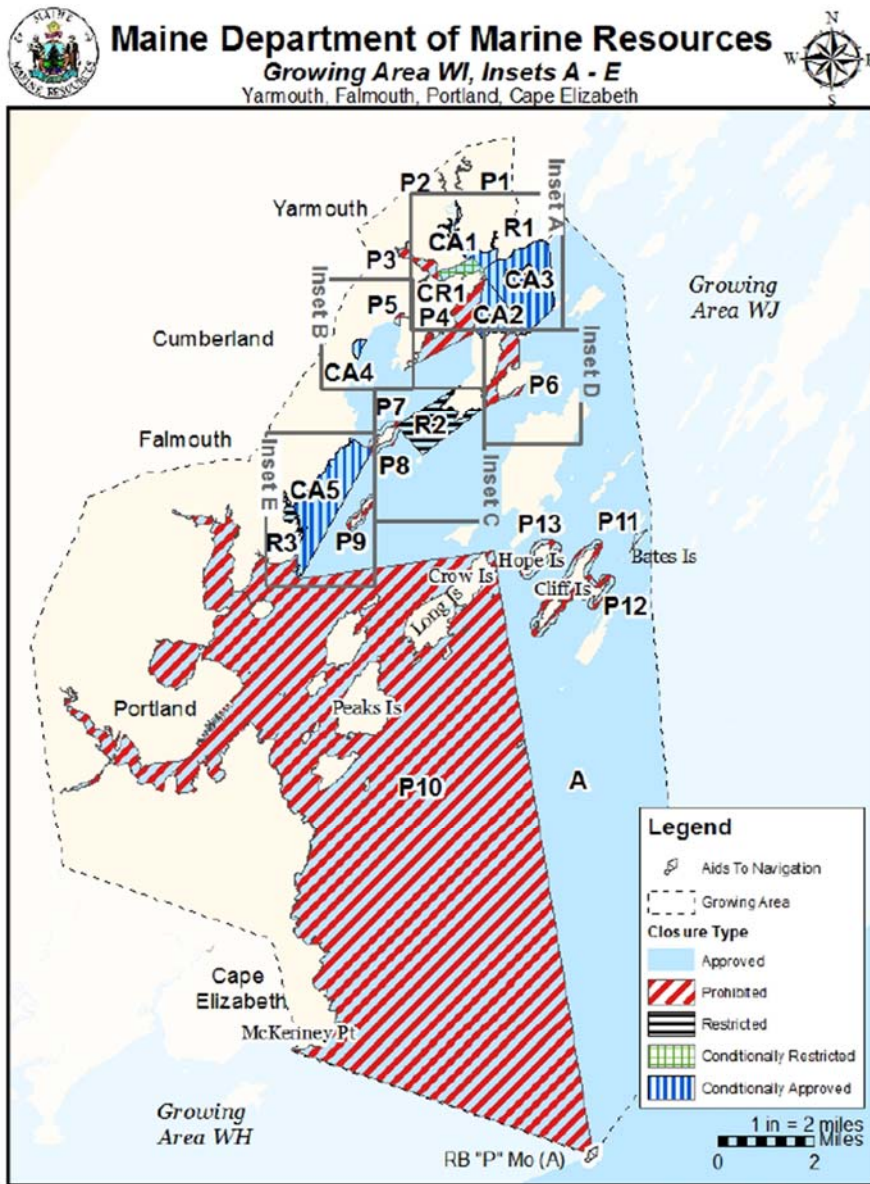
- Statewide Bacteria TMDL (September 2009 and 2013 Addendum)

- Statewide Impervious Cover TMDL (September 2012)
- Statewide Non-Point Source TMDL (2015)
- Final 2016 Maine Integrated Water Quality Report and Appendices (a.k.a. Maine 305(b) Report and 303(d) list) Note that the DEP has indicated they will not issue a 2018 303(d) report, rather they will be issuing a combined 2018/2020/2022 303(d) report.
- USEPA and Maine DEP approved TMDL lists
- Chapter 502 Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams

Figure 1 shows the locations of the fresh waters and their status according to the 2016 303(d) list (from <https://maine.maps.arcgis.com/apps/webappviewer/index.html?id=dffb3d2b85904b18978d02fc9d913b5f>

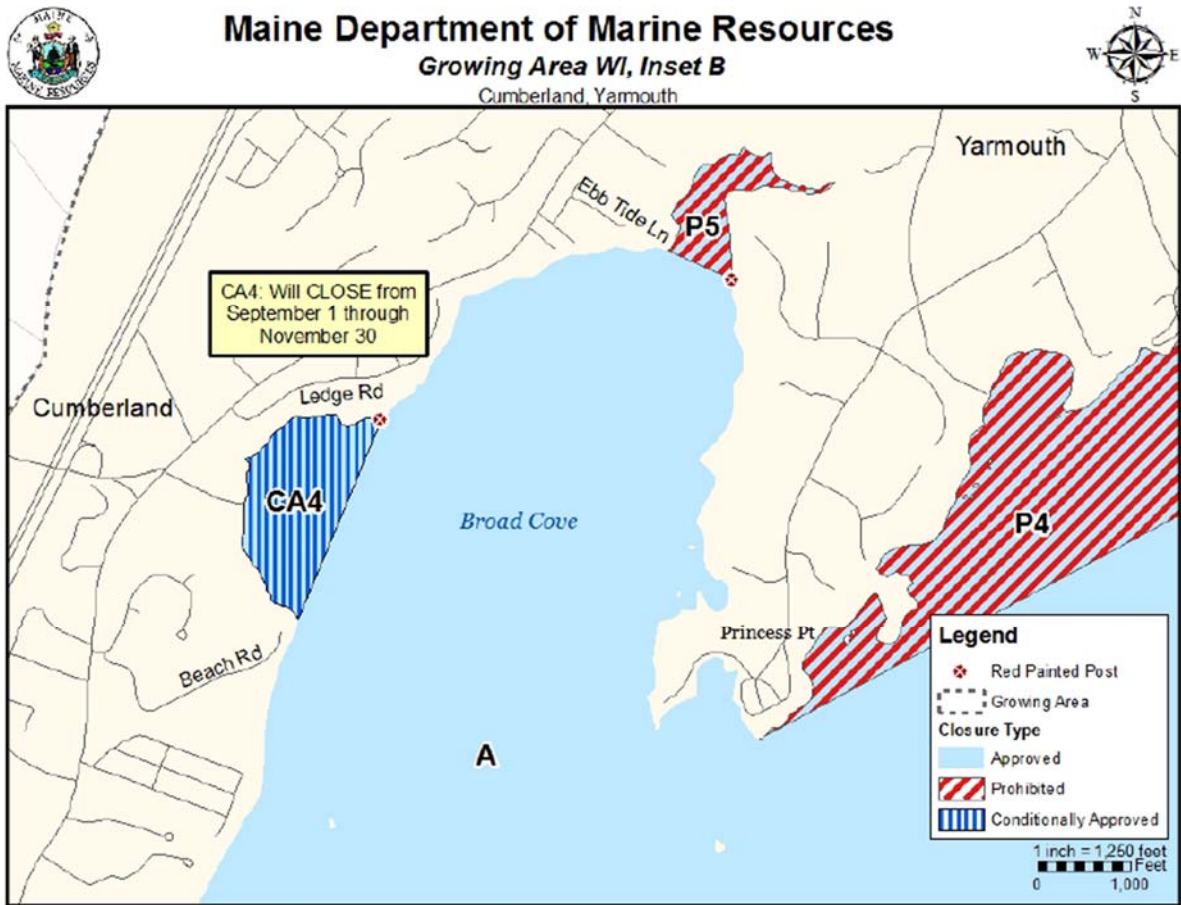


Figures 2a (WI Growing Area Overview), 2b (WI Area Inset B), and 2c (WI Growing Area Inset D) show the status of marine waters according to the Department of Marine Resources as of 3/1/2021. (From <https://www.maine.gov/dmr/shellfish-sanitation-management/closures/index.html>). Because DMR updated their designations and naming structure on 3/1/2021, the Figures reflect the new designations and naming structure and Table 1 shows both the new designation and the old DMR designation that was in effect when the 2022 MS4 General Permit was finalized on 10/15/2020. These areas are also listed under their old designations on the 2016 Maine DEP 303(d) list for elevated bacteria concentrations. The Maine DEP does not otherwise provide graphic representation of the locations of the marine/estuarine waters that are listed as impaired in the 2016 303(d) list.



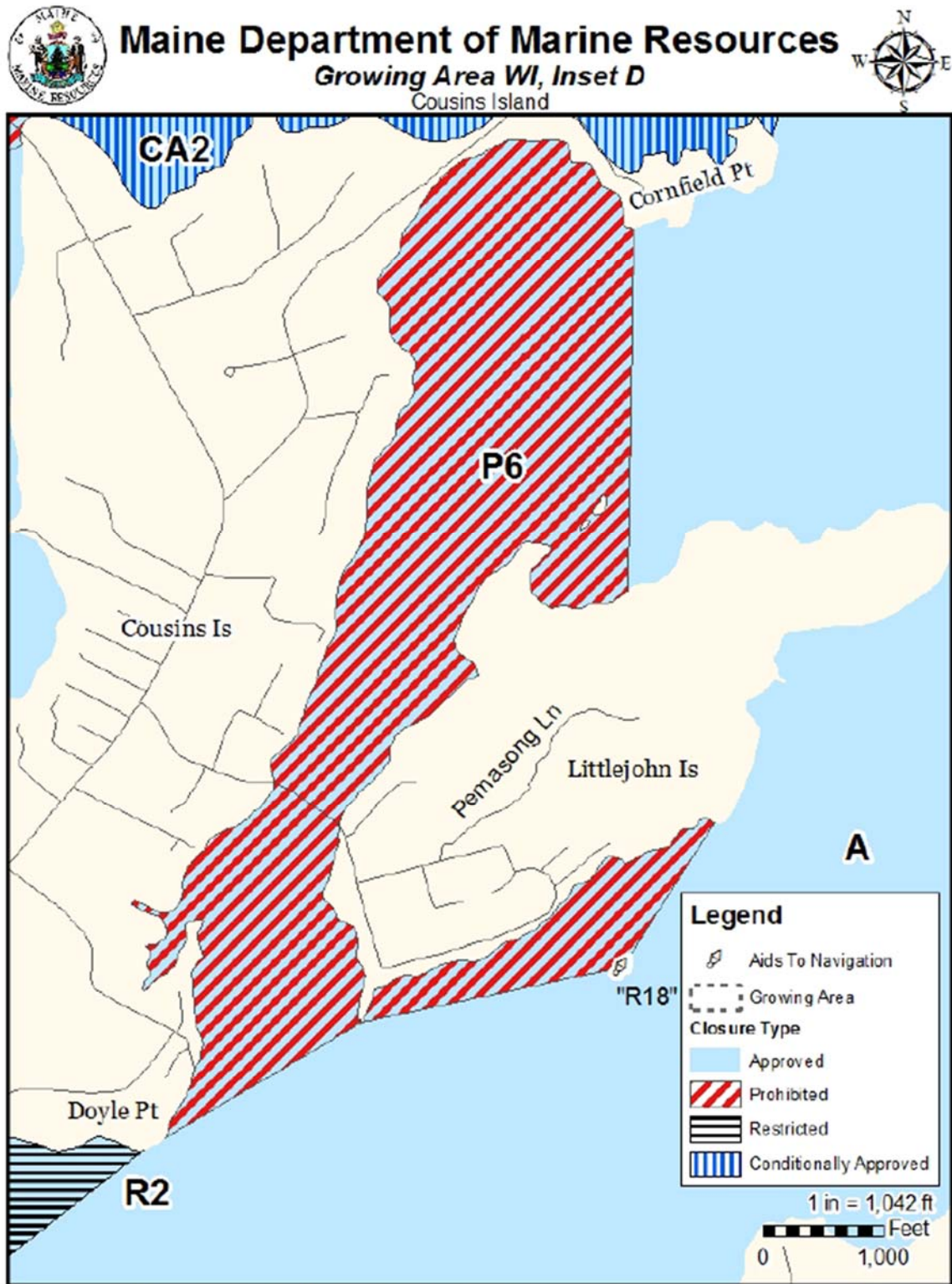
This map is provided as a courtesy. Read the provided legal notice for closure details. Closures are not shown outside of the designated growing area. Maritime navigational aids are for reference only and are not suitable for maritime navigation.

Figure 2b DMR Area WI Inset B as of 3/1/2021



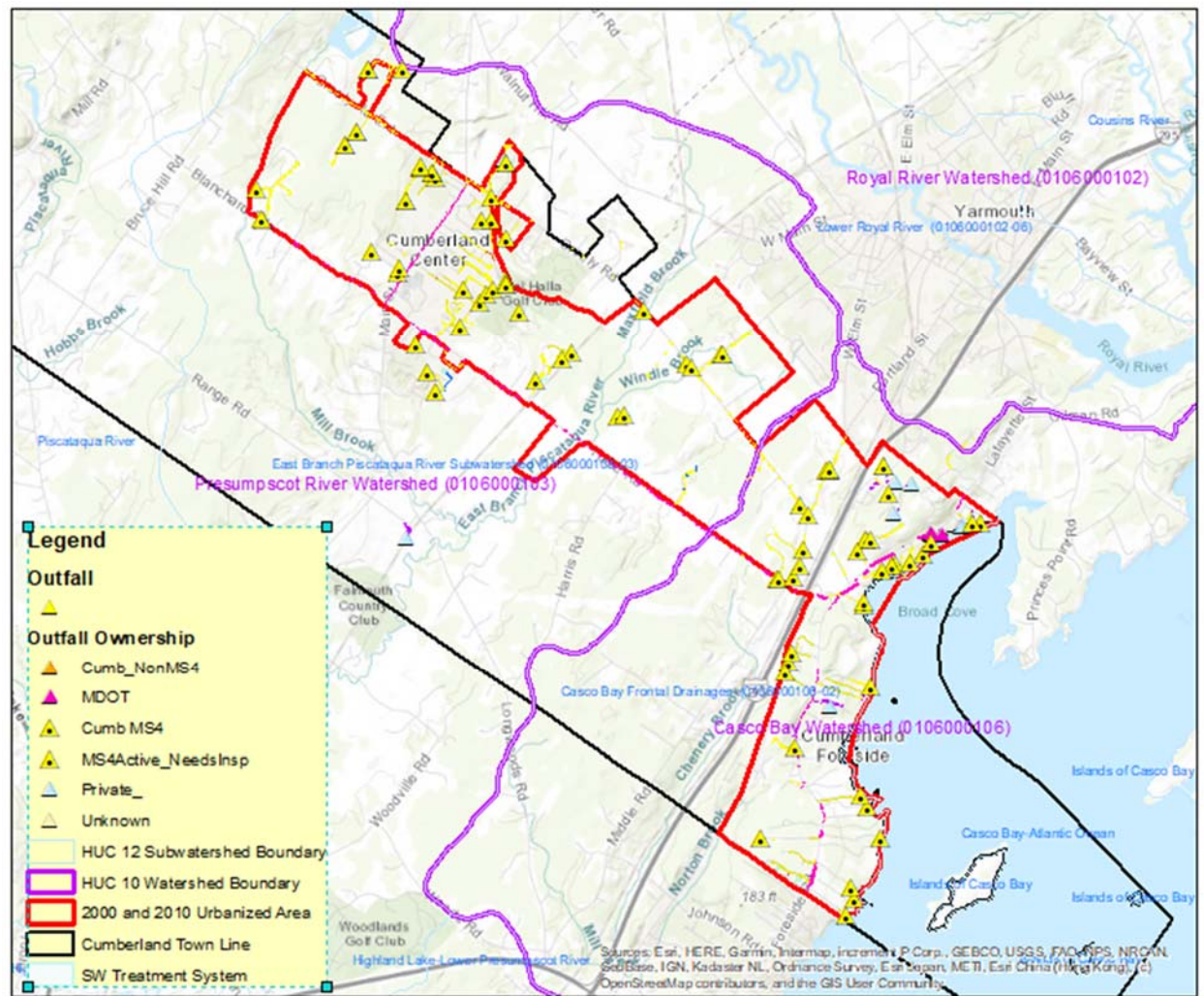
This map is provided as a courtesy. Read the provided legal notice for closure details. Closures are not shown outside of the designated growing area. Maritime navigational aids are for reference only and are not suitable for maritime navigation.

Figure 2c DMR Area WI Inset D as of 3/1/2021



This map is provided as a courtesy. Read the provided legal notice for closure details. Closures are not shown outside of the designated growing area. Maritime navigational aids are for reference only and are not suitable for maritime navigation.

Figure 3 provides an overview of the Town, its Urbanized Area and MS4 outfall locations.



**Table 1 Status of Waterbodies Receiving MS4 Discharges – Cumberland Maine**

<b>Water bodies with MS4 discharges (# outfalls)</b>	<b>Maine DEP classification and numeric designation</b>	<b>DMR Area</b>	<b>Completed TMDLs</b>	<b>Urban Impaired Streams (Chapter 502)</b>	<b>Non-TMDL listing in 2016 303(d) list</b>	<b>Watershed Management Plan / Other Water Quality Document</b>
Atlantic Ocean – Casco Bay and Broad Cove (21 outfalls)	802 and 804 Class SB	WI (Formerly Area 14)	None	None	Category 5-B-1 for bacteria	
East Branch of the Piscataqua River including Maxfield Brook, Windle Brook, Mill Brook, and other unnamed tributaries (43 outfalls)	ME106000103_607R05 Class B	NA	None	None	Category 3 – Insufficient data to determine attainment.	
Other unnamed streams in the Casco Bay Frontal Drainages subwatershed (25 outfalls)	No designation Class B	NA	None	None	None	

Table 1 shows the Town does not have any Urban Impaired Streams, and no TMDL documents have been completed for any waters. However, two waters are listed on the 303(d) list, one requiring a TMDL, and the other has insufficient data to determine attainment status.

### **1.4.3 Impaired Waters Addressed in this SWMP**

Because the Town does not discharge to any Urban Impaired Streams no BMPs or action need to be implemented regarding these waters.

In addition, because no waters have EPA approved TMDLs, no action needs to be taken as part of this permit to address TMDLs.

However, portions of the MS4 system discharge to Broad Cove, which is in DMR Area 14 G1. Although this section of Casco Bay is listed in the 2016 303(d) list as impaired for bacteria requiring a TMDL; in 2019 the DMR designation was changed as a result of bacteria sampling that showed the area as conditionally approved for shellfishing except from 9/1 to 11/30 each year.

As stated in the 2022 MS4 General Permit Fact Sheet, the Town consulted with the Maine DEP Division of Environmental Assessment to understand if any action needed to be taken to address discharges to the non-TMDL impaired waters through the MS4 Permit.

The consultation with Maine DEP revealed no additional actions need to be taken to address the 2016 303(d) impairment under the MS4 General permit.

### **1.5 Priority Watersheds**

Previous MS4 General Permits required that regulated MS4s identify a Priority Watershed and apply BMPs to that Watershed. The 2022 MS4 General Permit does not contain any specific requirements related to Priority Watersheds. However, it does require that an MS4 have a procedure in place to prioritize watersheds when addressing illicit discharges. The Town of Cumberland uses this prioritization to identify where illicit discharge inspections are conducted first. The Town may also use the prioritization for illicit discharge investigations in the event there were insufficient resources to address all potential illicit discharges simultaneously. The IDDE Plan describes in more detail how the prioritization is applied.

The Maine DEP maintains a list of waters that are vulnerable to non-point source pollution, which is then available to receive grant funding under Sections 308(b) and 319 of the Clean Water Act as long as the funding is not used to satisfy the conditions of a Clean Water Act Permit (such as the 2022 MS4 General Permit). The list includes the MS4's "Priority Watershed".

MS4s should keep in mind that they may not use 319 grant funding to implement any BMPs



required by the MS4 General Permit.

As shown in Figure 3, the Urbanized Area falls mostly within the Presumpscot River Watershed (HUC 10 0106000103) and the and the East Branch of the Piscataqua River Subwatershed (HUC 12 0106000103-03). These are the priority watershed and subwatershed for the Town because of the density of development in these areas.

The remainder of the Urbanized Area falls in the Casco Bay Watershed (HUC 10 0106000106) and the Casco Bay Frontal Drainages Subwatershed (HUC 12 0106000106-02)

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*Watersheds, subwatersheds and drainage areas are described using a national naming and numbering system. Watersheds are described using a 10-digit Hydrologic Unit Code (HUC). Watersheds are divided into smaller divisions called subwatersheds and are numbered by retaining the 10-digit HUC from the watershed and adding two additional digits to form a resultant 12-digit HUC. National HUC data sets end with the 12-digit HUC subwatersheds. Municipalities and/or states typically subdivide the subwatersheds into smaller drainage areas, again retaining the 12-digit HUC of the parent subwatershed and adding two more digits.*

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## **1.6 Obtaining Coverage to Discharge**

As required, a Notice of Intent (NOI) to comply with the 2022 MS4 General Permit was submitted to the Maine DEP with this SWMP. A copy of the Town's NOI is provided in Appendix B.

A 30-day Public Notice was provided by both the Maine DEP and the Town to allow the public to comment on the SWMP. A copy of the Public Notice provided by the Town is contained in Appendix B.

Following review of the SWMP and NOI, and receipt of any public comments, the Maine DEP issued a permittee specific DEP Order, establishing terms and conditions that are enforceable in addition to the language in the 2022 MS4 General Permit which is also enforceable.

The permittee specific DEP Order was also subject to a 30-day public comment period, but only the DEP provided this public notice. DEP provided any updated information to the Town at the end of the public comment period. This Town's DEP Order was issued for public comment in November 2021, was modified by DEP based on comments received and re-issued for public comment in March 2022.

Once the DEP issued the final permittee specific DEP Order/authorization to discharge, the municipality had 60 days to update the SWMP to reflect any new or changed requirements and any comments. Maine DEP did request that this SWMP be resubmitted to them.

This SWMP has been updated in accordance with that requirement. The final permittee

specific DEP Order is included in Appendix B. Any comments received are attached to the order.

### **1.7 SWMP Availability**

The SWMP must be made available to the public by publishing on the Town Website. A copy must also be made available to the public at Town Hall.

If any of the following entities request a copy, one must be made immediately available to them:

- a) USEPA or Maine DEP,
- b) Any interconnected or adjacent MS4,
- c) Any owner or operator of a water supply company where the MS4 discharges to a water supply watershed, or
- d) Members of the public.

### **1.8 SWMP Modifications during the Permit Cycle**

During the permit term (2022 to 2027), the SWMP must be kept current. As required by the 2022 MS4 General Permit, the Town will amend the SWMP if the Maine DEP or the Town determine that:

- a) The actions required by the BMPs fail to control pollutants to the meet the terms and conditions of the 2022 MS4 General Permit and the permittee specific DEP Order;
- b) The BMPs do not prevent the potential for a significant contribution of pollutants to waters of the State other than groundwater; or
- c) New information results in a shift in the SWMP's priorities.

Even though this SWMP is not an enforceable document, if any changes are made, the SWMP will be made available for 30-day public comment by posting the changes on the Town's Website.

If the changes are initiated by the Maine DEP, it will notify the Town, and the Town must respond in writing within 30 days of the notice explaining how it will modify the SWMP. The Town must then modify the SWMP within 90 calendar days of the Town's written response, or within 120 calendar days of the DEP notice (whichever is less). Any such modification must be submitted to the DEP for final review.

If the changes are initiated by the Town, the following processes apply (depending on the nature of the change as identified below):

- To modify any schedule identified in the permittee specific Department Order, the permittee must file an application on a DEP form with the Department that includes a justification to formally modify the original permittee-specific Department Order.
- The permittee must allow the public the opportunity to comment on changes made to the SWMP a minimum of once per year.
- For BMPs in the SWMP that are not required to comply with the General Permit or the permittee specific Department Order, the BMPs and/or implementation schedule may be amended as appropriate without the need for public comment. Changes must be submitted to the Department in the Annual Report following the permit year the change(s) were made.

### **1.9 Annual Compliance Report and Record Keeping**

By September 15 of each year, the Town will electronically submit an Annual Compliance Report for the Maine DEP's review using a standardized form provided by the Maine DEP. The Annual Compliance Report must be sent via email to the Municipal Stormwater Coordinator. As of April 2022, the Maine DEP Municipal Coordinator is:

[Holliday.Keen@maine.gov \(or current contact\)](mailto:Holliday.Keen@maine.gov) **Municipal/Industrial Stormwater Coordinator**  
**Department of Environmental Protection**  
**17 State House Station**  
**Augusta, Maine 04333-0017**

The Annual Compliance Report must include the following:

- a. The status of compliance with the terms and conditions of the 2022 MS4 General Permit and the Town's permittee specific DEP Order, based on the implementation of the Town's Plan for each permit year, an assessment of the effectiveness of the components of its stormwater management program, an assessment of the appropriateness of identified BMPs, progress towards achieving identified measurable goals for each of the MCMs and progress toward achieving the goal of reducing the discharge of pollutants to the MEP
- b. A summary of information collected and analyzed, including monitoring data, if any, during the reporting period.
- c. A summary of the stormwater activities the Town intends to undertake pursuant to its Plan to comply with the terms and conditions of the 2022 MS4 General Permit and the Town's permittee specific DEP Order during the next reporting cycle.
- d. A change in any identified BMPs or measurable goals that apply to the Plan.
- e. A description of the activities, progress, and accomplishments for each of the MCMs #1 through #6 including such items as the status of education and outreach efforts, public

involvement activities, stormwater mapping efforts, the number of visual dry weather inspections performed, the number of inaccessible and new outfalls, dry weather flow sampling events and laboratory results, detected illicit discharges, detected illicit connections, illicit discharges that were eliminated, construction site inspections, number and nature of enforcement actions, post construction BMP status and inspections, the number of functioning post construction BMPs, the number of post construction sites requiring maintenance or remedial action, the status of the permittee's good housekeeping/pollution prevention program including the percentage of catch basins cleaned, those catch basins cleaned multiple times and the number of catch basins that could not be evaluated for structural condition in a safe manner. Where applicable, the MS4 must quantify steps/measures/activities taken to comply with the 2022 MS4 General Permit and its Plan including reporting on the types of trainings presented, the number of municipal and contract staff that received training, the length of the training and training content delivered as well as any revisions to the SWPPP procedures and/or changes in municipal operations.

The Maine DEP will review the annual reports and provide comments to the MS4s. Changes to the report based on the Maine DEP's review comment(s) must be submitted to the Department within 60 days of the receipt of the comment(s).

The regulated MS4s must keep records required by the 2022 MS4 General Permit and permittee specific DEP Order for at least three (3) years following its expiration or longer if requested by the Maine DEP Commissioner. The regulated MS4s must make records, including this Plan, available to the public at reasonable times during regular business hours.

## 2 MINIMUM CONTROL MEASURES

### 2.1 MCM 1 Education/Outreach Program

The 2022 MS4 General Permit requires municipalities to develop and implement two Education/Outreach Campaigns to address stormwater issues of significance:

1. An Outreach to Raise Awareness Campaign targeted at two audiences applying three (3) tools per audience per year. One target audience must be the public and the second audience may be selected from: municipal, commercial, development/construction, or institutions.
2. An Outreach to Change Behavior Campaign to promote one behavior change directed at two audiences using a minimum of three (3) outreach tools per audience per year. This campaign will promote and reinforce desirable behaviors designed to reduce stormwater pollution.

In 2018, the ISWG executed a statewide survey to assess public awareness of a variety of stormwater issues and related behaviors. The survey results report<sup>1</sup> was included in the ISWG Permit Year 5 (2017-2018) annual reports. In addition, the ISWG communities reviewed regional water quality related to stormwater issues, examined the unique conditions within each of their communities, and evaluated the needs for public education around stormwater at five of their regional meetings (9/13/2018, 3/21/2019, 7/18/2019, 3/26/2020, 5/21/2020). Based on the survey results and the discussions at their regional meetings, the ISWG communities agreed on which issues of significance to address and what tools and messages might be effective. Each of the BMPs provides a brief introductory section describing the rationale for the selection of the BMP based on the regional and local issues within the ISWG region. The BMPs are further structured to allow for adaptive education and outreach approaches to create a strong, diverse, and effective campaign over the duration of this permit.

The Town will fulfill the requirements for Public Education/Outreach through participation in the ISWG and the Town's provision of funding to the Cumberland County Soil & Water Conservation District (CCSWCD) for Public Education/Outreach services, as described in the following BMPs. The BMPs will be implemented according to their individual timelines over the term of the permit.

#### **2.1.1 BMP 1.1 – Outreach to Raise Awareness Campaign.**

**Responsible Party – Stormwater Coordinator (with implementation assistance from a cooperative ISWG/SMSWG effort)**

The 2022 MS4 General Permit requires the permittee to raise awareness of the public as well as one of the following groups: municipal, commercial, development/construction, or institutions.

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<sup>1</sup> [http://thinkbluemaine.cumberlandswcd.com/wp-content/uploads/2018/07/Survey\\_Summary-FINAL.pdf](http://thinkbluemaine.cumberlandswcd.com/wp-content/uploads/2018/07/Survey_Summary-FINAL.pdf)

This BMP describes the reasoning and measurable goals for the public audience and the selected second audience: development/construction.

*Background for Measurable Goal 1.1a Public Audience:* The Think Blue Maine campaign began in 2003 as a statewide effort to raise awareness of common stormwater pollutants and ways to prevent those pollutants. The Think Blue Maine campaign has been historically successful in increasing awareness of stormwater issues. The ISWG, Androscoggin Valley Stormwater Working Group (AVSWG), and Southern Maine Stormwater Working Group (SMSWG) coordinate their Think Blue Maine messaging and education efforts to provide consistent messaging in Southern Maine. In addition, the Massachusetts and New Hampshire small MS4s are using similar Think Blue campaigns, so there is some regionally consistent messaging in circulation.

In 2018, the ISWG executed a statewide survey around public awareness of stormwater issues and behaviors that impact stormwater. Ninety-four percent of survey respondents in the ISWG region ages 25 to 34 stated it was “very important to have clean water in the lakes and streams in [their] community”, and 86% of ISWG respondents ages 25 to 34 believe that stormwater runoff has a major impact or somewhat impacts water quality, but only 46% of ISWG respondents ages 25 to 34 were able to correctly describe what happens to stormwater at their residence. Because this age group has not been targeted before for education and has the potential to impact stormwater for many years into the future, the ISWG, AVSWG, and SMSWG communities will cooperatively use the Think Blue Maine campaign to raise awareness of the target audience to be more aware of stormwater issues and be more willing to change their behavior in the future.

Measurable Goal 1.1a – The Town, through its participation in the ISWG, will implement the following program which is designed to raise 15%<sup>2</sup> of the target audience’s awareness of what happens to stormwater at their residence or place of work. According to the 2019 US Census Bureau, the ISWG region’s population for ages 25 to 34 is approximately 38,000 people: therefore 15% of the target audience is approximately 6,000 people.

**Target Audience:** People 25 to 34 in the ISWG region

**Overarching Message:** “Water that lands on our roads, roofs, and other hard surfaces picks up pollutants and carries them to our local waterbodies without being treated.” This message will be presented with variations based on target audience interests and outreach tools used.

**Outreach Tools:** A minimum of three outreach tools will be selected from Appendix D Table 1 each year. Each tool will be assessed and customized based on the target audience’s receptiveness to the method. Any tool used in a given year will be tailored to the message for the relevant target audience subset based on common characteristics and/or demographics.

**Evaluation:** Effectiveness will be evaluated annually by tracking process indicators<sup>3</sup> for

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<sup>2</sup> As recommended in the EPA’s “Getting in Step: A guide for conducting watershed outreach campaigns” (2003), when 15 to 20 percent of an audience adopts a new idea or behavior, it will be able to permeate to the rest of the audience.

<sup>3</sup> Indicators related to the execution of the outreach program.

each tool implemented that year and by tracking impact indicators<sup>4</sup> where available (see Appendix D Table 1).

**Implementation schedule:** A minimum of three of the tools from Appendix D Table 1 will be implemented each year for the duration of the permit.

**Adaptive Management:** As part of the ISWG adaptive management education and outreach program, tools and messaging will be reviewed and evaluated on an annual basis at a minimum as part of annual reporting. To address emerging issues, opportunistic tools and outreach may also be implemented. Seasonal messaging and tool adjustments will be used when applicable. Report findings will be incorporated into ISWG meeting discussions as well as annual workplans and budgets.

*Background for Measurable Goal 1.1b Development/Construction Audience:* Evaluation of municipal stormwater programs, through annual meetings with municipal staff and officials, has revealed a large amount of effort required to comply with MCM 4 tasks. The ISWG communities identified opportunities to address common MCM 4 goals through coordinated regional and statewide stormwater education to contractors to reduce development and construction-related stormwater pollutants that are not already required by MCM 4. Due to the cyclical nature of the development/construction sector, a baseline evaluation will be conducted before or during Permit Year 1 to establish current Maine Department of Environmental Protection (DEP) Erosion and Sediment Control Certified Contractors. If contractors are certified by DEP in erosion and sediment control, their awareness of best practices is established.

Measurable Goal 1.1b – The Town, through its participation in the ISWG, will implement the following program which is designed to raise awareness of construction-related stormwater pollution by increasing the net number of DEP Certified contractors located in the ISWG region by 15% from the Permit Year 1 established baseline audience.

**Target Audience:** Contractors who are located within the ISWG region.

**Overarching Message:** “Through erosion and sediment control best management practices training and certification, contractors can reduce the potential to negatively impact local water bodies.”

This message will be presented with variations based on target audience interests and outreach tools used.

**Outreach Tools:** A minimum of three outreach tools will be selected from Appendix D Table 2 each year. Each tool will be assessed and customized based on the target audience’s receptiveness to the method. Any tool used in a given year will be tailored to the message for the relevant target audience subset based on common characteristics and/or demographics.

**Evaluation:** Effectiveness will be evaluated annually by tracking process indicators for each tool implemented that year and by tracking impact indicators where available (see Appendix D Table 2). Effectiveness will also be measured by the number of DEP certified contractors operating in the ISWG region over the course of the permit term.

**Implementation schedule:** A minimum of three of the tools from Appendix D Table 2 will

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<sup>4</sup> Indicators related to the achievement of the goals or objectives of the program.

be implemented each year for the duration of the permit.

**Adaptive Management:** As part of the ISWG adaptive management education and outreach program, tools and messaging will be reviewed and evaluated on an annual basis at a minimum as part of annual reporting. To address emerging issues, opportunistic tools and outreach may also be implemented. Seasonal messaging and tool adjustments will be used when applicable. Report findings will be incorporated into ISWG meeting discussions as well as annual workplans and budgets.

### 2.1.2 BMP 1.2 – Outreach to Change Behavior Campaign

#### **Responsible Party – Stormwater Coordinator (with implementation assistance from a cooperative ISWG/SMSWG effort)**

Background for BMP 1.2: The ISWG communities have focused on changing behavior to reduce nutrients into regional waterbodies in their MS4 permit for the past three permit cycles. The ISWG communities will continue their efforts to reduce sources of nutrients by promoting proper dog waste disposal to two target audiences this permit term for the following reasons:

1. Generally, excess nutrients in our waters are a nationally recognized water quality issue related to stormwater – there are multiple common sources of nutrients including sediments, pet waste, septic systems, and fertilizers.
2. The Statewide survey conducted in Permit Year 5 of the previous cycle identified that survey respondents are aware that nutrient sources (including dog waste) are a common stormwater pollutant and respondents expressed a willingness to take action to help reduce stormwater pollution. Eighty-four percent of 2018 survey respondents in the ISWG region ages 25 to 34 and 67% of 2018 survey respondents in the ISWG region ages 35 to 55 selected “picking up pet waste and putting it in the trash” as a practice they believed could reduce water pollution.
3. Most ISWG communities are part of the Casco Bay watershed. In the June 2019 Casco Bay Nutrient Council report, nutrients were identified as the main pollutant of concern for the health of Casco Bay. While there is discrepancy between nutrient models as to the contribution percentages of the three main sources of nutrients (stormwater, wastewater, and atmospheric deposition), stormwater runoff is believed to contribute between 24% and 64% of the nitrogen entering Casco Bay.
4. Several ISWG communities have encountered problems with dog waste not being picked up<sup>5</sup> or not being properly disposed of in the trash, causing local water quality concerns<sup>6</sup> and unsanitary conditions for the public and municipal staff.
5. Most ISWG communities have taken steps to discourage improper dog waste disposal through ordinances. However, there are currently still barriers to effectively educating and enforcing these types of ordinances.
6. Dog owners ages 25 to 64 are the least likely age group to pick up after their dog<sup>7</sup>. However,

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<sup>5</sup><https://www.pressherald.com/2019/03/21/south-portland-raises-a-red-flag-over-dog-waste-problem-at-hinckley-park/>

<sup>6</sup><https://www.pressherald.com/2019/08/30/south-portland-park-tests-positive-for-algae-that-can-harm-dogs/>

<sup>7</sup> Hall, S.L. (2006 June) Survey on Poop: Half don't scoop; neighborhoods seeking solutions. *The News & Observer*,



dog owners age 25 to 64 receive their information through different outreach methods<sup>8</sup>. In order to provide effective messaging on proper dog waste management, two audiences will be created to allow appropriate outreach tools to be used per age group.

A baseline evaluation will be conducted in Permit Year 1 to establish dog owner behavior of dog waste disposal and the baseline target audience within the ISWG region.

Measurable Goal 1.2a – The Town, through its participation in the ISWG, will work towards changing the behavior of 15% of pet owners from the Permit Year 1 established baseline field survey findings.

**Target audience:** Dog owners ages 25 to 34 within the ISWG region

**Overarching Message:** “Dispose of dog waste as a solid waste, so it does not end up in our stormwater. Once in the stormwater, dog waste contributes nutrients, bacteria, and pathogens to our ponds, lakes, streams, rivers, and bays, which can lower property values, harm our drinking water, and hinder recreational and economic opportunities.”

This message will be presented with variations based on target audience interests and outreach tools used.

**Outreach Tools:** A minimum of three outreach tools will be selected from Appendix D Table 3 each year. Each tool will be assessed and customized based on the target audience’s receptiveness to the method. Any tool used in a given year will be tailored to the message of the relevant target audience subset based on common characteristics and/or demographics.

**Evaluation:** Effectiveness will be evaluated annually by tracking process indicators for each tool implemented that year and by tracking impact indicators where available (see Appendix D Table 3). Effectiveness will also be evaluated by conducting visual observational field surveys of improper dog waste disposal at public areas. These annual field surveys will be on established routes and will include geotagging of observed dog waste. Site factors such as signage, community litter cleanups, and other variables will also be documented. In addition, the presence of dog waste bags in catch basins will be recorded during annual inspections. In Permit Year 1 the field survey work will be supplemented by also observing the age groups utilizing the spaces and their pet waste disposal behavior in a subsample of the sites. This supplemental observation will be repeated in Permit Year 5.

**Implementation schedule:** A minimum of three of the tools from Appendix D Table 3 will be implemented each year for the duration of the permit.

**Adaptive Management:** As part of the ISWG adaptive management education and outreach program, tools and messaging will be reviewed and evaluated on an annual basis at a minimum as part of annual reporting. To address emerging issues, opportunistic tools and outreach may also be implemented. Seasonal messaging and tool adjustments will be used when applicable. Report findings will be incorporated into ISWG meeting discussions as well as annual workplans and budgets.

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pp. B1.

<sup>8</sup> <https://umaine.edu/undiscoveredmaine/small-business/resources/marketing-for-small-business/social-media-tools/social-media-statistics-details/>

Measurable Goal 1.2b – The Town, through its participation in the ISWG, will work towards changing the behavior of 15% of pet owners from the Permit Year 1 established baseline audience field survey results.

**Target audience:** Dog owners ages 35 to 55 within the ISWG region

**Overarching Message:** “Dispose of dog waste as a solid waste, so it does not end up in our stormwater. Once in the stormwater, dog waste contributes nutrients, bacteria, and pathogens to our ponds, lakes, streams, rivers, and bays, which can lower property values, harm our drinking water, and hinder recreational and economic opportunities.”

This message will be presented with variations based on target audience interests and outreach tools used.

**Outreach Tools:** A minimum of three outreach tools will be selected from Appendix D Table 4 each year. Each tool will be assessed and customized based on the target audience’s receptiveness to the method. Any tool used in a given year will be tailored to the message for the relevant target audience subset based on common characteristics and/or demographics.

**Evaluation:** Effectiveness will be evaluated annually by tracking process indicators for each tool implemented that year and by tracking impact indicators where available (see Appendix D Table 4). Effectiveness will also be evaluated by conducting visual observational field surveys of improper dog waste disposal at public areas. These annual field surveys will be on established routes and will include geotagging of observed dog waste. Site factors such as signage, community litter cleanups, and other variables will also be documented. In addition, the presence of dog waste bags in catch basins will be recorded during annual inspections. In Permit Year 1 the field survey work will be supplemented by also observing the age groups utilizing the spaces and their pet waste disposal behavior in a subsample of the sites. This supplemental observation will be repeated in Permit Year 5.

**Implementation schedule:** A minimum of three of the tools from Appendix D Table 4 will be implemented each year for the duration of the permit.

**Adaptive Management:** As part of the ISWG adaptive management education and outreach program, tools and messaging will be reviewed and evaluated on an annual basis at a minimum as part of annual reporting. To address emerging issues, opportunistic tools and outreach may also be implemented. Seasonal messaging and tool adjustments will be used when applicable. Report findings will be incorporated into ISWG meeting discussions as well as annual workplans and budgets.

### **2.1.3 BMP 1.3 – Effectiveness Evaluation (with implementation assistance from ISWG)**

**Responsible Party - Stormwater Coordinator (with implementation assistance from a cooperative ISWG/SMSWG effort)**

Measurable Goal 1.3a – The Town, through its participation in ISWG, will submit an annual report each year of the 2022 MS4 General Permit term documenting the implementation of each BMP. The annual report will include the message for each audience, the methods of distribution, the outreach tools used, the measures/methods used to determine on-going

effectiveness of the campaigns, and any changes planned based on the measures of effectiveness.

Measurable Goal 1.3b – In Permit Year 5 of the 2022 MS4 General Permit the Town, through its participation in ISWG, will conduct an evaluation of the overall effectiveness of the Awareness and Behavior Change BMPs (BMPs 1.1 and 1.2). The evaluation will be a review of the annually reported benchmark values for the Awareness and Behavior Change BMPs as well as documentation of overall changes during the permit term by comparing back to the established baselines.

- For Measurable Goal 1.1a, a survey will be conducted in Permit Year 5 to assess the target audience’s awareness of stormwater issues and what happens to stormwater at their residence or place of work and will be compared to the survey issued in 2018.
- For Measurable Goal 1.1b, the number of DEP Certified contractors located in the ISWG region in Permit Year 5 will be compared to the Permit Year 1 established baseline audience to determine the net number of new certified contractors aware of erosion and sediment control practices.
- For Measurable Goals 1.2a and 1.2b, the amount and presence of pet waste found in the ISWG region in Permit Year 5 field surveys will be compared to the established baseline field surveys conducted in Permit Year 1.

The evaluation will identify recommendations for future awareness and behavior change target audiences, messages, tools, and benchmarks.

#### **2.1.4 BMP 1.4 – Optional Activities**

**Responsible Party - Stormwater Coordinator (with implementation assistance from a cooperative ISWG/SMSWG effort)**

This BMP describes activities that are not required by the 2022 MS4 General Permit but may be conducted by the Town to supplement the Education/Outreach program as time and funding allow.

Measurable Goal 1.4a – The Town will continue to support the Cumberland County Soil & Water Conservation District’s youth education curriculum to community schools as funding allows. Annual reports will include the total number of students reached, which schools were involved, and the lesson topics covered.

Measurable Goal 1.4b – The Town will support the regional YardScaping effort to reduce nutrients from entering regional waterways and increase buffers. Annual reports will include the total number of people reached with workshops, partner point of sale locations, and workshop survey data.

## **2.2 MCM 2 Public Involvement and Participation**

The Town will fulfill the requirements for Public Involvement and Participation through participation in the ISWG and the Municipality’s provisions of funding to Cumberland County Soil & Water Conservation District for Public Involvement and Participation services, or through directly fulfilling the requirements, as described in this section of the plan.

### **2.2.1 BMP 2.1 - Public Notice Requirement Responsible Party - Stormwater Coordinator**

Measurable Goal 2.1a – The Municipality will follow applicable state and local public notice requirements for their Stormwater Management Plans and Notices of Intent (NOIs) to comply with the MS4 General Permit. Copies of the NOIs and plans will be made available on the Municipality’s website. The Municipality will document public meetings related to their stormwater program and attendance of those meetings in their annual report.

Measurable Goal 2.1b – The ISWG members meet as a group 6 times per year to review issues associated with implementation of the Stormwater Management Plan and MS4 General Permit. These meetings will be publicized through the CCSWCD website, on ISWG member websites, and open to the public.

### **2.2.2 BMP 2.2 - Host Public Events Responsible Party - Stormwater Coordinator (with implementation assistance from a cooperative ISWG/SMSWG effort)**

Measurable Goal 2.2a – The Municipality will annually host, conduct, and/or participate in a public community event with a pollution prevention and/or water quality theme from the list included in the 2022 MS4 General Permit or another activity approved by the DEP. Stormwater stewardship and educational messages and activities will be incorporated into the event. The event will be advertised on the Municipality’s website, through the Municipality’s and CCSWCD’s social media accounts, and other Municipal and CCSWCD communication methods. The annual report will include a description of the event and the estimated attendance/participation.

## **2.3 MCM 3 Illicit Discharge Detection and Elimination**

The Town will continue to implement its Illicit Discharge Detection and Elimination (IDDE) program, which includes:

- A Watershed-based map of the stormwater infrastructure,
- A written IDDE Plan which describes:
  - Inspections of the infrastructure during dry weather (and monitoring of outfalls that flow during dry weather)
  - Investigations of potential illicit discharges,
  - Enforcement of the Non-Stormwater Discharge Ordinance
  - A Quality Assurance Project Plan
- Development of a list of outfalls that have the potential to cause illicit discharges during wet weather.

The following BMPs will be implemented to meet this Minimum Control Measure.

The Town's Code of Ordinances are referenced in this MCM and can be found here: [Town of Cumberland, ME Table of Contents \(ecode360.com\)](#)

### **2.3.1 BMP 3.1 – Continue to Implement the Non-Stormwater Discharge Ordinance**

**Responsible Party: Code Enforcement Officer and Assistant Town Manager/Director of Public Services**

Measurable Goal 3.1a – The Town implemented a Non-Stormwater Discharge Ordinance in July 2009. The Ordinance is contained in the Town's Code of Ordinances as Article 1 of Chapter 242 Stormwater Management. The Town's Code Enforcement Officer enforces this ordinance in consultation with the Director of Public Services. This ordinance provides the Code Enforcement Officer with the authority to issue notices of violation, penalties and/or fines, and to enter into consent agreements. The Town will continue to enforce this ordinance throughout the permit cycle.

Measurable Goal 3.1b – The Town will document the results of enforcement actions taken for illicit discharges on an excel spreadsheet.

### **2.3.2 BMP 3.2 – Maintain the Written IDDE Plan**

**Responsible Party – Assistant Town Manager/Director of Public Services**

Measurable Goal 3.2a - The Town prepared written IDDE Standard Operating Procedures in previous permit cycles. These SOPs have been consolidated into an IDDE Plan which incorporates the elements required in the 2022 MS4 General Permit (Part IV.C.3.b.i through vi) except that the wet weather assessment element (Part IV.C.3.f) will be incorporated by

6/30/2027. The IDDE Plan is contained in Appendix E of this SWMP. The plan will be reviewed annually and updated if needed to reflect any changes to the program.

Measurable Goal 3.2b - The Town will conduct a wet weather assessment in accordance with the 2022 MS4 General Permit Part IV.C.3.f and will incorporate the wet weather assessment into their IDDE Plan by the end of Permit Year 5 (6/30/2027).

### **2.3.3 BMP 3.3 - Maintain Storm Sewer System Infrastructure Map**

**Responsible Party - Assistant Town Manager/Director of Public Services**

Measurable Goal 3.3a – The Town created a watershed-based map of the MS4 infrastructure and has been updating it throughout the three previous permit cycles (2003-2022). The map shows the locations of stormwater catch basins, drain manholes, connecting surface and subsurface infrastructure showing the direction of pipe flow and the locations of stormwater outfalls. The infrastructure is documented in a Geographic Information System (GIS), which contains unique identifiers for outfalls and catch basins, as well as outfall material, size and receiving water. The map is updated annually as follows:

- The GIS geodatabase is updated to reflect changes to infrastructure based on inspections by Public Work Staff by June 30 each year,
- The GIS geodatabase is updated when as-built drawings become available for municipal infrastructure, and
- Paper maps are printed only on an as-needed basis.

### **2.3.4 BMP 3.4 – Conduct Infrastructure Inspections and Monitor Flowing Outfalls**

**Responsible Party – Assistant Town Manager/Director of Public Services**

Measurable Goal 3.4a – The Town will conduct infrastructure inspections for pollutants using the following frequency:

- One dry weather inspection will be conducted on each outfall at least once per permit cycle as required by the 2022 MS4 General Permit.
- Dry weather ditch inspections will be conducted whenever ditch maintenance work is anticipated
- Catch basins will be inspected for evidence of pollutants during their required sediment inspections (see BMP 6.4 for details).

The Town’s IDDE Plan (contained in Appendix E) describes the information collected electronically during infrastructure inspections. The Town documents the inspections electronically in the GIS.

Measurable Goal 3.4b – If an outfall is observed to be flowing during a dry weather inspection, the flow will be sampled and analyzed once per permit term using the methods described in the

IDDE Plan unless it is exempt from dry weather investigations (as described in Part IV.C.3.e.vi of the 2022 MS4 General Permit). Outfalls sampled during dry weather will be handled as follows:

1. Outfalls where sampling and analysis reveals the potential for an illicit discharge: The Town will investigate the catchment area associated with the outfall for potential illicit discharges as described under Measurable Goal 3.5a.
2. Outfalls where sampling and analysis does not reveal the potential for an illicit discharge: The Town will document the dry weather flow as either uncontaminated groundwater, water from a natural resource, or an allowable non-stormwater discharge.

The Public Works Department will summarize the monitoring results and any investigation completed, or the exempt status, as applicable, in an Excel spreadsheet or GIS geodatabase.

### **2.3.5 BMP 3.5 – Conduct Investigations on suspect illicit discharges**

#### **Responsible Party – Assistant Town Manager/Director of Public Services**

Measurable Goal 3.5a – Whenever the Responsible Party becomes aware of a potential illicit discharge, they will investigate to identify the source using methods described in the written IDDE Plan (Appendix E). The Responsible Party will track the status and outcome of the investigations using an excel spreadsheet or the GIS database.

### **2.3.6 BMP 3.6 – Significant Contributors of Pollutants**

#### **Responsible Party - Assistant Town Manager/Director of Public Services**

Measurable Goal 3.6a - During the 2013-2022 Permit Cycle the Maine DEP identified that hydrant flushing was a potential contributor of pollutants to MS4s. The DEP published an issue profile providing water districts and departments guidance on how to meet ambient water quality standards for chlorine during hydrant flushing. The document was specifically designed for discharges to MS4s. In addition, the Maine Rural Water Association and Maine Water Utilities Association prepared a guidance document and training to show departments and districts how to meet the requirements of the issue profile.

The Town previously made annual requests to the Portland Water District to provide annual reports describing their hydrant flushing dechlorination processes, and the Town will continue to request that they provide the reports each year.

Measurable Goal 3.6b – If any of the following allowed non-stormwater discharges (in addition to hydrant flushing) are identified as significant contributors of pollutants to the MS4, the Town will work with the responsible discharges to control these sources, so they are no longer significant contributors of pollutants.

- landscape irrigation
- diverted stream flows

- rising ground waters
- uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))
- uncontaminated pumped ground water
- uncontaminated flows from foundation drains
- air conditioning and compressor condensate
- irrigation water
- flows from uncontaminated springs
- uncontaminated water from crawl space pumps
- uncontaminated flows from footing drains
- lawn watering runoff
- flows from riparian habitats and wetlands
- residual street wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material has been removed and detergents are not used), and
- firefighting activity runoff (hydrant flushing is addressed in MG 3.6a)
- water line flushing and discharges from potable water sources
- individual residential car washing
- dechlorinated swimming pool discharges



**2.4 MCM 4 Construction Site Stormwater Runoff Control**

The Town will update, implement, and enforce its Construction Runoff Control Program for construction activities that disturb greater than or equal to one acre of land including projects less than one acre that are part of a larger common plan of development or sale as required by the 2022 MS4 General Permit through implementation of BMPs as described in this section. Because the Town has regulatory mechanisms that already meet most of the requirements of this MCM, each BMP provides a short background section describing the related ordinances and/or regulations.

The Town’s Code of Ordinances are referenced in this MCM and can be found here: [Town of Cumberland, ME Table of Contents \(ecode360.com\)](https://ecode360.com)

Thresholds for Review: The Town’s Site Plan Review process (documented in the Chapter 229 of the Town’s Code of Ordinances and referenced as the Site Plan Ordinance) specifies three levels of site plan review as summarized in the table below:

<b>Category for Threshold</b>	<b>Minor Staff Review Required</b>	<b>Major Staff Review Required</b>	<b>Planning Board Site Plan Review Required</b>
Construction of new structures (except single family or duplex)	NA	1,000-3,000 square foot structure	Larger than 3,000 square foot structure
Increase in floor area for non-residential structure	Smaller than 1,000 square feet	1,000-3,000 square foot structure	Larger than 3,000 square foot structure
Construction of impervious surface	Less than 1,000 square feet	1,000-3,000 square feet	More than 3,000 square feet
Any excavation or fill that does not otherwise require review	NA	NA	Over 1,000 cubic yards
Site preparation for any development that disturbs more than 1 acre of land	Less than 5 acres		Greater than 5 acres
Submission requirements	Appendix A -- includes sediment and erosion control plan	Appendix B – includes sediment and erosion control plan	Appendix C – includes sediment and erosion control plan

Per Chapter 250 of the Town’s Code, All Minor and Major subdivisions are also reviewed by the

Planning Board and applicants are required to submit a Stormwater Management Plan.

Performance Standards Referenced as of February 2021: Section 229-10.C provides the Approval Standards and Criteria for Stormwater Management and erosion control. This section references the Maine Erosion and Sediment Control Handbook for Construction dated March 1991 as amended from time to time.

The Maine DEP Chapter 500 standards are referenced in the Town's Subdivision Regulations.

#### **2.4.1 BMP 4.1 – Update Requirements for Erosion and Sediment Control**

##### **Responsible Party – Planner and Assistant Town Manager/Director of Public Services**

Measurable Goal 4.1a – The Town will create redline strikeout updates of the Town's Code Chapters 229 Site Plan Review and 250 Subdivision of Land to reference that sediment and erosion control plans provided to the Planning Board meet a set of standards consistent with the applicable sections of Attachment C to the 2022 MS4 General Permit, (which are the same as the Maine DEP Stormwater Rule Chapter 500 Appendices A Erosion and Sediment Control, B Inspections and Maintenance, and C Housekeeping).

The Chapter 229 threshold for submitting an erosion control plan will be updated to include one acre of land disturbance (the threshold as of 2/2021 is only for more than one acre of land disturbance).

In addition, the standards for both Chapters 229 and 250 will include a requirement to control waste such as discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality if passed through the storm drain system.

The redline strikeout updates will be offered to the Cumberland Ordinance Committee and Town Council in time for approval by 6/30/2023 as required by the 2022 MS4 General Permit.

Measurable Goal 4.1b – If needed to simplify the redline strikeout documents, the Town will develop either on its own, or regionally, a set of standards consistent with the construction site requirements contained in Attachment C to the 2022 MS4 General Permit, (which are the same as the Maine DEP Stormwater Rule Chapter 500 Appendices A Erosion and Sediment Control, B Inspections and Maintenance, and C Housekeeping).

#### **2.4.2 BMP 4.2 – Site Plan Review Procedures**

##### **Responsible Party – Planner and Assistant Town Manager/Director of Public Services**

Measurable Goal 4.2a – The Town's Site Plan review procedures (Chapter 229) incorporate consideration of potential water quality impacts, erosion control, waste storage, the ability for

the public to comment on such reviews at publicly-noticed meetings, and procedures to consider information submitted by the public.

### **2.4.3 BMP 4.3 – Procedures for notifying construction site developers and operators**

#### **Responsible Party - Planner and Code Enforcement Officer**

Measurable Goal 4.3a – The Town will continue notifying developers and contractors of requirements to obtain coverage under the MCGP and Chapter 500 for sites that disturb one or more acres of land using the following methods:

- Requiring check box on building permit for sites that disturb one or more acres of land, and
- In general discussions with applicants.
- As documented on the Chapter 229 Site Plan Ordinance checklists for Minor Staff Review, Major Staff Review and Planning Board Site Plan Review.

### **2.4.4 BMP 4.4 –Conduct and Document Construction Site Inspections**

#### **Responsible Party –Code Enforcement Officer and Assistant Town Manager/Director of Public Services**

Measurable Goal 4.4a – The Town will continue implementing its procedure for construction site inspections which will be formalized in a written document by 7/1/2022. The written procedure will:

- Identify that a preconstruction meeting will be held, and that discussion of inspections for sediment and erosion control will be conducted during construction by either a third-party contractor or a Town Code Enforcement Officer.
- Identify that the inspector will review any inspection deficiencies with the contractor during or at the conclusion of the inspection to allow for BMP repairs to be done no later than the next workday, additional BMPs to be added within 7 calendar days, and significant repairs to be completed within 7 calendar days and prior to any storm event (rainfall) and
  - Any third-party inspection reports are provided to the Code Enforcement Officer within 3 days of the inspection for any sites that require corrective measures, and within one week for any sites that do not require corrective measures.
- Require three inspections during active earth-moving phase of construction
- Require a minimum of one inspection annually until the project reaches substantial completion.
- Require a final inspection at project completion to ensure that permanent stabilization has been achieved and all temporary erosion and sediment controls have been removed, and

- Include use of one of the construction inspection forms (or a similar form) provided in Appendix F of this SWMP.

Measurable Goal 4.4b. The Town will document construction sites that trigger the ordinance using an excel spreadsheet each year. The spreadsheet will contain the site's name, map and lot number, dates of inspections, and any enforcement actions and corrective actions taken.

## **2.5 MCM 5 Post-Construction Stormwater Management in New Development/Redevelopment**

The Town will implement a set of Low Impact Development strategies to prevent or minimize water quality impacts as described in BMP 5.1.

As described in BMP 5.2, the Town will continue to implement its Post Construction Stormwater Management Ordinance to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the Town’s MS4 through implementation of the following BMPs as described in this section.

The Town’s Code of Ordinances are referenced in this MCM and can be found here [Town of Cumberland, ME Table of Contents \(ecode360.com\)](#)

### **2.5.1 BMP 5.1 – Implement strategies to prevent or minimize water quality impacts**

#### **Responsible Party - Planner and Assistant Town Manager/Director of Public Services**

Measurable Goal 5.1a – The Town, either on its own or in partnership with other MS4s, will develop a Model LID Ordinance for stormwater management on new and redevelopment sites which establishes performance standards for each of the LID Measures listed in Table 1 of Appendix F of the 2022 MS4 General Permit.

The Model LID Ordinance will be submitted to the Maine DEP for review by September 1, 2022. The 2022 MS4 General Permit identified that the Maine DEP will post the Model LID Ordinance for public comment and will approve it, with or without modifications by November 1, 2022.

Measurable Goal 5.1b – Assuming the Model LID Ordinance and its require elements are approved by November 1, 2022, the Town will either adopt the Model LID Ordinance, or incorporate its required elements into the Town Ordinances on or before July 1, 2024.

### **2.5.2 BMP 5.2 – Maintain Post Construction Ordinance or Similar Measure**

#### **Responsible Party - Planner and Assistant Town Manager/Director of Public Services**

Measurable Goal 5.2a – On 9/14/2009, the Town enacted Chapter 242-Article II Post-Construction Stormwater Management, which requires that any site that disturbs one or more acres of land certify to the town annually by June 1 that they have inspected and maintained their stormwater BMPS. The town will continue to use an excel spreadsheet to track:

- The cumulative number of sites that have post construction BMPs discharging into the permittee' s MS4;
- The number of sites that have post construction BMPs discharging into the permittee's MS4 that were reported to the municipality;
- The number of sites with documented functioning post construction BMPs; and
- The number of sites that required routine maintenance or remedial action to ensure that the post construction BMP is functioning as intended.

Measurable Goal 5.2b – By 7/1/2023, the Town’s Post Construction Stormwater Management Article (Section 7.22) will be updated to state that for any sites reporting that maintenance is required:

- Deficiencies will be corrected within 60 days of identification and a record of the corrective action taken will be provided to the Public Services Director within the same 60-day period.
- If it is not possible to correct the deficiency and notify the Town within 60 days, the property owner will coordinate with the Public Services Director to establish an expeditious schedule to correct the deficiency and will provide a record of the corrective actions taken.

The Chapter 242 definition of Urbanized Area will also be updated to reflect the 2022 MS4 General Permit requirements.

## **2.6 MCM 6 Pollution Prevention/Good Housekeeping for Municipal Operations**

The objective of this MCM is to mitigate or eliminate pollutant runoff from municipal operations on property that is owned or managed by the permittee and located within the combined 2000 and 2010 Urbanized Areas through implementation of the following BMPs.

### **2.6.1 BMP 6.1 – Operations at Municipally Owned Grounds and Facilities**

#### **Responsible Party –Assistant Town Manager/Director of Public Services**

Measurable Goal 6.1a – During the previous MS4 permit cycle, the Town developed an inventory of municipal operations conducted in, on, or associated with facilities, buildings, golf courses, cemeteries, or parks and open space owned or operated by the town that have the potential to cause or contribute to stormwater pollution. The Town will review and update its inventory annually.

Measurable Goal 6.1b – During the previous MS4 permit cycle, the Town developed and implemented Operation and Maintenance (O&M) Procedures for the municipal operations listed in their inventory that had the potential to cause or contribute to stormwater pollution. The town will continue to implement these O&M Procedures and will review and update the O&M Procedures annually to iteratively improve strategies and practices to eliminate or better control pollutant discharges.

### **2.6.2 BMP 6.2 – Training**

#### **Responsible Party – Assistant Town Manager/Director of Public Services**

Measurable Goal 6.2a – The Town will conduct annual training as follows:

- a. train all of the Public Works, Val Halla Golf Course, and Parks and Recreation employees in the Stormwater Pollution Prevention Plan for the Public Works Garage, and at least 80% of the Public Works employees in their applicable O&M Procedures.

Training will either be in person, via remote learning (such as Teams or Zoom), or via requirements to read and acknowledge the Stormwater O&M Procedures, and/or summary fact sheets about the program.

### **2.6.3 BMP 6.3 – Continue Street Sweeping Program**

#### **Responsible Party – Assistant Town Manager/Director of Public Services**

Measurable Goal 6.3a - Each permit year the town will continue to sweep all publicly accepted paved streets and publicly owned paved parking lots at least once a year soon after snowmelt. The Town keeps a sweeping log of roads in Town and the dates sweeping was conducted as

documentation.

#### **2.6.4 BMP 6.4 – Cleaning of Catch Basins**

##### **Responsible Party – Assistant Town Manager/Director of Public Services**

Measurable Goal 6.4a – The Town will inspect its catch basins for sediment content at least once every two years and will clean catch basins that accumulate more than three inches of sediment.

Measurable Goal 6.4b – The Town will track which catch basins accumulate excess sediment (i.e., 50% or more of the sump contains sediment) to ensure those basins are inspected again the following year and cleaned if necessary. If a catch basin exhibits less than 25% sediment in its sump for two consecutive years, it is removed from the excess sediment list, and can be inspected again every two years.

Measurable Goal 6.4c – The Town will continue to beneficially re-use any catch basin grit that does not exhibit evidence of sewage, oil/grease, litter, or other pollutants in accordance with Maine DEP Solid Waste Management Rule 418 Beneficial Use of Solid Waste. Grit that exhibits evidence of pollutants will be profiled to assess its waste classification and disposed of at an appropriately licensed solid waste facility.

#### **2.6.5 BMP 6.5 – Maintenance and Upgrading of Storm water Conveyances and Outfalls**

##### **Responsible Party – Assistant Town Manager/Director of Public Services**

Measurable Goal 6.5a – The Town will maintain and upgrade the stormwater conveyance systems based on the results of the catch basin, outfall, and ditch inspections, in accordance with the urgency of any needed repairs or maintenance. The Town continues to perform systematic capital upgrades of the storm drain system in correlation with the capital plan, and the road paving program for the town.

#### **2.6.6 BMP 6.6 – Stormwater Pollution Prevention Plans (SWPPPs)**

##### **Responsible Party – Assistant Town Manager/Director of Public Services**

Measurable Goal 6.6a – During the last Permit Cycle, the Town prepared one SWPPP for the Public Works Garage, though it is just outside the Urbanized Area. The Town does not have any other public works facilities, transfer stations, school bus maintenance facilities in the Urbanized Area and therefore does not need to maintain any other SWPPPs.

The Town will amend its SWPPP to comply with the requirements specified in Part IV.C.6.d by 6/30/2022. In addition, the Town will amend its the SWPPP within 30 calendar days of completion of any of the following:



- A change in design, construction, operation, or maintenance that may have a significant effect on the discharge or potential for discharge of pollutants including the addition or reduction of industrial activity,
- Monitoring, inspections, or investigations by the Town, local, state, or federal officials which determine the SWPPP is ineffective in eliminating or significantly minimizing the intended pollutants,
- A discharge occurs that is determined by the Maine DEP to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard.

Measurable Goal 6.6b - The Town will implement the plan throughout each Permit Year including conducting quarterly facility inspections using the Town's own form and visual monitoring using forms containing the inspection criteria identified in Appendix E of the 2022 MS4 General Permit.

## **2.7 Impaired Waters BMPs**


As shown in Table 1, of Section 1.4 of this Plan, the Town does not discharge to any Urban Impaired Stream or water which as an EPA approved TMDL as of the issuance date of the 2022 MS4 General Permit, and the Maine DEP confirmed that no additional actions need to be taken for any other impaired water as part of this Plan. Therefore, no BMPs or Measurable Goals are required to be implemented under this section.

### 3 GENERAL REQUIREMENTS

#### 3.1 Certification

The General Permit requires that this Plan be certified by either a principal executive officer or ranking elected official. This section provides the necessary certification.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature: 

Date: 6/15/22

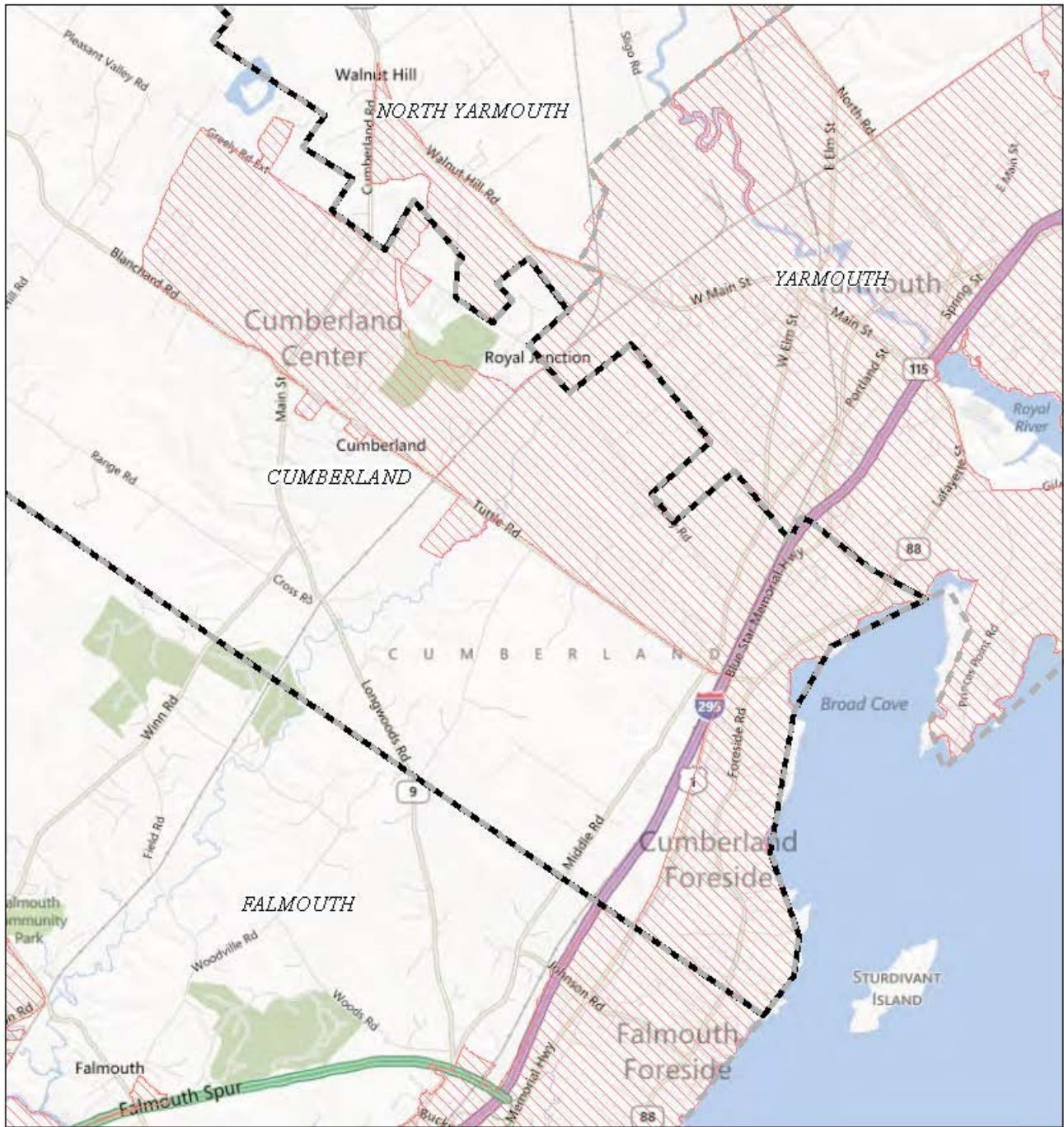
Name: William R. Shane

Title: Town Manager

# APPENDIX A

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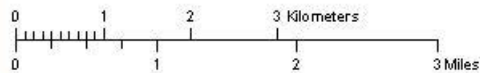
## URBANIZED AREA MAP



**NPDES Phase II Stormwater Program  
Automatically Designated MS4 Areas**

**Cumberland ME**

 Regulated Area (2000 + 2010 Urbanized Area)



Town Population: **7522**  
 Regulated Population: **3636**  
 (Populations estimated from 2010 Census)



Urbanized Areas, Town Boundaries:  
 US Census (2000, 2010)  
 Base map © 2010 Microsoft Corporation  
 and its data suppliers

US EPA Region 1 GIS Center Map #8824, 11/19/2012

## **APPENDIX B**

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### **NOTICE OF INTENT and PERMITTEE SPECIFIC DEP ORDER**

## In-person

from page 1

for students.

"Our children have suffered the most in terms of our society's failure to place emphasis on the importance of school for their social and emotional

development for their mental health," parent and pediatrician Jennifer James said.

Keri Mayo, the mother of an eighth-grader and tenth-grader, said "despite the opinion of teachers, the hybrid model doesn't work."

Under the hybrid model, students

spend half the week at the school and the other half working remotely, with Wednesday as a remote day for all students.

Some parents spoke against reinstating full in-person instruction with only weeks remaining in the school year, preferring a complete reopening in the fall. Jen Haymond, a parent and pediatrician, said she was concerned about the long-term, uncertain impacts of the coronavirus.

"As a pediatrician, I am aware of the mental health aspects this has had, but I am also aware of the impact of this virus," Jen Haymond said. "We need to stop talking about just the death rate, there are significant morbidity and long-term issues, unlike typical viruses."

The safety precautions taken are the reason why "we are not having the same issues as other cities," Haymond said, "not just because we aren't densely populated."

Specific details of the plan are still being worked out. Principals said they are working on arranging dismissal

and arrival times to be COVID friendly, rearranging classes while trying to keep the same students and teachers around each other, and finding additional outdoor and indoor space to hold classes and lunch.

"In the days immediately prior to opening one or more of our schools, our teachers will have to adapt classroom arrangements to make sure they'll work for students, prepare the new class and school-wide protocols for student movements interactions and hand hygiene," said Director of Learning Gretchen McNulty. "Many of our teachers will need to take steps to align instruction for merged cohorts and we also need to do major rescheduling for all special ed, RTI and ELL."

School officials also are working on surveys for families to find out how many will want to stay fully remote and to gauge other needs or obstacles like transportation and the potential need for additional bus routes.

Superintendent Geoff Bruno said the plans will "set us up for an easier

In-person, Page 19

## INTERESTED IN RUNNING FOR LOCAL OFFICE?

Nomination papers for Cumberland Town Council and MSAD #51 Board of Directors will be available at Town Hall on Monday, March 1st.



Interested in running for local office? Nomination papers for the June 8, 2021 Municipal Election will be available at Town Hall on Monday, March 1st.

### Open three-year seats are as follows:

#### Cumberland Town Council

- **At-Large** (Incumbent: Shirley Storey-King)
- **West Cumberland** (Incumbent: Ron Copp)
- **Cumberland Foreside** (Incumbent: George Turner)

#### MSAD #51 Board of Directors

- **Cumberland Representative** (Incumbent: Margo Harrington)
- **Cumberland Representative** (Incumbent: Ann Maksymowicz)

#### Portland Water District Trustee (5 year term)

- **Cumberland/Falmouth Representative** (Incumbent: William Lunt)

Nomination papers must be returned to the Town Clerk's Office by 5pm on Friday, April 9th. If you have any questions about this process, please contact the Town Clerk, Tammy O'Donnell at 207-829-5559 or lodonnell@cumberlandmaine.com.

## Town of North Yarmouth Full-Time Opening Equipment Operator/Laborer/Truck Driver

The Town of North Yarmouth Public Works Dept. is accepting applications for an Equipment Operator/Laborer/Truck Driver. A valid Maine Commercial Class B Driver's license preferred may obtain within six (6) months of employment. Applicant must agree to a pre-employment physical, drug screening, and background check. Duties include, but are not limited to, various grounds-keeping equipment, snow plowing, cemeteries, athletic fields, municipal grounds and park/trail maintenance, and other general Public Works assignments. Experience preferred. Trade school graduates are welcome to apply. The Town of North Yarmouth offers a competitive pay rate and benefits package. Submit employment application to:

Opening NYPWD, Rosemary E. Roy, Town Manager  
Town of N. Yarmouth, 10 Village Square Rd., N. Yarmouth, ME 04097

Or email: [manager@northyarmouth.org](mailto:manager@northyarmouth.org)  
Employment applications are available at the Town Office or online at [www.northyarmouth.org](http://www.northyarmouth.org). The job posting will remain open until the position is filled. EOE

The Town of Cumberland, Maine will file a Notice of Intent (NOI) to comply with the Maine General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems issued 10/15/2020 (MER041000 W009170-5Y-C-R) and an associated Stormwater Management Plan (SWMP) with the Maine Department of Environmental Protection. The NOI and SWMP will be filed on or about 3/25/2021. A copy may also be seen at the Cumberland municipal offices and on the municipal website: Cumberland ME I ([cumberlandmaine.com](http://cumberlandmaine.com)).

The DEP will review the submittal and assess if it is complete for processing within 60 days of submittal. Once it has been deemed complete for processing, it will be made available on the Maine DEP website for 30-day public comment: <https://www.maine.gov/dep/comment/index.html>. A request for public hearing or request that the Board of Environmental Protection assume jurisdiction over this application must be received by the DEP, in writing, no later than 20 days after the application is found acceptable for processing. Requests must indicate the interest of the person filing the request and specify the reasons why a hearing is warranted. Unless otherwise provided by law, a hearing is discretionary and may be held if the Commissioner or the Board finds significant public interest or there is conflicting technical information.


The NOI and SWMP are also available for viewing at the DEP Office in Augusta by scheduled appointment during normal business hours during the pandemic. Written public comments or requests for information may be made to the Division of Water Quality Management, Department of Environmental Protection, State House Station #17, Augusta, ME 04333-0017; telephone (207) 592-6233 and must include the name of the municipality filing the NOI and the Permit number provided above.



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**NOTICE OF INTENT TO COMPLY WITH MAINE GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER FROM MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)**

PLEASE TYPE OR PRINT IN BLACK INK ONLY

PERMITTEE INFORMATION					
MS4 Entity	Town of Cumberland			Permittee ID #	MER041009
Name and title of chief elected official or principal executive officer	William Shane				
Mailing Address	290 Tuttle Road				
Town/City	Cumberland	State	ME	Zip Code	04021
Daytime Phone	207-829-5559	Email	wshane@cumberlandmaine.com		
PRIMARY CONTACT PERSON FOR OVERALL STORMWATER MANAGEMENT PROGRAM (if different than PEO/CEO)					
Name and Title	Laura Neleski				
Mailing Address	290 Tuttle Road				
Town/City	Cumberland	State	ME	Zip Code	04021
Daytime Phone	207-829-5559	Email	lneleski@cumberlandmaine.com		
STORMWATER MANAGEMENT PLAN (SWMP)					
Urbanized Area (sq. mi.)	6.5				
I have attached our updated SWMP with ordinances, SOPs, forms. <input checked="" type="checkbox"/>					
Name of streams, wetlands, or waterbodies to which the regulated small MS4 discharges (attach additional sheets as necessary): Atlantic Ocean (Casco Bay, Broad Cove), East Branch of Piscataqua River, Maxfield Brook, Windle Brook, Mill Brook, and unnamed streams					
List of impaired waterbodies that receive stormwater from the regulated small MS4 (attach additional sheets as necessary): <b>Broad Cove (Part of DMR area 14)</b>					
CERTIFICATION					
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.					
Signature of Permittee				Date	2/11/21

This NOI registration form must be filed with the Department at the following address:

Stormwater Program Manager  
 Maine Department of Environmental Protection  
 Bureau of Water Quality  
 17 State House Station  
 Augusta ME 04333-0017  
[Rhonda.Poinier@maine.gov](mailto:Rhonda.Poinier@maine.gov)

OFFICE USE ONLY					
Date Received		Staff		Date Accepted	
				Date Not Accepted	





JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

June 2, 2022

Mr. William Shane  
Town Manager  
290 Tuttle Road  
Cumberland, Maine 04021  
e-mail: [wshane@cumberlandmaine.com](mailto:wshane@cumberlandmaine.com)

**RE: Municipal Separate Storm Sewer System (MS4) General Permit #MER041000  
Final - MER041009**

Dear Mr. Shane:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. Please read this permit/license and its attached conditions carefully. Compliance with this permit/license will protect water quality.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions regarding the matter, please feel free to call me at 287-7693. Your Department compliance inspector copied below is also a resource that can assist you with compliance. Please do not hesitate to contact them with any questions.

Thank you for your efforts to protect and improve the waters of the great state of Maine!

Sincerely,

Gregg Wood  
Division of Water Quality Management  
Bureau of Water Quality

Enc.

cc: Alison Moody, DEP/SMRO	Lori Mitchell, DEP/CMRO	Holliday Keen, DEP/CMRO
Irene Saumur, DEP/CMRO	Damien Houlihan, USEPA	Nathan Chien, USEPA
Richard Carvalho, USEPA	Newton Tedder, USEPA	Ivy Frignoca, FOCB

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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

FRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
FRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

website: [www.maine.gov/dep](http://www.maine.gov/dep)



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION  
AUGUSTA, ME 04333

**DEPARTMENT ORDER  
IN THE MATTER OF**

TOWN OF CUMBERLAND	)	MUNICIPAL SEPARATE STORM
CUMBERLAND, CUMBERLAND COUNTY, MAINE	)	SEWER SYSTEM
MER041009	)	MER041000
	)	<b>GENERAL PERMIT COVERAGE</b>
<b>APPROVAL</b>	)	<b>RENEWAL</b>

The Department of Environmental Protection (Department/DEP) has considered the Notice of Intent submitted by the TOWN OF CUMBERLAND (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 the following Best Management Practices in accordance with their associated schedules of compliance, as established in the Modified Stormwater Management Plan that is in effect at the time any schedule for compliance is due:

MCM 1 Education/Outreach Program: BMPs 1.1, 1.2, and 1.3;  
MCM 2 Public Involvement and Participation: BMPs 2.1 and 2.2;  
MCM 3 Illicit Discharge Detection and Elimination: BMPs 3.1, 3.2, 3.3, 3.4, 3.5, and 3.6;  
MCM 4 Construction Site Stormwater Runoff Control: BMPs 4.1, 4.2, 4.3, and 4.4;  
MCM 5 Post-Construction Stormwater Management in New Development/Redevelopment: 5.1, and 5.2;  
MCM 6 Pollution Prevention and Good Housekeeping for Municipal Operations: BMPs 6.1, 6.2, 6.3, 6.4, 6.5, and 6.6.

Modifications to the Initial Stormwater Management Plan required as a result of this Order, if any, must be provided to the Department in accordance with Part IV.B of the MS4 GP, and the Department will notify the permittee if further changes are required in accordance with Part IV.B.2.


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.

THEREFORE, the Department GRANTS the TOWN OF CUMBERLAND, 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.

This DEP permittee specific order becomes effective on July 1, 2022 and expires at midnight five (5) years after that date. If the GP is to be renewed, this DEP permittee specific order will remain in effect and enforceable until the Department takes final action on the renewal.

DONE AND DATED AT AUGUSTA, MAINE, THIS 2 DAY OF June, 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:   
for 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.

FILED  
JUNE 2, 2022  
State of Maine  
Board of Environmental Protection

Date filed with Board of Environmental Protection: \_\_\_\_\_

This Order prepared by GREGG WOOD, BUREAU OF WATER QUALITY

**RESPONSE TO COMMENTS**

During the period of March 16, 2022 through the date of signature of this final agency action, the Department solicited comments on the draft MEPDES DEP permittee specific order. The Department did receive timely written comments from the permittee and the Friends of Casco Bay (FOCB). Responses to substantive comments are as follows:

*Comment #1(Permittee):* The language in the draft order (italicized below) is potentially vague, which may lead to confusion about what steps are required for compliance.

*“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.”*

Specifically, the permittee is concerned that in the SWMPs it may not always be clear what qualifies as mandatory “actions, schedules and milestones” and what does not. This is because the SWMPs were written broadly to, in addition to setting out specific and measurable actions, provide helpful context, educate officials and citizens about the Plan, and establish process, among other things. There is, therefore, significant text in the SWMPs that does not appear to be an action, schedule, or milestone, and thus would not be enforceable. The permittee is concerned that it will not always be clear exactly what is mandatory and what is not. Additionally, the permittee believes that the language about enforcing any additional revisions to the SWMP also may be somewhat unclear, given that SWMPs are living documents that are expected under the new MS4 general permit to evolve over time.

*Response #1:* The Department concurs with the permittee’s position on the purpose and enforceability of the SWMP as a stand-alone document. Part VI(E), *Relationship Between the SWMP and Permit Required Terms and Conditions* of the December 9, 2016 Federal Register states in relevant part “...under EPA small MS4 regulations, the details included in the permittee’s SWMP document are not directly enforceable as effluent limitations of the permit. The SWMP document is intended to be a tool that describes the means by which the MS4 establishes its stormwater controls and engages in the adaptive management process during the term of the permit. While the requirement to develop a SWMP document is an enforceable condition of the permit (see §122.34(b) of the final rule) the contents of the stormwater management document itself are not enforceable as effluent limitations of the permit, unless the document or specific details within the SWMP are specifically incorporated by the permitting authority into the permit.”

Part VI(E), also states in relevant part “... the details of any part of the permittee’s program that are described in the SWMP, unless specifically incorporated into the permit, are not enforceable under the permit, and because they are not terms of the permit, the MS4 may revise those parts of the SWMP if necessary to meet any permit requirements or to make improvements to stormwater controls during the permit term. As discussed in more detail below, the permitting authority has discretion to determine what elements, if any, of the SWMP are to be made enforceable, but in order to do so it must follow the procedural requirements for the second step under Sec. 122.28(d)(2).

The regulations envision that the MS4 permittee will develop a written SWMP document that provides a road map for how the permittee will comply with the permit. The SWMP document(s) can be changed based on adaptations made during the course of the permit, which enable the permittee to react to circumstances and experiences on the ground and to make adjustments to its program to better comply with the permit. The fact that the SWMP is an external tool and not required to be part of the permit is intended to enable the MS4 permittee to be able to modify and retool its approach during the course of the permit term in order to continually improve how it complies with the permit and to do this without requiring the permitting authority to review and approve each change as a permit modification.”

*Comment #2(Permittee):* The General Permit does require that the SWMPs be updated and sent out for public comment annually and lays out a process for any other needed revisions. Multiple versions of the SWMPs should not be enforceable. The only version that should be enforceable is the version that is in force at the time a Best Management Practice or Measurable Goal is due. Accordingly, we recommend clarifying this provision to eliminate any potential confusion.

This will, in turn, promote compliance and lead to better water quality. To accomplish that, we note that our SWMPs have Best Management Practices (BMPs) with Measurable Goals and believe the second step order would be more clear if it references that we will fully implement those BMPs. This approach is consistent with Part III.A.8 of the GP which provides: “Following the public comment period on the NOI, the Department will issue a permittee specific DEP Order that establishes additional terms and conditions, including but not limited to, a list of required actions and corresponding schedules of compliance for a limited number BMPs associated with the implementation of this GP.” Thus, we suggest the following italicized text be incorporated into the final Order:

*The permittee must fully implement the following Best Management Practices in accordance with their associated schedules of compliance, as established in the Modified Stormwater Management Plan that is in effect at the time any schedule for compliance is due:*

*MCM 1 Education/Outreach Program: BMPs 1.1, 1.2, and 1.3;*

*MCM 2 Public Involvement and Participation: BMPs 2.1 and 2.2;*

*MCM 3 Illicit Discharge Detection and Elimination: BMPs 3.1, 3.2, 3.3, 3.4, 3.5, and 3.6;*

*MCM 4 Construction Site Stormwater Runoff Control: BMPs 4.1, 4.2, 4.3, and 4.4;*

*MCM 5 Post-Construction Stormwater Management in New Development/Redevelopment: 5.1, and 5.2;*

*MCM 6 Pollution Prevention and Good Housekeeping for Municipal Operations: BMPs 6.1, 6.2, 6.3, 6.4, 6.5, and 6.6.*

*Modifications to the Initial Stormwater Management Plan required as a result of this Order, if any, must be provided to the Department in accordance with Part IV.B of the MS4 GP, and the Department will notify the permittee if further changes are required in accordance with Part IV.B.2.*

Response #2: The revisions cited above are acceptable to the Department and are consistent with Remand Rule in that “the permitting authority has discretion to determine what elements, if any, of the SWMP are to be made enforceable, but in order to do so it must follow the procedural requirements for the second step under Sec. 122.28(d)(2).”

Part IV.B of the GP states in relevant part “Modified Stormwater Management Plan (SWMP). The permittee must implement and enforce a written (hardcopy or electronic) SWMP. The initial SWMP must be updated within 60 days of permit authorization to include how the permittee will meet all requirements of the DEP Order. The modified SWMP must include a summary of the comments received during the MS4s public comment period and any corresponding changes to the SWMP made in response to the comments received. The permittee must perform all actions required by the permittee specific DEP Order in accordance with the timelines in the permittee specific DEP Order. Unless otherwise specified by the Department in writing, the permittee must submit the updated SWMP to the Department indicating how the permittee has modified their SWMP to be consistent with the GP and permittee specific DEP Order. To modify the schedule established in the permittee specific DEP Order, the permittee must file an application on a DEP form with the Department that includes a justification to formally modify the original permittee specific DEP Order.”

The final DEP permittee specific order has been modified accordingly.

Comment #3 (FOCB): From the outset, Friends of Casco Bay has advocated for a comprehensive general permit with all clear, specific, and measurable terms needed to comply with the Remand Rule. The rule, however, allows DEP to issue either a comprehensive general permit or a two-step general permit. A two-step general permit consists of a base general permit and a second permitting step that establishes additional permit terms and conditions. The two documents combined meet the MS4 permit standard. We request that future MS4 permits be issued as comprehensive general permits.

Response 3: The Department will take the FOCB’s comment into consideration during the renewal of the MS4 GP in calendar year 2027 and consider renewing the permit as a comprehensive permit.

Comment #4 (FOCB): Because SWMPs are now second step orders, would DEP please clarify when a SWMP modification will be considered a minor permit modification that does not require public process and when SWMP modifications will be posted for public comment and process? Although the code of federal regulations spells this out, there has been much confusion throughout the permit renewal process, and clear guidance would be helpful.

Response #4: Based on the Responses #1 and #2 above, the entire SWMP is not an enforceable document. Specific BMPs under each MCM and or impaired waters section of the SWMP have been cited in this DEP permittee specific order and are enforceable. The 2022 MS4 General Permit is clear that MS4s must provide an opportunity for annual public comment on any changes to their SWMPs in Part IV(B)(2), and must provide notice to the DEP for any changes to schedules in the SWMP including a rationale for why there is a change. The Modified Stormwater Management Plan is self-implementing as this DEP permittee specific order states:

*The permittee must fully implement the following Best Management Practices in accordance with their associated schedules of compliance, as established in the Modified Stormwater Management Plan that is in effect at the time any schedule for compliance is due.*

If a party, during its annual review of an updated SWMP, wishes to object to modifications to the SWMP proposed by the permittee, it can petition the Department to remedy said objections to ensure the terms and conditions proposed in SWMP are consistent with the Clean Water Act and MS4 regulations.

*Comment #5 (FOCB):* Second step orders incorporate initial SWMPs that were written before the Board of Environmental Protection issued an order remanding the base general permit to DEP. In response to the order, DEP issued a permit modification that requires municipalities to adopt an ordinance that mandates the use of LID for new and re-development. The initial SWMPs uniformly contain terms relating to MCM 5 that do not comply with the BEP Order and subsequent permit modification. DEP should revise SWMPs and add all terms and schedules of compliance to second step orders to fully implement MCM 5 as set forth in the permit modification.

*Response #5:* All permittee's seeking coverage under the MS4 GP are subject to both the October 15, 2020 base general permit and the November 23, 2021 permit modification that mandates the use of LID for new and re-development. All permittees were copied on the final permit modification and are aware of the following language:

A. Low Impact Development

5. *MCM5 - Post-Construction Stormwater Management in New Development and Redevelopment.*

*Each permittee must implement and enforce a program to address post construction stormwater runoff to the maximum extent practicable from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development that discharge into the MS4.*

- a. *The permittee must implement strategies which include a combination of structural and/or non-structural BMPs appropriate to prevent or minimize water quality impacts as follows:*

*On or before September 1, 2022, each permittee must develop a Model LID Ordinance for stormwater management on new and redevelopment sites which establishes performance standards for each of the LID Measures contained in Table 1 of Appendix F. The Model LID ordinance should, at a minimum, refer to Appendix F for guidance.*

*The Model LID Ordinance shall be submitted to the Maine DEP for review by September 1, 2022. DEP will post the model ordinance for public comments and approve it, with or without modifications, on or before November 1, 2022.*

*On or before July 1, 2024 each permittee shall adopt an ordinance or regulatory mechanism that is at least as stringent as the required elements of the Model LID Ordinance or incorporate all of its required elements into the permittee's code of ordinances or other enforceable regulatory mechanism.*

Each permittee is aware these terms and terms are to be incorporated into the Modified Stormwater Management Plan to be submitted to the Department within 60 days of permit authorization. Therefore, this order remains unchanged.

Comment #6 (FOCB) - To meet the measurable requirement, permittees must evaluate the effectiveness of actions to reduce stormwater pollution. Some of the second step orders contain terms that do not satisfy this standard. Our review focused on terms to reduce stormwater pollution to impaired waters. The BMPs that fail to satisfy the Remand Rule are BMPs that contain a budget caveat. BMPs to restore water quality to impaired waters must be implemented without reference to budget.

The modified base general permit requires permittees that discharge to an impaired water(s) to implement three clear, specific and measurable BMPs to restore water quality. Some second step orders condition the implementation of a BMP on the passage of a budget. If the permittee does not pass a budget to fund the BMP, then the permittee does not have to implement it. Recommending but not executing BMPs does not restore water quality. Nor does it meet the mandate that second step orders require municipalities to implement three BMPs for each impaired water. Finally, it is troubling policy to treat permittees inconsistently. DEP should remove the budget caveat from second step orders. If budget becomes an issue, permittees could propose alternate and equally effective BMPs to DEP that could be considered through a permit modification.

Response #6 – Neither the March 16, 2022 draft DEP permittee specific order or the permittee’s initial SWMP contained language regarding a budget caveat. This comment is not applicable to the permittee.

Comment #7 (FOCB): To meet the measurable requirement, permittees must evaluate the effectiveness of actions to reduce stormwater pollution. Some of the second step orders contain terms that do not satisfy this standard. Our review focused on terms to reduce stormwater pollution to impaired waters. The BMPs that fail to satisfy the Remand Rule include the Long Creek BMP. Second step orders for MS4s that discharges to Long Creek must be modified to include clear, specific and measurable BMPs.

The Long Creek watershed is located in the MS4 municipalities of South Portland, Westbrook, Portland and Scarborough. Long Creek is impaired by urban development which has altered stream beds and flows, covered much of the landscape with impervious surfaces, and delivered slugs of pollution to Long Creek including excessive chlorides from winter application of road salt. Using residual designation authority under the CWA, the State issued a general permit regulating stormwater discharges in these municipalities from MS4, commercial and industrial sources. In relevant part, the existing Long Creek permit replaced requirements of the 2013 MS4 Permit. The Long Creek general permit expired April 15, 2020 and has been administratively continued.

Part of the delay in reissuing the Long Creek permit may stem from the fact that EPA has advised DEP that the permit must be renewed with clear, specific and measurable terms commensurate with the Remand Rule. As written, the Long Creek permit is a very general permit supported with non-enforceable management plans.

MS4 municipalities:

[M]ay rely upon another entity to satisfy its NPDES permit obligations to implement a minimum control measure if:

- (1) The other entity, in fact, implements the control measure;
- (2) The particular control measure, or component thereof, is at least as stringent as the corresponding NPDES permit requirement; and



- (3) The other entity agrees to implement the control measure on the permittee's behalf.

In this case, the 2015 Long Creek general permit is not as stringent as the requirements of the 2022 MS4 Permit because it contains no clear, specific and measurable actions. Therefore, MS4 communities cannot rely on the 2015 Long Creek general permit to comply with the 2022 MS4 Permit. This may be easy to cure. DEP could review the Long Creek Restoration Project Plans and select three clear, specific and measurable actions to include in the South Portland, Portland, Westbrook and Scarborough second step orders.

Response #7 (FOCB): This comment is not applicable to the permittee as it does not discharge to Long Creek.

Comment #8 (FOCB) - We had hoped that second step orders would encourage, where appropriate, the development and implementation of fertilizer ordinances to reduce nutrient pollution to urban impaired and threatened waters. For example, Portland seeks to implement a fertilizer ordinance under its pending Integrated Plan to reduce nutrient pollution. We had hoped this decision might be supported through the MS4 process.

Response #8: The Department agrees with the commenter that developing and implementing a fertilizer ordinance can be an effective BMP to reduce nutrient loading to surface water bodies. Short of formally adopting an ordinance, many of the permittees have developed BMPs in their SWMPs to address nutrient loading to surface water bodies by way of public education (MCM1 and MCM2), yard-scaping programs and watershed management plans.

Comment #9 (FOCB): To meet the measurable requirement, permittees must evaluate the effectiveness of actions to reduce stormwater pollution. Some of the second step orders contain terms that do not satisfy this standard. Our review focused on terms to reduce stormwater pollution to impaired waters. The BMPs that fail to satisfy the Remand Rule include the chlorides reduction BMP. The chlorides reduction BMP must be replaced with clear, specific and measurable actions that reduce chlorides pollution to the MEP.

Many urban impaired streams cannot be restored without reducing chlorides. To address this, some second step orders contain the following provision:

- a. At least one representative from the City 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 City will provide winter maintenance education and outreach to the public using two tools from 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 must 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 the City's Stormwater Management Plan.

While well intended, this BMP does not satisfy the tenets of the CWA and Remand Rule. It is not a clear, specific, and measurable term designed to actually reduce stormwater pollution to the maximum extent practicable. It does not include narrative, numeric, or other types of requirements designed to reduce pollutant loads. Once a year training for municipal officials might be important, but without more, does not reduce pollution. Similarly, educating legislators might be laudable but is not a BMP for purposes of a CWA permit. There is no chlorides reduction bill before the legislature, and education efforts alone will not pass and implement such a bill. The concept is simply too attenuated to satisfy the Remand Rule.

DEP should strike the above-referenced chlorides reduction BMP from second step orders and replace it with direct actions municipalities can take to reduce chlorides to urban impaired waters. We have attached Appendix F from the NH MS4 Permit as guidance for the types of BMPs that might be included.

Response #9: Neither the March 16, 2022 draft DEP permittee specific order or the permittee's initial SWMP contained language regarding a chlorides reduction BMP. This comment is not applicable to the permittee.



# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

Dated: August 2021

Contact: (207) 314-1458

### SUMMARY

This document provides information regarding a person's rights and obligations in filing an administrative or judicial appeal of a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner.

Except as provided below, there are two methods available to an aggrieved person seeking to appeal a licensing decision made by the DEP Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development ([35-A M.R.S. § 3451\(4\)](#)) or a general permit for an offshore wind energy demonstration project ([38 M.R.S. § 480-HH\(1\)](#)) or a general permit for a tidal energy demonstration project ([38 M.R.S. § 636-A](#)) must be taken to the Supreme Judicial Court sitting as the Law Court.

### I. ADMINISTRATIVE APPEALS TO THE BOARD

#### LEGAL REFERENCES

A person filing an appeal with the Board should review Organization and Powers, [38 M.R.S. §§ 341-D\(4\)](#) and [346](#); the Maine Administrative Procedure Act, 5 M.R.S. § [11001](#); and the DEP's [Rule Concerning the Processing of Applications and Other Administrative Matters \(Chapter 2\)](#), 06-096 C.M.R. ch. 2.

#### DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

Not more than 30 days following the filing of a license decision by the Commissioner with the Board, an aggrieved person may appeal to the Board for review of the Commissioner's decision. The filing of an appeal with the Board, in care of the Board Clerk, is complete when the Board receives the submission by the close of business on the due date (5:00 p.m. on the 30<sup>th</sup> calendar day from which the Commissioner's decision was filed with the Board, as determined by the received time stamp on the document or electronic mail). Appeals filed after 5:00 p.m. on the 30<sup>th</sup> calendar day from which the Commissioner's decision was filed with the Board will be dismissed as untimely, absent a showing of good cause.

#### HOW TO SUBMIT AN APPEAL TO THE BOARD

An appeal to the Board may be submitted via postal mail or electronic mail and must contain all signatures and required appeal contents. An electronic filing must contain the scanned original signature of the appellant(s). The appeal documents must be sent to the following address.

Chair, Board of Environmental Protection  
c/o Board Clerk  
17 State House Station  
Augusta, ME 04333-0017  
[ruth.a.burke@maine.gov](mailto:ruth.a.burke@maine.gov)

The DEP may also request the submittal of the original signed paper appeal documents when the appeal is filed electronically. The risk of material not being received in a timely manner is on the sender, regardless of the method used.

At the time an appeal is filed with the Board, the appellant must send a copy of the appeal to: (1) the Commissioner of the DEP (Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017); (2) the licensee; and if a hearing was held on the application, (3) any intervenors in that hearing proceeding. Please contact the DEP at 207-287-7688 with questions or for contact information regarding a specific licensing decision.

#### REQUIRED APPEAL CONTENTS

A complete appeal must contain the following information at the time the appeal is submitted.

1. *Aggrieved status.* The appeal must explain how the appellant has standing to bring the appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions of law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing criteria that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license to changes in specific license conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for hearing must be filed as part of the notice of appeal, and it must include an offer of proof regarding the testimony and other evidence that would be presented at the hearing. The offer of proof must consist of a statement of the substance of the evidence, its relevance to the issues on appeal, and whether any witnesses would testify. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed supplemental evidence must be submitted with the appeal. The Board may allow new or additional evidence to be considered in an appeal only under limited circumstances. The proposed supplemental evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Requirements for supplemental evidence are set forth in [Chapter 2 § 24](#).

#### OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made accessible by the DEP. Upon request, the DEP will make application materials available to review and photocopy during normal working hours. There may be a charge for copies or copying services.

2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing the appeal.* DEP staff will provide this information upon request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a licensee may proceed with a project pending the outcome of an appeal, but the licensee runs the risk of the decision being reversed or modified as a result of the appeal.

#### WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will acknowledge receipt of an appeal, and it will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials admitted by the Board as supplementary evidence, any materials admitted in response to the appeal, relevant excerpts from the DEP's administrative record for the application, and the DEP staff's recommendation, in the form of a proposed Board Order, will be provided to Board members. The appellant, the licensee, and parties of record are notified in advance of the date set for the Board's consideration of an appeal or request for a hearing. The appellant and the licensee will have an opportunity to address the Board at the Board meeting. The Board will decide whether to hold a hearing on appeal when one is requested before deciding the merits of the appeal. The Board's decision on appeal may be to affirm all or part, affirm with conditions, order a hearing to be held as expeditiously as possible, reverse all or part of the decision of the Commissioner, or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the licensee, and parties of record of its decision on appeal.

#### II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see [38 M.R.S. § 346\(1\)](#); 06-096 C.M.R. ch. 2; [5 M.R.S. § 11001](#); and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See [38 M.R.S. § 346\(4\)](#).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

#### ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board Clerk at 207-287-2811 or the Board Executive Analyst at 207-314-1458 [bill.hinkel@maine.gov](mailto:bill.hinkel@maine.gov), or for judicial appeals contact the court clerk's office in which the appeal will be filed.

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**Note:** This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, is provided to help a person to understand their rights and obligations in filing an administrative or judicial appeal. The DEP provides this information sheet for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

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## **APPENDIX C**

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### **SUMMARY OF PUBLIC COMMENTS RECEIVED**

The public comment period for the Initial SWMP (offered by Maine DEP) lasted from 4/13/2021 to 5/12/2021. No public comments were received on the Initial Stormwater Management Plan.

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**[Municipal applications for permit coverage under the 2022 General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems \(MS4\).](#)**

*04/12/2021 12:08 PM EDT*

The Department is posting for public comment Municipal applications, including Notice of Intent to Comply (NOI) and Stormwater Management Plans (SWMP), for municipalities seeking coverage under the 2022 General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4).

Submit written comments to Rhonda Poirier [rhonda.poirier@maine.gov](mailto:rhonda.poirier@maine.gov) by 5:00 p.m. May 12, 2021.

[Municipal NOI and SWMP files for comment.](#)

A request for public hearing must be received by the DEP, in writing, no later than 20 days after the application is found acceptable for processing. Requests must indicate the interest of the person filing the request and specify the reasons why a hearing is warranted. Unless otherwise provided by law, a hearing is discretionary and may be held if the Commissioner or the Board finds significant public interest or there is conflicting technical information.

\*\*\*\*\*

**The permittee specific DEP Orders were issued for public comment in November 2021 on the Maine DEP website. Comments received were as follows (attachments not included, but available from DEP):**

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**From:** Ivy Frignoca <[ifrignoca@cascobay.org](mailto:ifrignoca@cascobay.org)>  
**Sent:** Monday, December 20, 2021 10:51 AM  
**To:** Wood, Gregg <[Gregg.Wood@maine.gov](mailto:Gregg.Wood@maine.gov)>  
**Subject:** Friends of Casco Bay Comment on second step orders

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Gregg,

I just reviewed the proposed second step orders for the municipalities that discharge into the Casco Bay watershed, including Yarmouth, Cumberland, Falmouth and Gorham. None of these second step orders contain the necessary additional terms. It appears that all of the clear, specific and measurable terms necessary to carry forth the requirements in the first step general permit remain in the stormwater management plans (SWMPs) or are completely missing. The SWMPs are not enforceable. Without additional terms being incorporated into the second step permits (as is required by the general permit and the Remand Rule which has been codified into the code of federal regulations), these second step permits are wholly illegal.

Friends of Casco Bay respectfully requests that you rewrite the second step permits to incorporate the required terms contemplated by the MS4 permit (scheduled to take effect in July 2022) and the Remand Rule. To reiterate, without this action, the second step permits are inadequate and unlawful.

*Ivy*

Ivy L. Frignoca, Casco Baykeeper  
Friends of Casco Bay  
43 Slocum Drive  
South Portland, ME 04106  
Cell: (207) 831-3067  
[ifrignoca@cascobay.org](mailto:ifrignoca@cascobay.org)

---

**From:** Tedder, Newton <[Tedder.Newton@epa.gov](mailto:Tedder.Newton@epa.gov)>  
**Sent:** Wednesday, December 01, 2021 10:52 AM  
**To:** Wood, Gregg <[Gregg.Wood@maine.gov](mailto:Gregg.Wood@maine.gov)>  
**Subject:** RE: Second Step Permit

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Gregg

You need to add a reference to all the other things that were required in the 2step. I provided an example of what needs to be included (on top of the additional things you added for impaired waters)

Sincerely,  
Newton W. Tedder

P.S. Have a nice day

**Based on comments received from the EPA and Friends of Casco Bay, the DEP issued the permittee specific DEP Orders again on 3/16/2022 to address their comments. The comments received and how they were addressed are attached to the Final Department Order contained in Appendix B of this SWMP.**



# APPENDIX D

## Education & Outreach Tools, Levels of Effort, and Effectiveness Benchmarks

Audience appropriate social media platforms will be determined by platform use demographics each year.

Table 1. Tools for Measurable Goal 1.1a. (People 25 to 34 in the ISWG region)

<b>Outreach Tool</b>	<b>Minimum Level of Effort</b>	<b>Effectiveness Benchmark</b>
Think Blue Maine Website Content	Semiannual updates to website content	Number of visitors to website
Social Media Post (each platform counts as separate tool)	12 posts	Amount of post engagement (e.g., reactions, comments, shares, etc.)
Social Media Ad (each platform counts as separate tool)	Ad(s) run 90 days (multiple ads may be run for shorter durations to total 90 days)	Amount of ad engagement (e.g., reactions, comments, shares, link clicks, etc.) Number of people reached with ad
Social Media Video (each platform counts as separate tool)	3 videos	Amount of video engagement (e.g., views, reactions, comments, shares, etc.)
Online ad	Ad(s) run 90 days (multiple ads may be run for shorter durations to total 90 days)	Number of people reached with ad Amount of ad engagement (e.g., link clicks)
Outreach Tabling	3 events	Number of interactions
Outreach partnership with local organization	3 content shares by partner organization	Number of people reached
Other DEP-approved tools	Minimum level of effort will be determined based on the tool	Effectiveness benchmark will be determined based on the tool

Table 2. Tools for Measurable Goal 1.1b. (Contractors located within the ISWG region)

<b>Outreach Tool</b>	<b>Minimum Level of Effort</b>	<b>Effectiveness Benchmark</b>
Factsheet	1 factsheet	Total number of factsheets distributed
Email Newsletter	4 email newsletters	Number of people reached with email Number of interactions with email (e.g., link clicks)
Municipal Website Content	Annual updates to website stormwater content	Number of visitors to stormwater webpage(s)
Think Blue Maine Website Content	Semiannual updates to website content	Number of visitors to website
Online ad	Ad(s) run 90 days (multiple ads may be run for shorter durations to total 90 days)	Number of people reached with ad Amount of ad engagement (e.g., link clicks)
Webinar/Workshop	7 hours of training offered (multiple webinars/workshops may be offered to reach 7 hours)	Number of workshop attendees
Outreach partnership with local organization	3 content shares by partner organization	Number of people reached
Other DEP-approved	Minimum level of effort will be	Effectiveness benchmark will be

tools	determined based on the tool	determined based on the tool
-------	------------------------------	------------------------------

Table 3. Tools for Measurable Goal 1.2a. (Dog owners ages 25 to 34 within the ISWG region)

<b>Outreach Tool</b>	<b>Minimum Level of Effort</b>	<b>Effectiveness Benchmark</b>
Targeted Social Media Post (each platform counts as separate tool)	12 posts	Amount of post engagement (e.g., reactions, comments, shares, etc.)
Targeted Social Media Ad (each platform counts as separate tool)	Ad(s) run 90 days (multiple ads may be run for shorter durations to total 90 days)	Amount of ad engagement (e.g., reactions, comments, shares, link clicks, etc.) Number of people reached with ad
Targeted Social Media Video (each platform counts as separate tool)	3 videos	Amount of video engagement (e.g., views, reactions, comments, shares, etc.)
Outreach Tabling	3 events	Number of interactions
Outreach partnership with local organization	3 content shares by partner organization	Number of people reached
Item with branding/messaging	1 item with branding/messaging	Total number of items distributed
Other DEP-approved tools	Minimum level of effort will be determined based on the tool	Effectiveness benchmark will be determined based on the tool

Table 4. Tools for Measurable Goal 1.2b. (Dog owners ages 35 to 55 within the ISWG region)

<b>Outreach Tool</b>	<b>Minimum Level of Effort</b>	<b>Effectiveness Benchmark</b>
Story Walk	1 story walk	Number of QR code (or similar technology) scans from signs
Targeted Social Media Post (each platform counts as separate tool)	12 posts	Amount of post engagement (e.g., reactions, comments, shares, etc.)
Targeted Social Media Ad (each platform counts as separate tool)	Ad(s) run 90 days (multiple ads may be run for shorter durations to total 90 days)	Amount of ad engagement (e.g., reactions, comments, shares, link clicks, etc.) Number of people reached with ad
Online ad	Ad(s) run 90 days (multiple ads may be run for shorter durations to total 90 days)	Number of people reached with ad Amount of ad engagement (e.g., link clicks)
Outreach Tabling	3 events	Number of interactions
Outreach partnership with local retailer	50% of industry retailers in region participating	Number of local retailers participating
Item with branding/messaging	1 item with branding/messaging	Total number of items distributed
Other DEP-approved tools	Minimum level of effort will be determined based on the tool	Effectiveness benchmark will be determined based on the tool

# **APPENDIX E**

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**IDDE PLAN AND QAPP**

# **Illicit Discharge Detection and Elimination Program**

*For the*

## **Town of Cumberland, Maine**

*For the*

### **General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems**

**Last Updated June 2022**



12 Farms Edge Road  
Cape Elizabeth, Maine 04107  
Ph: 207-415-5830

[www.IntegratedEnv.com](http://www.IntegratedEnv.com)



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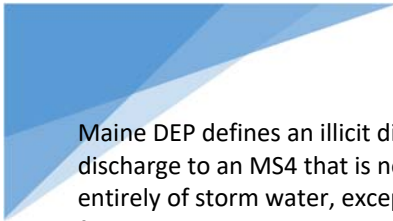
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- A. CUMBERLAND WATERSHED MAP
- B. INSPECTION FIELDS AND DOMAINS IN GIS
- C. QUALITY ASSURANCE PROJECT PLAN
- D. COORDINATION LETTERS WITH INTERCONNECTED MS4S

## **1.0 INTRODUCTION**

The Town of Cumberland is subject to the requirements of the Maine Department of Environmental Protection (Maine DEP) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (hereafter referred to as the MS4 General Permit).



Maine DEP defines an illicit discharge as any discharge to an MS4 that is not composed entirely of storm water, except that the following are not considered illicit discharges:

- Discharges authorized under a Maine DEP permit (38 M.R.S §413. )
- Uncontaminated groundwater,
- Water from a natural resource (such as a wetland), or
- an allowable non-storm water discharge.

See Section 3.0 of this Plan for a list of the allowed non-storm water discharges.

The MS4 General Permit requires permittees to address six Minimum Control Measures throughout the Town’s Urbanized Area:

1. Education/ Outreach on Stormwater Impacts
2. Public Involvement and Participation
3. Illicit Discharge Detection and Elimination (IDDE)
4. Construction Site Stormwater Runoff Control
5. Post-Construction Stormwater Management in New Development and Redevelopment
6. Pollution Prevention/Good Housekeeping for Municipal Operations

This document describes the IDDE Program for the Town of Cumberland, Maine. The IDDE Program described in this document fulfills the Minimum Control Measure 3 IDDE requirements specified in Part IV.C.3.b of the 2022 MS4 General Permit.

### **1.1 IDDE Responsibilities in the Town**

The Town’s Director of Public Services is responsible for overall permit compliance, and for implementation of this IDDE Plan. The following other Town personnel support implementation of this Plan:



Public Works staff: conduct outfall, ditch and catch basin inspections and monitoring, and conduct illicit discharge investigations, supported by third party contractors where necessary.

Information Technology Department: is primary administrator for ArcGIS ESRI licensing (used for mapping)

Planner: facilitates any required ordinance changes related to non-stormwater discharges through Planning Board.

Code Enforcement Officer: assists Public Works staff in illicit discharge investigations and issuing Notices of Violation when needed.

## 1.2 Amendments and updates to the IDDE Program

The MS4 General Permits are designed to provide coverage for five-year periods. The first MS4 General Permit applicable to the Town of Cumberland became effective in 2003 and expired in 2008. Subsequent General Permits were issued in 2008 and 2013, providing the Town with continuous coverage for their stormwater discharges. The 2013 MS4 General Permit was administratively continued until a new permit becomes effective 7/1/2022.

This IDDE Program has been developed to meet the requirements of the 2013 and 2022 General Permits. This Plan will be updated if any of the following occur:

- requirements change because a new permit is issued,
- the Town of Cumberland identifies that the Program is not effective;
- municipal operations change which need to be reflected in this Program.

The Director of Public Services will either modify this IDDE program or engage a third party to update the document.

The following table briefly summarizes the origin and amendments to this document.

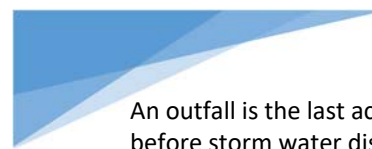
Date of Document	Description of changes
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2003 to 2021	Standard Operating Procedures were used to document how outfall and ditch inspections were completed.
March 2021	Created new Plan incorporating SOP information and updating content to reflect 2022 MS4 General Permit requirements.
June 2022	Updated content to removal of optional and other items not required by MS4 General Permit and to update contact information

### 1.3 Typical Illicit Discharges

The Center for Watershed Protection (CWP) developed a comprehensive IDDE Manual in 2004 updated in 2011 which classifies illicit discharges into three categories related to frequency of discharge.

This categorization allows communities to develop a comprehensive IDDE program that will address all kinds of illicit discharges. The three categories of illicit discharges identified in the CWP manual are described below:



An outfall is the last accessible point before storm water discharges to a water body. Some things that are NOT outfalls include: driveway culverts that connect ditch segments, culverts that convey water bodies under roadways, and pipes that discharge to other storm water infrastructure elements.

1. Transitory illicit discharges are typically one-time events resulting from spills, breaks, dumping, or accidents. Examples of transitory illicit discharges include:
  - a. paint equipment rinse water
  - b. carpet cleaning water
  - c. sediment from construction sites
  - d. wash water from vehicles other than individual residential car washing by an owner
  - e. oil or gasoline spill from a vehicle crash or other source
  - f. yard waste
  - g. litter or pet waste

Transitory illicit discharges are often reported to an authority through a citizen complaint line or following observation by a municipal employee during regular duties. Because they are not recurring, they are the most difficult to investigate, trace, and remove. The best method to reduce transitory discharges is through general public education, education of municipal

personnel to minimize spills and accidents, tracking of discharge locations (to identify potential patterns associated with spills), and enforcement of an illicit discharge ordinance.

2. Intermittent illicit discharges occur occasionally over a period of time (several hours per day, or a few days per year). Intermittent discharges can result from legal connections to the storm drain system, such as a legal sump pump connection that is illegally discharging washing machine water, a single home sanitary connection, or from illegal connections such as floor drains from industrial or commercial operations. Intermittent discharges can also result from activities such as excessive irrigation or wash down water from exterior areas. The 2022 General Permit requires that MS4s consider illicit discharges that might result from dumping. One example of this would be trash or litter dumped in/near stormwater structures might leak leachate into the system intermittently. Because intermittent discharges are longer lasting than transient, they are more likely to be discovered during an opportunistic or regularly scheduled inspection. They are less difficult to trace and remove than transitory discharges but can still present significant challenges. These discharges can have large or small impacts on water bodies depending on pollutant content.
3. Continuous illicit discharges are typically the result of a direct connection from a sanitary sewer, overflow from a malfunctioning septic system, or inflow from a nearby subsurface sanitary sewer that is malfunctioning. Continuous illicit discharges are usually easiest to trace and can have the greatest pollutant load but are typically the most costly and time consuming to correct because they likely involve construction and alteration of subsurface connections. (CWP and Robert Pitt 2004)



An outfall is the last accessible point before stormwater discharges to a waterbody. Some things that are NOT outfalls include: driveway culverts that connect ditch segments, culverts that convey water bodies under roadways, and pipes that discharge to other stormwater infrastructure elements.

#### 1.4 Overview of IDDE Program Components

The MS4 General Permit requires an IDDE program be developed and implemented which contains six components. An overview of each component is provided in this subsection, and the remaining sections of this document describe how the Town of Cumberland is

implementing each component.

- Development of a watershed-based map: The Town is required to develop a map of the storm sewer system infrastructure including: watersheds, catch basins, connecting surface and subsurface piping, outfalls, and ditches. The catch basins and outfalls must have unique identifiers. The following information must be included in the map system for outfalls: the type of outfall (a connected pipe, a culvert, or a ditch), the material, its size, the name and location of the nearest named water body to which it discharges. Section 2.0 of this document describes the Town's watershed-based map.
- Authority to Prohibit Illicit Discharges: To the extent allowable under state or local law, the Town must effectively prohibit, through an ordinance or other regulatory mechanism, non-storm water discharges into the system and implement appropriate enforcement procedures and actions. Section 3.0 of this document describes how the Town's Non-Stormwater Discharge Ordinance is implemented.
- Identification of High Priority Areas for Inspections: Prior MS4 General Permits required that the Town identify priority areas that need to be protected from illicit discharges. The 2022 MS4 General Permit does not have this requirement, but it does require that the Town have "Procedures for prioritizing watersheds". The Town uses the prioritization for illicit discharge inspections as described in Section 4.0 of this document, including a discussion of the basis for determining the high priority areas.
- Procedures to Locate Illicit Discharges: The Town must develop procedures for locating illicit discharges (i.e. visual screening of outfalls for dry weather discharges, dye or smoke testing). The Town addresses this by conducting dry weather outfall inspections and assessing catch basins for evidence of pollutants, and by conducting opportunistic ditch inspections. The 2022 MS4 General Permit also requires monitoring be conducted on outfalls that are flowing during dry weather. Section 5.0 of this document describes the Town's inspection program.
- Procedures to Investigate and Remove Illicit Discharges: The Town must develop procedures for locating the source of the discharge and procedures for the removal of the source. Sections 6.0 and 7.0 of this document describe how the Town investigates and removes illicit discharges.
- Procedures to Document Illicit Discharges: The Town must develop procedures for documenting actions and evaluating impacts on the storm sewer system

subsequent to the removal. Section 8.0 describes how the Town tracks illicit discharges.

- Emergency Notifications: Section 9.0 describes procedures for emergency notifications of illicit discharges outside of the hours when Public Works is open.

Section 10.0 of this document describes the record retention requirements of the MS4 General Permit and Section 11.0 of this document provides references.

## **2.0 STORMWATER INFRASTRUCTURE MAP**

Cumberland's stormwater structures were initially surveyed using Global Positioning System (GPS) data collection and field observations in 2005 and initial maps were created using a Geographic Information System (GIS) program. The Town has the ability to update the maps using ARCGIS Online for Town use. The Town does not allow public to their electronic storm drain system maps but can provide information upon request.

The Town's Director of Public Services has overall responsibility for data integrity. The following sections describe the Town's naming protocol for the infrastructure, specifics on how updates to the system are completed, and information on how the Town coordinates with other MS4s that have interconnected stormwater infrastructure.

### **2.1 Infrastructure Naming Protocols**

The Town's GIS identifies infrastructure with unique numeric IDs. Outfalls are named according to the road they are accessed from with an abbreviated road name, and then provided a number generally between 1 and 99. Catch basins and drain manholes are similarly named and numbered. Ditches are referenced according to the street on which they are located. Town staff use these designations when referring to structures for inspection, maintenance or illicit discharge purposes.

### **2.2 Procedures to Update Map of Infrastructure**

The Town makes changes to the storm drain infrastructure in several ways. The following describes the scenarios under which the infrastructure might change, requiring a mapping update:

1. Generally, the Public Works Department constructs minor changes to the system based

on immediate or planned need without formal design drawings. When these types of changes are made, the Town staff can update the online GIS directly using an iPad. New or replaced outfalls and structures are given a new number and the material of construction, size, and other pertinent information is recorded.

2. More significant changes are typically constructed after preparation of formal design drawings, whereupon either the Public Works Department or a private contractor constructs the changes. Where a private contractor constructs the changes, the Public Works Department conducts a formal site review of the as-built conditions. The Public Works Department would provide the as-built drawings to the third-party contractor for incorporation into the GIS.

Minor changes to the system can be made by the Town using an IPAD and the Town's ARCGIS online account. These changes are not survey quality but provide crews with real-time information on infrastructure.

### **3.0 AUTHORITY TO PROHIBIT ILLICIT DISCHARGES**

The Town of Cumberland's authority to prohibit illicit discharges is a component of the Municipal Code or Chapter 242 Article 1 Non-Stormwater Discharge Ordinance. The ordinance was modified to be Town-specific from a model ordinance created by the Maine Municipal Association for other Towns that are regulated by the MS4 General Permit. Though the MS4 General Permit is only applicable to the Urbanized Area of Town, the Town implements the Non-Stormwater Discharge Ordinance in all areas of Town.

The Ordinance allows the following non-stormwater discharges to the storm drain system as long as the discharges do not cause or contribute a violation of the state's water quality criteria:

- landscape irrigation;
- diverted stream flows;
- rising ground waters;
- uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- uncontaminated pumped ground water;
- uncontaminated flows from foundation drains;
- air conditioning and compressor condensate;
- irrigation water;
- flows from uncontaminated springs;
- uncontaminated water from crawl space pumps;
- uncontaminated flows from footing drains;
- lawn watering runoff;
- flows from riparian habitats and wetlands;
- residual street wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material has been removed and detergents are not used);
- hydrant flushing and firefighting activity runoff;
- water line flushing and discharges from potable water sources;
- individual residential car washing; dechlorinated swimming pool discharges.

The Code Enforcement Officer enforces the ordinance.

It should be noted that discharges associated with dye testing are also allowed with verbal notice to the Code Enforcement Officer.

In addition, discharges of hydrant and water line flushing are required to be dechlorinated if they are to be discharged to a portion of the MS4 system which discharges to a small stream.

In accordance with the Maine DEP 11/18/2016 Issue Profile for Drinking Water System Discharges to Regulated Small MS4s, the Portland Water District either aerates or dechlorinates during flushing to meet Total Residual Chlorine (TRC) acute water quality criteria as follows:

- Fresh water 19 ug/L (adjusted to 50 ug/L, per the Maine DEP as the reporting limit for available reliable and consistent test methods)
- Marine water 13 ug/L (adjusted to 50 ug/L, per the Maine DEP as the reporting limit



for available reliable and consistent test methods)

The Portland Water District flushes the system annually, typically in the spring, and provides an annual report to the Town describing water dechlorination methods in use and testing results for any flushing conducted.

**4.0 IDENTIFICATION OF PRIORITY AREAS**

The Town of Cumberland recognizes the Natural Resources Conservation Service (NRCS) national hydrologic unit code (HUC) numbering system. The NRCS national HUC system identifies watersheds down to the sub-watershed level, which have 12-digit HUC numbers. The relationship between these areas is shown in Table 1, and a graphic of the areas is shown in Attachment A.

<b>Table 1 Watersheds and Sub-watersheds Town of Cumberland, Maine</b>			
<b>Watershed (10-digit HUC)</b>	<b>Sub-watershed (12-digit HUC)</b>	<b>Drainage Area (No 14-digit HUC has been assigned)</b>	<b>Notes</b>
Presumpscot River Watershed (0106000103)	East Branch of the Piscataqua River Subwatershed (0106000103-03)	PISC 1 PISC 2 PISC 3 PISC 4 PISC 5 PISC 6	This is the priority area, because it is the most developed area of Town.
Casco Bay Watershed (0106000106)	Casco Bay Frontal Drainages Subwatershed (0106000106-02)		

## **5.0 PROCEDURES TO LOCATE POTENTIAL ILLICIT DISCHARGES**

The Town of Cumberland uses the following methods to locate illicit discharges:

1. Observations during catch basin cleaning
2. Citizen reports of illicit discharge issues
3. Dry weather outfall inspections
4. Outfall Sampling and Analysis
5. Opportunistic Ditch inspections
6. Other opportunistic Inspections

Each of these methods is described in the following subsections. The inspections are conducted using an iPad, and stored with the GIS spatial data. Attachment B contains a table showing the fields that are completed during outfall, ditch and catch basin inspections using the GIS.

### **5.1 Catch Basin Cleaning Inspections**

Each year, the Town inspects approximately 50% of the Town's catch basins to assess which need cleaning. During this inspection process, the employee is also inspecting to assess if any oil, litter, sewage, pet waste, cigarette butts or other evidence of illicit discharges is present. If the employee sees any evidence of illicit discharges, the evidence is documented using the IPAD in the ArcGIS on-line files. The Director of Public Services has direct access to the data on the IPAD as the inspections are being completed.

The Town's third-party contractor downloads the inspection information and provides the Director of Public Services with a summary spreadsheet after the inspections are completed. This spreadsheet provides the Director of Public Services with information on illicit discharges that need follow up as well as maintenance.

**5.2 Citizen Reports of Illicit Discharges**

Citizen reports of illicit discharge issues are typically routed to and investigated by the Director of Public Services or the Code Enforcement Officer. The report is investigated typically within one week. The reports are documented in an excel spreadsheet as described in Section 8 of this IDDE Plan.

**5.3 Dry Weather Outfall Inspections**

The Town inspects all piped and ditch outfalls at least once each permit cycle in accordance with the following:

<b>Inspection Year</b>	<b>Watershed</b>	<b>Subwatershed/ Drainage Areas</b>	<b>Description/Outfalls</b>
Permit Years 1 and 2)	Presumpscot River	East Branch of Piscataqua River PISC 1 PISC 2 PISC 3 PISC 4 PISC 5 PISC 6	All areas north and west of Middle Road. Includes outfalls on Greely Road, Greely Road Ext., Crossing Brook, Hill Road, etc.
Permit Year 3	Casco Bay	Casco Bay Frontal Drainages	All areas north of Tuttle Road and east of I-295 Includes outfalls on Fern Lane, Ebb Tide Road, Ledge Road, and York Road.
Permit Year 4	Casco Bay	Casco Bay Frontal Drainages	All areas south of Tuttle Road and east of I-295  Includes outfalls on Spruce Lane, Stony Ridge Road, Long Meadow Road, Sea Cove, and Lantern.

Permit Year 5	All areas	All Areas	Outfalls that were inspected during wet weather during years 1-4 will be re-inspected.
<p>Future Years: if the MS4 General Permit is Administratively continued, the Town will begin the rotation of inspections again, beginning with the Permit Year 1 and 2 areas for Permit Years 6 and 7, the Permit Year 3 areas for Permit Year 8, and so on.</p>			

- Inspections will be performed during periods of dry weather whenever possible.
- Inspections will be performed where field inspections may be performed in a safe and efficient manner;
- Inspections will be performed during periods of no or minimal snow cover and prior to the growth of vegetation (or after leaves have fallen) such that outfalls may be easily spotted;
- Observations will include the follow at a minimum: observations of sheen, discoloration, foaming, evidence of sanitary sewage, excessive algal growth and similar visual indicators, and detection of odor;
- Photographs may be taken at the time of inspection for either maintenance or illicit discharge documentation.
- MS4 outfalls will be inspected where the Town has safe and legal access to the structure to be inspected.
- When maintenance or potential illicit discharge issues are identified, the Director of Public Services will be informed so that he may prioritize the work with other required work for the Town.

Town staff with ArcGIS Online user ID's are able to view the data online for the current permit year. Copies of the inspections conducted for the current permit cycle are downloaded from the online system and summarized for the annual report.

#### 5.4 Outfall Sampling and Analysis

Outfall sampling and analysis is required under the 2022 MS4 General permit when an outfall is observed to be flowing during dry weather conditions whether or not it has exhibited evidence of an illicit discharge.

Outfalls and/or other structures may also be sampled if other evidence of illicit discharges is observed during inspection. The Director of Public Services may solicit the assistance of a third-party contractor to collect a sample for field screening depending on the conditions encountered.

A Quality Assurance Project Plan (QAPP) has been developed to provide sampling personnel the information that will assist them in collecting samples and using field equipment, test kits and obtaining analyses. The QAPP describes the sampling procedures that should be used as well as the analytical methods and field equipment that are appropriate for use in investigating potential illicit discharges and flowing outfalls. The QAPP also provides guidance on interpretation of the results obtained so that investigators can make informed decisions about whether to continue investigating a potential source, or whether the results indicate a flowing outfall might be from a natural source. The QAPP is provided in Attachment C to this IDDE Plan.

Wet weather sampling is not required by the MS4 General Permit at this time, but the Public Works Department may choose to conduct wet weather sampling if they suspect a discharge occurs only during wet weather (such as may be the case for failed septic systems).

#### 5.5 Ditch Inspections

The 2022 MS4 General Permit does not require ditch inspections be completed. Ditch inspections were completed by the Public Works Department on all ditches during the previous permit cycle. The ditch inspections were previously completed using paper forms.

Moving forward, the Town will generally inspect ditches for potential illicit discharges whenever maintenance work on ditches is being completed and will use the iPad for the inspections. The Town follows these guidelines in conducting inspections:

- Field inspection will be performed during periods of dry weather when possible.
- Inspections will be performed during periods low flow where field inspections may be performed in a safe and efficient manner;
- Inspections will be performed during periods of no snow cover and prior to the growth of ditch vegetation such that potential outfalls may be easily spotted;
- Evidence of potential illicit discharges will be summarized in the IDDE Tracking Sheet (See section 8.0).
- If maintenance issues are identified, the Director of Public Services will be informed so that he may prioritize the work with other required work for the Town.

#### 5.6 Septic System Inspections

During the previous permit cycle, the Town conducted an assessment and drive by inspections of septic systems in the Urbanized Area. None of the systems were observed to have evidence of leakage or failure. Because this Plan did not yield useful information on septic system failures, it is no longer being conducted.

However, as part of that effort the Town does have septic tank access ports and leachfields as of 2016 in their GIS and can use this information in illicit discharge investigations.

#### 5.7 Interconnections and Coordination with Other Entities

The Town's MS4 area borders the towns of Yarmouth and Falmouth, Maine, both of which are also regulated by the MS4 General Permit. Some of the roadways in Town (Route 1, Route 9 and Tuttle Road) are maintained by the Maine Department of Transportation (DOT) and are

therefore not part of the Town's MS4 system. The roads in the Town's Urbanized Area that are DOT-maintained fall under the Maine DOT's MS4 General Permit. The Town's maps are color coded to show which infrastructure is Town vs. Maine DOT. There are also some outfalls shown where Town infrastructure discharges to either the Maine DOT, or to another Town or private entity (such as a railroad or school).

Because of these MS4 interconnections, it may be necessary to conduct cooperative investigations with other MS4s or to inform them of issues associated with the Town's infrastructure.

The Town has notified its interconnected MS4s of the interconnections, and has provided notification of who to contact in the event of an emergency as documented in Attachment D.

## **6.0 PROCEDURES TO INVESTIGATE**

Investigations of illicit discharge issues are conducted by the Code Enforcement Officer with assistance from the Public Works Department or a third-party contractor when necessary. The Town relies on visual observations of the location where the illicit discharge was reported as a first step in identifying the source of the illicit discharge. If the evidence of the illicit discharge is still present in the initial structure or location where it was reported, the Town uses their knowledge of the infrastructure routing to systematically inspect other structures upstream of the initial location until either the evidence of the illicit discharge is no longer present, or until they locate a potential source of the illicit discharge.

For example, if evidence of gray water was observed during catch basin cleaning of a separated storm drain system, the Town would inspect drain manholes and/or catch basins upstream of the initial observation until they could isolate one or more locations from which the gray water was likely emanating.



In the event visual observations of the structures cannot identify the source of an illicit discharge, the Town may employ televising, systematic dye testing, or smoke testing to identify the source.

## **7.0 PROCEDURES TO REMOVE ILLICIT DISCHARGES**

Once the potential source of the illicit discharge is identified, the Code Enforcement Officer would identify and contact the responsible party in order to initiate removal or discontinuation of the illicit discharge.

If the illicit discharge is caused by a private entity, the Code Enforcement Officer may invoke the authority granted him/her under the Non-Storm Water Discharge Ordinance (See section 3.0 of this IDDE Plan). The Code Enforcement Officer typically provides initial verbal or email notice to any responsible party, then follows up with a Notice of Violation. The Notice of Violation specifies the illicit discharge be removed within 60 days of its source identification but allows that if removal within 60 days is not possible, the responsible party must work with the Code Enforcement Officer to establish a schedule to remove the illicit discharge as expeditiously as possible.

If the illicit discharge is caused by the Town, the Code Enforcement Officer would contact the department most responsible and work with them to remove or discontinue the illicit discharge within 60 calendar days of identification of the source or would develop a schedule to expedite elimination.

## **8.0 PROCEDURES TO DOCUMENT ILLICIT DISCHARGES**

The Town will track the progress of investigating and removing illicit discharges using an IDDE Tracking Sheet. Each year, the town is required to complete an annual report summarizing the activities completed under the MS4 Program. The Director of Public Services will print or retain an electronic copy of the IDDE Tracking Sheet for the year as back-up documentation of investigative and removal work completed.

## **9.0 NOTIFICATIONS DURING WORKING AND NON-WORKING HOURS**

The following describes the notifications completed during working and non-working hours to ensure that those who need to know about illicit discharges are notified:

- During working hours, if an illicit discharge is detected by a public works employee (either during a routine inspection or opportunistic inspection), the employee reports the information to the Director of Public Services. The Director of Public Services then calls or sends an email to both the Code Enforcement Officer and the Third Party Contractor to document the finding and ensure proper follow-up.
- Typically illicit discharges identified by the public during non-working hours are routed to the public works, police or fire department. For example if a spill of petroleum or hazardous material were to occur, or a discovery of a sewage discharging from a pipe, the police and/or fire department would be notified and would respond to the incident using their emergency response procedures (which include proper notifications to Maine DEP if warranted). Police and Fire would contact the Director of Public Services in the event of an illicit discharge to the separated sewer system during non-working hours. The Director of Public Services would ensure future follow up.

- As described previously, the Director of Public Services may need to coordinate with the Maine DOT or the towns of Falmouth or Yarmouth to resolve any illicit discharges that have interconnections with those entities. Attachment D contains contact information for other MS4 coordinators, and copies of the notices that have been provided to these entities in the event of a potential illicit discharge.

## **10.0 RECORDS RETENTION**

The Director of Public Services will retain paper or electronic files of inspections and investigations including laboratory reports, for a minimum of three years after expiration of the MS4 General Permit Term. For the 2013 – 2022 General Permit, reports may be discarded June 30, 2025.

Generally, documentation of inspection, investigation and tracking summaries are retained electronically by the Director of Public Services in the Annual Report Backup for whatever year the inspections or investigation was conducted. If an illicit discharge investigation takes more than one year, the Director of Public Services may maintain a separate paper or electronic file for that discharge until it is resolved.

## **11.0 REFERENCES**

CWP and Robert Pitt 2004. *Illicit Discharge Detection and Elimination Manual – A Guidance Manual for Program Development and Technical Assessments*. October 2004 Available: <http://cfpub1.epa.gov/npdes/stormwater/idde.cfm>

Aquarion Engineering Services and Casco Bay Estuary Partnership. *Guidelines and Standard Operating Procedures for Stormwater Phase II Communities in Maine*. Available:

<http://www.thinkblumaine.org/docs/index.htm>

CWP and Robert Pitt 2011 Illicit Discharge Detection and Tracking Guide Available:

<http://www.cwp.org/2013-04-05-16-15-03/idde>

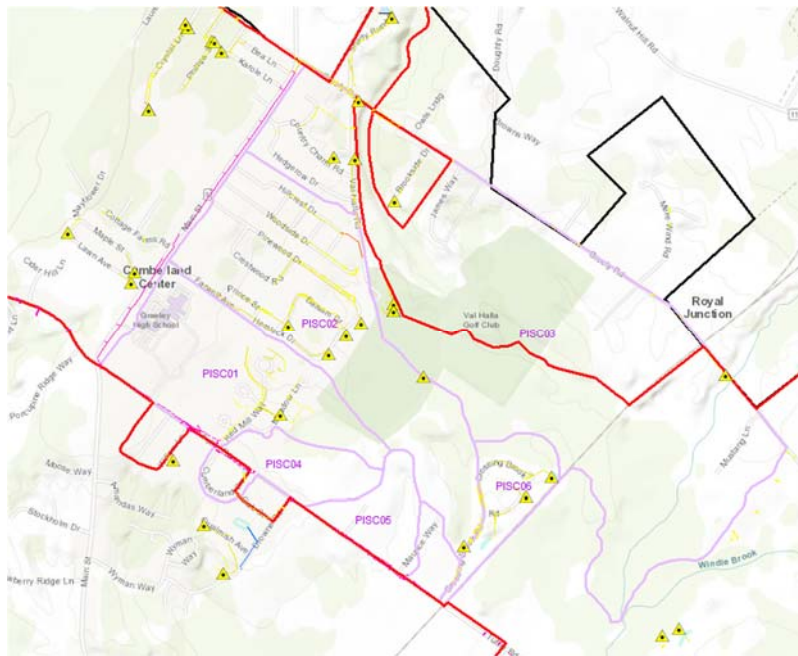
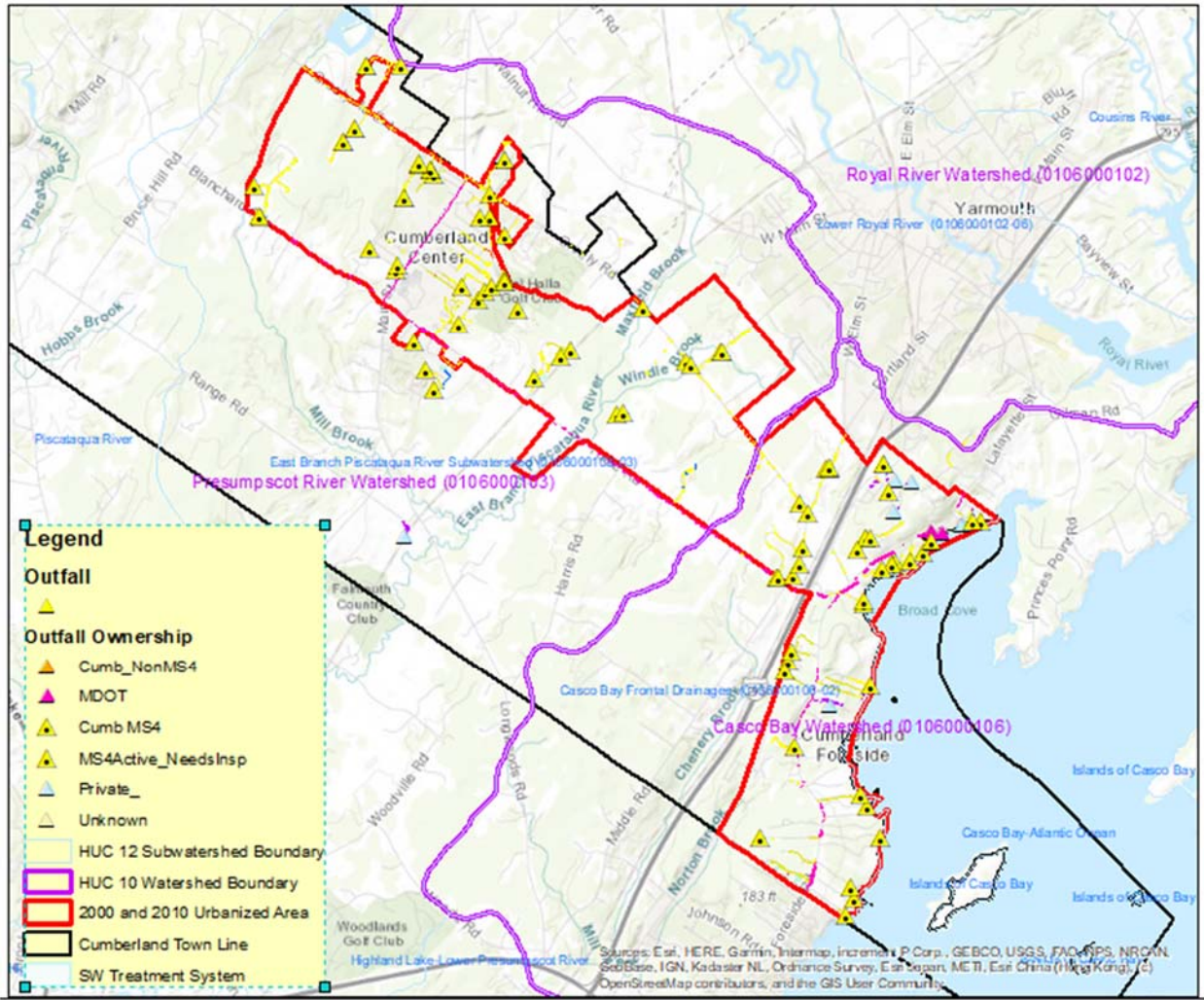
USEPA New England Bacterial Source Tracking Protocol 2012. Provided by USEPA to Integrated Environmental Engineering. Available at:

<https://www3.epa.gov/region1/npdes/stormwater/ma/2014AppendixI.pdf>

# **ATTACHMENT A**

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## **WATERSHED MAP**



## **ATTACHMENT B**

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### **INSPECTION FIELDS AND DOMAINS FOR GIS**

As an inspector is using an iPad or other electronic data collection device in the field, they tap on the structure or element they are inspecting and record inspection data in the available fields. The Town has a basic ArcGIS license so related tables are not used. Rather each year, a third-party contractor saves a copy of the inspections in an excel table, then clears out any comments or identification of pollution or maintenance issues from the GIS and sets up the system to accept a new year of inspection records. The following is a summary of the available fields and associated drop down domain menus associated with each type of inspection. Those items in BOLD are required as part of the MS4 General Permit, though the Town may have other fields that are not required and may adjust these as long as they do not affect the information required by the MS4 General Permit.

<b>MS4 INSPECTION</b>	<b>GIS FIELDS AND DOMAINS COMPLETED AS PART OF INSPECTION</b>
Catch Basins	<p><b>Cb_id – Auto populated (e.g., seacove-15)</b>  <b>Street id – manually entered</b>  <b>PYxInspDate – manually selected (a new field is added for each permit year to replace the “x”, date and time are recorded)</b>  <b>PYxInspStatus – Needs_Inspect, MDOT_DoNotInsp, Priv_DoNotInsp, NonMS4, Insp_Cleaned, Insp_NotCleaned</b>  sump_depth_inches – manual entry of depth of sump  <b>Excess Sediment – Yes or No</b>  <b>Pollution – None, Sewage, DiscoloredFlow, Excess Algae, Odor, Foam/Soap, Yard Waste, Oil, Pet Waste, Cig. Butts, or More Than One</b>  Accessible – Accessible, Paved Over, Unopenable, Buried, or Not Found  Grate_type – cascade, square, round, curb, type_c, type_d, other  Grate size – manually entered in inches  Condition – Excellent, Good, Fair or Poor  Follow-up – Yes or No  Notes – open text field  Photos cannot be attached to the inspection but are taken if needed for IDDE documentation.</p>
Outfalls (piped and ditch)	<p><b>Outfall ID – Auto populated (e.g., lngmdw-01)</b>  Inspection Date and time - Manually selected  <b>PYxInspDate – manually selected (a new field is added for each permit year to replace the “x”, date and time are recorded)</b>  <b>PYxInspStatus – Needs_Inspect, Dry_Inspect_Complete, Wet_Inspect_Complete, MDOT_DoNotInsp, Priv_DoNotInsp, NonMS4, DitchOF</b>  <b>Matl_type – PVC, Black_Drainage_smooth_or_corregated, Corregated_Metal, Concrete, Steel, Transite_Asbestos_Concrete, None, Cast_Iron, Vitrified_Clay</b>  <b>Size_inch – manually entered if not already present and correct</b>  <b>Flow – None, Tricky, Steady, or ¼ pipe or More</b>  Seepage Flow – None, Tricky, Steady, or ¼ pipe or More  <b>Color_flow – Brown, Tan, Gray, Other, Not-Applicable, None</b>  <b>Debris Foam – Yes or No</b></p>



<b>MS4 INSPECTION</b>	<b>GIS FIELDS AND DOMAINS COMPLETED AS PART OF INSPECTION</b>
	<p><b>Debris Scum</b>– Yes or No  <b>Debris Oil</b> – Yes or No  <b>Debris Sewage</b> – Yes or No  <b>Odor</b> – None_Natural, Musty, Rancid_Sour, or Sewage_Septic  <b>Water Clarity</b> – Not_Applicable, Clear, Cloudy, or Opaque  <b>FlowSample Date</b> - Yes or No (appears only if Pipe or Seepage Flow is present)  <b>Flow Color</b> – No flow, Clear, Orange, Brown, Black, or Green  <b>Sed_Condition</b> – ¼ full, ½ full, ¾ full, or plugged  <b>Structure Condition</b> – Excellent, Good, Fair, Poor, or Needs Attention  <b>Trash_litter</b> – Yes or No  <b>Yard_waste</b> – Yes or No  <b>Follow-up</b> – Yes or No  <b>Notes</b> – open text field  <b>Receiving</b> – Receiving water selected from drop down list  Photos cannot be attached to the inspection but are taken if needed for IDDE documentation.</p>
Ditches	<p><b>Ditch ID</b> – Auto populated  <b>PYxInspDate</b> – manually selected (a new field is added for each permit year to replace the “x”, date and time are recorded)  <b>PYxInspStatus</b> – Needs_Inspect, Dry_Inspect_Complete, Wet_Inspect_Complete, MDOT_DoNotInsp, Priv_DoNotInsp, NonMS4,  <b>Condition</b> – Excellent, Good, Fair or Poor  <b>Trash/Litter Present</b> – Yes or No  <b>Yard Waste Present</b> – Yes or No  <b>Oil Present</b> – Yes or No  <b>Sewage_Septic Present</b> – Yes or No  <b>Odor</b> – None_Natural, Musty, Rancid_Sour, or Sewage_Septic  <b>Excess_Sediment</b> – Yes or No  <b>Excess Vegetation</b> – Yes or No  <b>Invasive_poison_Vegetation</b> – Yes or No  <b>Erosion/Scouring</b> - Yes or No  <b>Notes</b> – open text field  <b>Follow-up</b> – Yes or No  <b>Follow-up Reason</b> - open text field</p>

# **ATTACHMENT C**

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## **QUALITY ASSURANCE PROJECT PLAN**

## Stormwater Monitoring Quality Assurance Project Plan Template

### 1.0 Background and Scope

In Maine, there are 30 municipalities (permittees) regulated by the 2022 Maine General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4 General Permit). The MS4 General Permit requires that the municipalities conduct dry weather inspections on 100% of their outfalls during the 5-year term of the MS4 General Permit.

Under most conditions, if an outfall is observed to have dry weather flow, monitoring must be conducted to assess whether there is an illicit discharge associated with the flow. (Part IV(C)(3)(e)(vi) of the MS4 General Permit contains a few conditions under which flowing outfalls do not need to be monitored.)

The following monitoring needs to be conducted whether or not the outfall's dry weather flow exhibits evidence of an illicit discharge:

- E. coli, enterococci, total fecal coliform or human bacteroides;
- Ammonia, total residual chlorine, temperature, and conductivity; and
- Optical enhancers or surfactants.

The objective of the monitoring is to collect data that can be used to determine if there is an illicit discharge present in the flow, or if the flow is from uncontaminated groundwater, water from a natural resource, or an allowable non-stormwater discharge.

The purpose of this Quality Assurance Project Plan (QAPP) is to provide sampling personnel information that will assist them in collecting samples and analyzing the samples using field equipment/test kit(s) and/or laboratories in a manner that ensures sufficient accuracy and precision so that sampling personnel and regulators can be confident there is or is not an illicit discharge present in dry weather flow from an outfall. This QAPP provides information on several field equipment/test kit(s) and analytical methods available to permittees that can be used to comply with the requirements for Dry Weather Outfall Monitoring.

Illicit Discharge means any discharge to a regulated MS4 system that is not composed entirely of stormwater other than:

- discharges authorized pursuant to another permit issued pursuant to 38 M.R.S. §413;
- uncontaminated groundwater;
- water from a natural resource [such as a wetland]; or
- other Allowable Non-Stormwater Discharges identified in Part IV(C)(3)(h) of the MS4 General Permit.

Each municipality is required by the MS4 General Permit to prepare a written Illicit Discharge Detection and Elimination (IDDE) Plan. This QAPP has been developed to be an attachment to a municipality's IDDE Plan, and therefore does not contain all of the IDDE requirements associated with the MS4 General Permit.

### 2.0 Sampling Procedures

Samples are required to be collected at outfalls that exhibit dry weather flow (defined as flow after there has been no precipitation greater than ¼ inch for 72 hours, and no melt water from snow or ice).

Personnel should be prepared to collect samples during any outfall inspection, because dry weather flow is sometimes intermittent, and if personnel need to return to the site later in the same day, or several days later, the dry weather flow may no longer be present.

Samples will be collected from a flowing source only (not from stagnant water), and where the pipe outlet has at least 1 or 2 inches of free-flowing drop before any standing water or pool below it. Stagnant water should not be sampled unless the municipality deems it necessary for some reason.



*This outfall, though in poor condition because it is cantilevered, provides a good opportunity for a clean catch of its discharge.*



*This outfall is partially submerged and a clean catch of its discharge is not possible. If tidal influences are strong, wait until low tide to sample. Additional options include: sampling upstream structures or using sand bags around the outfall to prevent contamination from backflow.*

**Table 1** provides a list of equipment that is generally required for dry weather outfall monitoring.

**Table 1 Field Equipment for Monitoring**

1 Gallon of Distilled or de-ionized water for rinsing
1 Roll Paper towels
3-5 clean plastic 250 ml beakers for water sample collection in Baggie marked “Clean” or disposable “whirl bags”
Garbage bags
1 long sampling pole
Equipment to remove and access catch basin covers if needed (pull, hammer, crowbar)
Field equipment/test kits (see Table 2) and bottles for any laboratory samples or off-site field test kits. Ensure field test kits reagents have not expired typically keep bottles for 3-5 samples available
Non-latex gloves
Box of 1 gallon plastic bags
Cooler with ice
Camera or phone
Safety Vest
Steel toed boots, waterproof
scissors
Sun screen and bug spray
Clip board
3-5 Field Data Sheets (See Addendum 1 for examples)
Chain of Custody (obtain from laboratory or see Addendum 3 for examples)
Sharpies and water-proof pens
Packing tape and Duct tape
Sheet of blank labels for bottles
First aid kit
Small white board with pen to mark outfall ID, date, and time in photo

For each outfall sampled, a Field Data Sheet will be used to document the date, time, and location of sample(s) collected, weather conditions, any general observations related to the tests being performed, and results of any parameters analyzed using field equipment or test kits. Note that the Field Data Sheet has a place to document sample observations including odor, color, turbidity, presence of algae, etc. The observations can be documented in this location instead of, or in addition to the observations made during the normal outfall inspection (which should be conducted in accordance with the MS4’s IDDE Plan or SOP).

Sample bottles that will be taken away from the sampling site for analysis will be labelled with the date, time and sample location as well as the name of the sampler. Example labels are provided in Addendum 1 along with an example field data collection sheet.

When using a third-party laboratory for any off-site analysis, sample bottles should be obtained before the sampling event. Coordination with the laboratory is also recommended to ensure that sample hold times and preservation requirements are being met. If samples are being collected on a Friday, some laboratories need prior notice to meet short hold times. Analytical methods, hold times and other pertinent information is described in Section 3 of this QAPP.

After sampling events, any reusable sample collection containers will be cleaned with soap and water or trisodium phosphate and water. Cleaning will be completed in a location where wash

water can be discharged to a licensed wastewater treatment plant, sanitary sewer, or septic system.

### 3.0 Analyses and Reporting limits

The MS4 General Permit does not require samples to be analyzed using Clean Water Act (CWA) Methods published in 40 Code of Federal Regulations Chapter 136. The use of field equipment/test kit(s) and laboratories are both allowed. The MS4 General Permit does not require samples to be analyzed by a laboratory that is certified by the Maine DEP. However, this QAPP specifies that when a commercial laboratory is used for a CWA method, it will be certified by the Maine DEP for the CWA method specified.

Use of a certified laboratory is specified in this QAPP because the data generated by a certified lab would be more likely to stand up in a court of law than data generated by a non-certified lab.

A list of commercial certified laboratories is available on the Maine DEP website at: <https://www.maine.gov/dhhs/mecdc/environmental-health/dwp/professionals/labCert.shtml> . Note also that many Wastewater Treatment Plants conduct bacteria analysis for operational purposes. If there is a Wastewater Treatment Plant in the area, it can also be used for the bacteria screening.

This QAPP does not specify CWA methods or Maine DEP certification for use of field equipment/test kit(s).

**Table 2** provides information related to sampling parameters, analysis methods, and sample preservation and holding times that may be used during dry weather outfall monitoring. Analysis methods specified in **Table 2** include CWA methods, field equipment, and test kits, where applicable. **Table 2** also provides information on when a given CWA Method, Field Equipment, or Test Kit might be preferable if there are multiple options for a given parameter.

Prior to sampling, the sampler and Stormwater Manager or Coordinator will determine what analysis method (CWA Method, Field Equipment, or Test Kit ) will be used.

User manual(s) and safety data sheets (SDS) for field equipment and/or test kit(s) that will be utilized for dry weather monitoring are included as Addendum 4 to this QAPP, or may be kept in a separate electronic or paper location as long as they are easily accessible to the field personnel who will be conducting the monitoring.

The Town of Cumberland has modified Table 2 to show its preferred methods in the comment section of the table, but may modify their method if they deem it necessary to do so.

**Table 2 Sampling Parameters, Analysis Methods, and Sample Preservation and Holding Times**

<b>Bacteria - select one or more based on discharge environment</b>	<b>CWA Method, Field Equipment, or Test Kit</b>	<b>Preservation</b>	<b>Holding time</b>	<b>Bottle needed</b>	<b>Notes on Use</b>
Bacteria - E. coli	SM 9223 B (IDEXX Colilert Quanti-Tray) EPA 1603 (membrane filtration, MF) Or SM 9221 B (Most probable number, MPN)	Ice	To lab within 6 hours Analyze within 2 hours of receipt	120 ml or 250 ml plastic sterile bottle with lid from lab	Use for discharges to freshwater (with ammonia and either optical enhancers or surfactants)  <b>Prefer this method for freshwater</b>
Bacteria - enterococcus	SM 9230 B, C or D, (MPN including IDEXX Enterolert, or MF) EPA 1600 (MF)	Ice	To lab within 6 hours Analyze within 2 hours of receipt	120 ml or 250 ml plastic sterile bottle with lid from lab	Use for discharges to salt water (with ammonia and either optical enhancers or surfactants)  <b>Prefer this method for marine/saline waters</b>
Bacteria – Fecal Coliform	SM 9222 D (MF CFU/100ml) Or SM 9221 C, E (Multitube MPN/100ml)	Ice	To lab within 6 hours Analyze within 2 hours of receipt	120 ml or 250 ml plastic sterile bottle with lid from lab	Use for discharges to salt or freshwater (with ammonia and either optical enhancers or surfactants)
Bacteria – Human Bacteroides	Labs: EMSL (NJ), Microbial Insights (TN) or Source Molecular (FL) Or Dr. Steve Jones, UNH	Ice	To lab within 24 hours Analyze within 48 hours	1000 ml plastic bottle with sodium thiosulfate from lab (with insulated shipping box)	Use for discharges to salt or freshwater (with ammonia and either optical enhancers or surfactants).  Not a CWA method, so Maine Laboratory certification not required.  <b>Prefer this method when needed to confirm no human source</b>

**Table 2 Sampling Parameters, Analysis Methods, and Sample Preservation and Holding Times**

<b>Ammonia (select one method)</b>	<b>CWA Method, Field Equipment, or Test Kit</b>	<b>Preservation</b>	<b>Holding time</b>	<b>Bottle needed</b>	<b>Notes on Use</b>
Ammonia	Hach Ammonia Test Strips	None	Immediate (w/in 15 minutes) in Field	Field jar or beaker	
Ammonia	Laboratory Method EPA 350.1/350.2	H <sub>2</sub> SO <sub>4</sub> (pH <2) + Ice	28 days	250 ml plastic bottle from lab	
Ammonia	Hach DR300 Pocket Colorimeter Ammonia Nitrogen or LaMotte 3680-01 DC1200 Colorimeter test kit	None	Immediate (w/in 15 minutes) in Field	Field jar or beaker	Reagent contains Mercury, Generates a Toxic Hazardous Waste (D009)  instructional video (10 minutes): <a href="https://www.youtube.com/watch?v=hFiEEEAhWfo">https://www.youtube.com/watch?v=hFiEEEAhWfo</a> <b>Prefer this method</b>
<b>Total Residual Chlorine (select one method)</b>	<b>CWA Method, Field Equipment, or Test Kit</b>	<b>Preservation</b>	<b>Holding time</b>	<b>Bottle needed</b>	<b>Notes on Use</b>
Chlorine	Field kit – Hach Colorimeter II low range	None	Immediate (w/in 15 minutes) in Field	Field jar or beaker	Instructional video available at: <a href="https://www.youtube.com/watch?v=WTTUD0Hq1Vw">https://www.youtube.com/watch?v=WTTUD0Hq1Vw</a>
Chlorine	Industrial test Systems Ultra-Low Total Chlorine Test Strips and other mid range chlorine test strips	None	Immediate (w/in 15 minutes) in Field	Field jar or beaker	As of 6/2020, USEPA had not used Ultra low chlorine test strips (0.2 to 0.5 mg/L). Informal review shows these should be used simultaneously with a mid range (0.5 to 10 mg/l) test strips to double check range. <b>Prefer this method</b>
<b>Temperature and Conductivity (use both)</b>	<b>CWA Method, Field Equipment, or Test Kit</b>	<b>Preservation</b>	<b>Holding time</b>	<b>Bottle needed</b>	<b>Notes on Use</b>
Temperature	Temperature/ Conductivity probe	None	Immediate (w/in 15 minutes) in Field	Field jar or beaker	Use to distinguish between groundwater and surface water.
Conductivity	Temperature/ Conductivity probe	None	Immediate (w/in 15 minutes) in Field	Field jar or beaker	Use to distinguish between salt water and fresh water.



**Table 2 Sampling Parameters, Analysis Methods, and Sample Preservation and Holding Times**

Optical Enhancers or Surfactants (select one)	CWA Method, Field Equipment, or Test Kit	Preservation	Holding time	Bottle needed	Notes on Use
Surfactants	SM5540C	Ice	To lab within 24 hours Analyze within 48 hours	500 ml plastic bottle from lab	Works on most soaps (laundry detergent, personal care products, dish soap) <b>Prefer this method</b>
Surfactants	CheMetrics K-9400 field test kit (see Maine DEP guidance on handling and disposal in <b>Addendum 2</b> )	None	Immediate (w/in 15 minutes) in Field	Field jar or beaker	Works on most soaps (laundry detergent, personal care products, dish soap). Contains alcohol and chloroform. Generates a Flammable (D001) and Toxic (D022) Hazardous Waste. Do not use test kit in the field unless licensed to transport hazardous wastes. Instructional Video available at: <a href="https://www.youtube.com/watch?v=6vwiZgWqa04">https://www.youtube.com/watch?v=6vwiZgWqa04</a>
Optical brighteners	VWR handheld UV lamp: UV-A: 360-365 nm, model number 89131-488	None	Analyze within 7 days	Unbleached cotton pad wetted with sample placed in sealed baggie	Works only on water with high to moderate laundry detergent. Provides only presence/absence.
Optical brighteners	Maine Healthy Beaches Fluorometer (\$15,000 unit)	None	Keep in a dark container, provide to MHB in 1-2 days, analyze within 7 days	Whirl bag or 100 ml plastic bottle.	Provides semi-quantitative numeric fluorescence of sample. Need to provide sample to MHB in bottle or whirl bag (in a box or cooler). One week hold time. Provide advanced notice to coordinate delivery to office. Organic matter or tannins, or color will interfere.

## 4.0 Quality Control

The following are the reporting limits required by the MS4 General Permit:

Ammonia: 0.5 mg/L  
Surfactants: 0.25 mg/L  
Total Residual Chlorine: 0.05 mg/L  
E. coli bacteria 4 cfu/100 ml  
Enterococcus 10 cfu/100 ml

To ensure the data collected meets the required reporting limits, the MS4 permittee will use either a Maine Certified Laboratory or one of the field equipment/test kit methods listed in **Table 2** to assess dry weather flow.

Each of the test kits listed in **Table 2** has a use range that is appropriate for the work being conducted, and which meets the MS4 required reporting limits.

Test kit reagents that have expired will not be used. Test kit and temperature/conductivity probes that have useful life limits will be replaced when they have reached the end of their useful lives.

Maine Certified Laboratories have standard reporting limits for the parameters that conform to the MS4 General Permit required reporting limits.

**4.1 Equipment or Rinsate Blanks.** For most instances, dedicated equipment and containers are used to collect samples, so that equipment and rinsate blanks are not required to be collected and analyzed. However, if equipment or collection containers are being used multiple times in the field for different sample locations, they should be cleaned in between samples, wash water should be collected in the field and disposed of when returning to office or lab spaces, and equipment or rinsate blanks should be collected and assessed. The USEPA Volunteer Monitor's Guide to Quality Assurance Project Plans has additional guidance on how to complete these tasks (EPA Document 841-B-96-003).

## 5.0 Field Data Sheets and Chain of Custody

As described in Sampling Procedures, Field Data Sheets will be used to document sample collection. Field Data sheets will document the type of field equipment or test kit(s) used and results of any in-situ analysis. Example Field Data Sheets are provided in Addendum 1 to this QAPP.

Whenever samples will be sent to a laboratory for analysis, a Chain of Custody will be used to document sample collection dates, times, analytical methods requested, and custody of the sample from the time it was collected, until the time it was analyzed. Example Chains of Custody are provided in **Addendum 3** to this QAPP.

## 6.0 Data Reports

Field data collection sheets shall constitute data reports for analyses using field equipment or test

kits.

Whenever samples are sent to a laboratory for analysis, data reports are provided by the laboratory showing the sample location, date and time of collection, results of the analysis, the reporting limit, the person who conducted the analysis, the analytical method used.

## **7.0 Data Review and Follow up**

Once all data has been received, it will be reviewed by a Stormwater Manager or Coordinator. Data shall also be stored electronically or in paper format for at least 3 years following the expiration date of the MS4 General Permit, as required by the MS4 General Permit.

If the person collecting the sample is the Stormwater Manager or Coordinator, they may opt to have another municipal staff person review the data, or a Stormwater Manager or Coordinator from another municipality if they deem it necessary to assist in the overall investigation. Data should be reviewed within 2 weeks of receipt and additional investigations should be scheduled or implemented to identify the source of any potential illicit discharge if any of the thresholds in **Table 3** are exceeded.

**Table 3 Thresholds for Additional Investigation**

Parameter	Threshold Level for Additional Investigation	Notes/Discussion
E. coli	236 cfu/100 ml – discharges into freshwater rivers or streams	All classifications of flowing fresh surface water in Maine (AA, A, B and C) have a standard that no more than 10% of the samples may exceed this concentration in any 90 day interval. A fresh surface water is at risk of impairment if it is receiving significant discharges from human sources above this concentration.
E. coli	194 cfu/100 ml – discharges into freshwater ponds	Great Ponds and lakes less than 10 acres have a standard that no more than 10% of the samples may exceed this concentration in any 90 day interval. A water of this type is at risk of impairment if it is receiving significant discharges from human sources above this concentration.
Enterococci	54 CFU/100 ml – discharges into saline/estuarine Class SA or SB	These waters have a standard that no more than 10% of the samples may exceed this concentration in any 90 day interval. A water is at risk of impairment if it is receiving significant discharges from human sources above this concentration. (Note Maine Healthy Beaches threshold is 104 MPN/100 ml)
Enterococci	94 CFU/100 ml – discharges into saline/estuarine Class SC	These waters have a standard that no more than 10% of the samples may exceed this concentration in any 90 day interval. A water is at risk of impairment if it is receiving significant discharges from human sources above this concentration. (Note Maine Healthy Beaches threshold is 104 MPN/100 ml)
Fecal Coliform	61 cfu/100 ml (2 times 31 cfu/100 ml for MF) to 100 cfu/100ml	The low end of this threshold is two times the 90 <sup>th</sup> percentile standards that DMR applies for approved (open) shellfish harvesting areas and is very conservative (90% of the samples collected from the area must be above these concentrations for the harvesting area to remain open and completely unrestricted for shellfish harvesting. See Addendum 2 for additional info from DMR)
Human Bacteroides	Any concentration may be indicative of human sewage, but MHB considers 4,200 col/100ml HB to be equivalent to the level of contamination that exceeds the EPA acceptable risk of gastrointestinal illness to swimmers. (Rothenheber and Jones, 2018 and Boehm, Soller and Shanks 2015)	Any concentration of human source of sewage should be investigated.
Ammonia	≥ 0.50 mg/L	This is the effective reporting limit of the Ammonia test strips and was taken from USEPA Draft 2012 Bacteria Source Tracking Protocol.
Chlorine	≥ 0.05 mg/L	Limit of test kit and was taken from USEPA Draft 2012 Bacteria Source Tracking Protocol.

Parameter	Threshold Level for Additional Investigation	Notes/Discussion
Surfactants	≥ 0.25 mg/L	Taken from USEPA Draft 2012 Bacteria Source Tracking Protocol.
Optical Brighteners	≥ 100 ug/L ) (≥ 0.10 mg/L)	This is used by Maine Healthy Beaches as an actionable threshold. If using a handheld fluorometer, conduct further investigation if presence of optical brighteners is detected

MS4s should use the thresholds listed above and the following general guidance to make determinations whether an outfall requires additional investigation for illicit discharges:

Outfalls that have some visual evidence of an illicit discharge and exceed at least one of the above thresholds and should be investigated further using techniques described in the MS4s IDDE Plan.

Outfalls that do not have any visual evidence of an illicit discharge but exceed more than one of the above thresholds should be investigated further using techniques described in the MS4s IDDE Plan

As described in Section 1 of this QAPP, if the above thresholds are not exceeded, the MS4 may make the determination that the flow is from uncontaminated groundwater, water from a natural resource, or an allowable non-stormwater discharge.

**Revisions:**

1. Original document prepared for 2022 MS4 General Permit Submission to Maine DEP
2. Updated 2022 to remove optional and voluntary items.

**Addenda**

1. Example Field Data Collection Sheet and labels
2. References:
  - a. E-mail on Surfactant field kit handling of residuals from DEP staff
  - b. E-mail on Fecal Coliform thresholds from DMR listed in Table 3
3. Example Chains of Custody
4. User Manual(s) and Safety Data Sheets (SDS) for Field Equipment and/or Test Kit(s) (This is an optional addendum. The information must be located where field personnel can access electronically or in paper form, so this Addendum can be used as a place to describe where field personnel will find equipment, manuals and SDSs).

**References:**

Rothenheber and Jones 2018. *Enterococci Concentrations in a Coastal Ecosystem are a function of fecal source input*. Published in Applied Environmental Microbiology, July 13, 2018.

Boehm, Soller and Shanks 2015. *Human-Associated Fecal Quantitative Polymerase Chain Reaction Measurements and Simulated Risk of Gastrointestinal Illness in Recreational Waters Contaminated with Raw Sewage*. Published in Environmental Science and Technology Letters 2015, 2, 270-275.

# **Addendum 1**

## **Example Field Data Collection Sheet and labels**

## Field Data Collection Sheet for Dry Weather Outfall Monitoring

Date _____	Project Name _____
Time _____	_____
Sampler's Name _____	Project Location _____
Weather: _____	
Sample Type: _____	
Sample Location/Sketch: _____	

### Field Parameters to Monitor

Parameter	Result (units)	Equipment Used	Threshold triggering additional investigation (see QAPP)
Temperature (all flows)	C/F		No threshold. FYI: Temp. is dependent on season. Groundwater is typically 40-55 F. Surface water can be hotter or colder.
Conductivity (all flows)	µs		No threshold. FYI: Groundwater is typ. Less than 1000 µs. Freshwater can be as high as 2000 µs. Saltwater can be as high as 55,000 µs.
Ammonia (potential bacteria sources)	mg/L	Hach Test Strips	≥ 0.50 mg/L
Surfactants or Optical Brighteners (potential bacteria sources)			Surfactants ≥ 0.25 mg/L Optical Brighteners ≥ 100 ug/L or if present
Chlorine (potential chlorine sources)	mg/l	Hach Colorimeter II low range	≥ 0.05 mg/L (test kit limit)

Observations (unless already documented as part of outfall inspection: odor, color, turbidity, algae, etc): \_\_\_\_\_

### Laboratory Analyses (see QAPP for thresholds)

Parameter	Method/ Lab Code	Comments
E. coli	SM 9223 B, EPA 1603, or SM 9221 B	For freshwaters
Enterococci	SM 9230 or EPA 1600	For marine/estuarine waters
Fecal Coliform	SM 9222 D or SM 9221 D, E	For fresh or marine/estuarine waters
Human Bacteriodes	qPCR	For fresh or marine/estuarine waters

### Comments/Field Notes




This set of labels was designed to be used with Avery 5366 labels, but you can use any labels.

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## **Addendum 2**

### **-Reference E-mails**

## Kristie Rabasca

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**From:** Lewis, Bryant J <Bryant.J.Lewis@maine.gov>  
**Sent:** Thursday, October 31, 2019 4:46 PM  
**To:** Kristie Rabasca; Wahle, Benjamin  
**Subject:** RE: simple summary of Fecal concentrations for open vs seasonal vs restricted vs prohibited?

Kristie,

I did misunderstand the question. Unless there is a specific area of concern where we are collaborating on a special study with a town, we typically provide a yearly update for each station's geomean and P90 incorporating the most recent 30 sample scores. That annual trend is provided to towns so we are not usually contacting a town based on any one score to tell them that there might be a problem.

However- if trying to determine a trigger on a single sample, there is some subjectivity to the answer. I would suggest a value between 50-100 as a high value trigger. There is merit to your suggestion of using twice the 31 value as well since that is within that range. Often, our Scientists would use 100 as the high score value as their own flag to watch a station since an area that is already at risk of exceeding the approved standard based on the last 30 samples would likely go over a P90 of 31 with a 100 added. I think you would likely accomplish your goal by using any of the three values; 50, 62, or 100. I would recommend starting with 62 then re-evaluating after some data is built up to determine if that should be increased or decreased based on program needs.

Bryant Lewis  
ME Department of Marine Resources  
Growing Area West Program Supervisor  
194 McKown Point Road  
West Boothbay Harbor, ME 04575  
Tel: 207-633-9401  
Cell: 207-215-4107

---

**From:** Kristie Rabasca <krabasca@integratedenv.com>  
**Sent:** Thursday, October 31, 2019 2:42 PM  
**To:** Lewis, Bryant J <Bryant.J.Lewis@maine.gov>; Wahle, Benjamin <Benjamin.Wahle@maine.gov>  
**Subject:** RE: simple summary of Fecal concentrations for open vs seasonal vs restricted vs prohibited?

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

H Bryant,

I do a lot of illicit discharge investigations with and for the municipalities. Maybe I did not phrase my question properly.

For a single sample, at what concentration would DMR say to a municipality: "we think there might be a problem here". Is that concentration the 90<sup>th</sup> percentile number? 31? Or twice that?

Or do you wait until you see the GM or P90 number get close to its threshold for multiple samples?

Kristie L. Rabasca, P.E.  
207-415-5830 (cell)

---

**From:** Lewis, Bryant J <[Bryant.J.Lewis@maine.gov](mailto:Bryant.J.Lewis@maine.gov)>  
**Sent:** Thursday, October 31, 2019 2:33 PM

**To:** Kristie Rabasca <[krabasca@integratedenv.com](mailto:krabasca@integratedenv.com)>; Wahle, Benjamin <[Benjamin.Wahle@maine.gov](mailto:Benjamin.Wahle@maine.gov)>

**Subject:** RE: simple summary of Fecal concentrations for open vs seasonal vs restricted vs prohibited?

Kristie,

I would suspect DEP and possibly the municipality should be contacted for possible illicit discharges.

We use DMR water quality stations to classify growing area waters. As part of our program, we also conduct surveys of the shoreline where we look for malfunctioning septic systems and other pollution sources and sample the mouths of streams entering growing area waters; however, we do not conduct investigations to determine the sources of contamination. Generally, it is up to the municipality to investigate degrading water quality while sometimes DEP can provide some additional assistance. If there is an area where water quality was degrading we would provide the municipality the information we have if they wished to investigate. The municipality would likely need to do additional work to locate the source of contamination but the information you are describing would likely be valuable in their effort.

Bryant Lewis

ME Department of Marine Resources  
Growing Area West Program Supervisor  
194 McKown Point Road  
West Boothbay Harbor, ME 04575  
Tel: 207-633-9401  
Cell: 207-215-4107

---

**From:** Kristie Rabasca <[krabasca@integratedenv.com](mailto:krabasca@integratedenv.com)>

**Sent:** Wednesday, October 30, 2019 9:00 AM

**To:** Lewis, Bryant J <[Bryant.J.Lewis@maine.gov](mailto:Bryant.J.Lewis@maine.gov)>; Wahle, Benjamin <[Benjamin.Wahle@maine.gov](mailto:Benjamin.Wahle@maine.gov)>

**Subject:** RE: simple summary of Fecal concentrations for open vs seasonal vs restricted vs prohibited?

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Thanks so much for this. We are using it because some communities will be sampling outfalls that are discharging into marine environments for fecal coliform as a screening tool when looking for illicit discharges. The MS4 General Permit requires that the communities regulated for their stormwater discharges do sampling whenever an outfall is flowing after three days of dry weather. We are telling them to notify DMR of the results, and wanted to have some guidelines for when they should be concerned. I know that your scores are very conservative because they are all about the FDA and ingestion of shellfish.

I have attached a QAPP that we are using and you will see the table in the back has a "threshold" for additional investigation if the town is monitoring for fecal coliform. Please note that the samples they are collecting are discharges from outfalls into the water body – not from the water body.

Would you investigate further if the thresholds for 90<sup>th</sup> percentile for open areas were exceeded? Or would you use 2x that? Or some other number.

Hopefully you understand my question....

Kristie L. Rabasca, P.E.  
207-415-5830 (cell)

---

**From:** Lewis, Bryant J <[Bryant.J.Lewis@maine.gov](mailto:Bryant.J.Lewis@maine.gov)>

**Sent:** Monday, October 28, 2019 10:16 AM

**To:** Wahle, Benjamin <[Benjamin.Wahle@maine.gov](mailto:Benjamin.Wahle@maine.gov)>; Kristie Rabasca <[krabasca@integratedenv.com](mailto:krabasca@integratedenv.com)>

**Subject:** RE: simple summary of Fecal concentrations for open vs seasonal vs restricted vs prohibited?

Kristie,

This webpage explains the classifications.

<https://www.maine.gov/dmr/shellfish-sanitation-management/programs/growingareas/howclassified.html>

The NSSP Model Ordinance dictates how we calculate water quality scores. A 90<sup>th</sup> percentile based on the most recent 30 samples providing a score of 31 or less is Approved, 32-163 is Restricted and above 163 is Prohibited. There is a link to the Model Ordinance on our website, if needed. It describes how to calculate scores for systematic random sampling using membrane filtration.

<https://www.maine.gov/dmr/shellfish-sanitation-management/programs/growingareas/index.html>

I have also attached a document summarizing what is in the Model Ordinance for calculating water quality station scores.

Bryant Lewis  
ME Department of Marine Resources  
Growing Area West Program Supervisor  
194 McKown Point Road  
West Boothbay Harbor, ME 04575  
Tel: 207-633-9401  
Cell: 207-215-4107

---

**From:** Wahle, Benjamin  
**Sent:** Monday, October 28, 2019 9:28 AM  
**To:** Kristie Rabasca <[krabasca@integratedenv.com](mailto:krabasca@integratedenv.com)>  
**Cc:** Lewis, Bryant J <[Bryant.J.Lewis@maine.gov](mailto:Bryant.J.Lewis@maine.gov)>  
**Subject:** RE: simple summary of Fecal concentrations for open vs seasonal vs restricted vs prohibited?

Hi Kristie,

I'm actually going to refer you to Bryant Lewis, who is the Western Region Growing Area Supervisor. He'll be better able to explain DMR's classification system.

-Ben

---

**From:** Kristie Rabasca <[krabasca@integratedenv.com](mailto:krabasca@integratedenv.com)>  
**Sent:** Monday, October 28, 2019 8:03 AM  
**To:** Wahle, Benjamin <[Benjamin.Wahle@maine.gov](mailto:Benjamin.Wahle@maine.gov)>  
**Subject:** simple summary of Fecal concentrations for open vs seasonal vs restricted vs prohibited?

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good Morning Ben,

I worked with you in Eliot and Cape – and am looking on your website for a simple summary of the P90 concentrations that trigger the various restrictions on shellfishing.

Does such an animal exist? If so, could you share it?

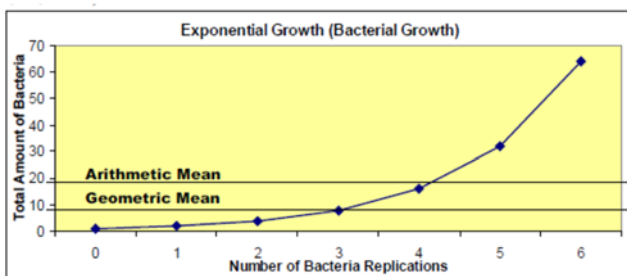
I am working on a QAPP for the stormwater folks and want to provide them with a reference that is accurate and truthed by DMR for when they are sampling outfalls near shellfishing areas.

Thanks for any help you can provide.

DMR uses a membrane filtration (MF) method for fecal coliform analysis using mTEC agar with a two-hour resuscitation step. The geometric mean and the 90<sup>th</sup> percentile are calculated on a minimum of the most recent 30 data points.

### Geometric Mean (Geomean):

The geometric mean, or geomean, is a type of averaging calculation. Unlike a simple average or arithmetic mean, the geomean takes into account the way bacteria grow. During bacterial growth, each bacterium doubles and reproduces itself i.e. one bacterium becomes two, two bacteria become four, four become eight and so on. There are low values at first and the rate of growth increases as the number of colonies increases. This is called exponential growth (Figure 1). This growth pattern means a fecal coliform dataset may have a few high scores and many low scores. The calculation for the geometric mean takes exponential growth into account by transforming the data into logarithms, taking the mean and then converting the number back to a log base 10 number. For example, the arithmetic mean of a fecal coliform score of 300, 150, 23 and 2 CFU/100ml is 119 CFU/100ml. Calculating the geomean, the result is 38 CFU/100ml.

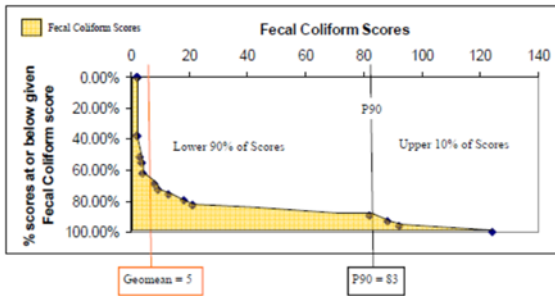
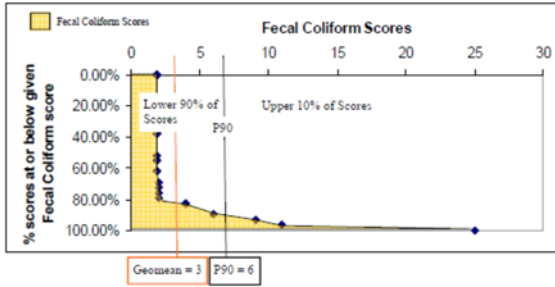


**Figure 1.** The graph illustrates exponential growth. The arithmetic mean for the scores is 18.1 while the geomean is 8.

### 90th Percentile (P90)

The other calculation used for shellfish growing area classification is the 90th percentile (P90). The P90 is the variability standard, meaning this value takes into account the variability of test readings. In any test measurement, successive readings of the same sample would produce slightly different scores each time due to precision of the equipment, human error, etc. This type of variability is a factor of the test method and equipment used and is true of all testing methods.

To account for the variability in the fecal coliform test, a standard has been established. Here again, since bacteria grows exponentially, the calculations are performed on a logarithmic scale. The P90 is based on the distribution of fecal coliform scores and means that 90% of scores are at are below the P90 and 10% scores are above (Figures 2a and 2b). As long as most of the other scores are low, a few high scores will not have a large impact on the P90 value. The P90 standard is the acknowledgment by the NSSP that a few high scores in data set may be due to the variability of the test method. If the area shows high fecal coliform scores intermittently due to pollution events such as rainfall, this may cause water quality to exceed the P90 standards because the shellfish are intermittently subject to polluted waters. For classification determinations, P90s are rounded to the nearest whole number. 0.1-0.49 are rounded down and 0.5-0.9 are rounded up to the next whole number.



**Figures 2a and b.** The lower 90% of the scores fall to the left of the P90 line and 10% of the scores fall to the right. 2a has a low P90 because there are many low scores and a few high scores. 2b has a larger number of high fecal coliform scores, so the P90 is shifted to the right. Although the geomean of 2b passes the approved standard, the area would not be classified as approved because the P90 score is above the threshold.

### Fecal Coliform Standards by Shellfish Growing Area Classification Category

Shellfish Growing Area Classification	Activity Allowed	Geometric mean FC/100ml	90 <sup>th</sup> Percentile (P90) FC/100ml
Approved	Harvesting allowed	≤ 14	≤ 31
Conditionally Approved	Harvesting allowed except during specified conditions	≤ 14 in open status	≤ 31 in open status
Restricted	Depuration harvesting or relay only	≤ 88 and >15	≤ 163 and >31
Conditionally Restricted	Depuration harvesting or relay allowed except during specified conditions	≤ 88 in open status	≤ 163 in open status
Prohibited	Aquaculture seed production only	>88	>163

## Kristie Rabasca

---

**From:** Hudson, Michael S <Michael.S.Hudson@maine.gov>  
**Sent:** Monday, October 7, 2019 11:51 AM  
**To:** Kristie Rabasca  
**Cc:** Plummer, Cherrie F; Poirier, Rhonda  
**Subject:** FW: Proper handling and disposal of CheMetrics Surfactant field test kit residuals  
**Attachments:** surfactants\_CHEMetrics\_k9400instructs.pdf; surfactants\_CHEMetrics\_k9400\_SDSs.pdf; EIASOP-SWTestKits\_REV1.pdf

**Importance:** High

In response to the questions posed regarding proper handling and disposal of CheMetrics Surfactant field test kit residuals:

1. Can the Towns mix the liquids from a. and b. in a single container for disposal as D001 and D022 waste? Or do they need to keep them separate to dispose of them?  
Answer: Chloroform is miscible in alcohols such as n-propanol and is compatible. The Hazardous Waste Management Rules, 06-096 C.M.R. ch. 850 through 858, do not prohibit the mixing of compatible wastes. If mixed, the waste mixture should be coded as both D001 and D022. The town/generator could check with the licensed hazardous waste transporter it intends to use for the hazardous waste pick-up and disposal to determine if it is advisable or more cost effective to keep the wastes separate.
2. The n-propanol waste is super tough to get out of the vial – we pretty much just dispose of the whole vial. Is that okay? Or can we break the vial? And dispose of the empty glass as solid waste (as long as it is RCRA empty).  
Answer: The whole vials containing n-propanol can be disposed of as hazardous waste. If the generator chooses to break the vial to dispose of the n-propanol as hazardous waste and the glass as a solid waste, then the generator must ensure the broken vials are RCRA-empty. Again, the town/generator could check with the licensed hazardous waste transporter it intends to use for the hazardous waste pick-up and disposal to determine if it is advisable or more cost effective to break and empty the vials to dispose of the glass and n-propanol separately. Of course, care and safety measures should be employed if breaking and handling glass vials.
3. Most of these towns are going to be SQGs (Maine Definition), and are going to be generating this waste while they are out in the field over a period of months. Then after each event, they are going to drive it back to the public works facility and set up a SQG haz waste storage area until they can get rid of it (either at HHWD collection, or have a specific pick up). They have 1 year to dispose of it. Have I missed any exemptions or special conditions for this? Is it okay that they are driving it around? Or should they be bringing the water samples back to public works and running the surfactant analysis on it at public works so they don't have to transport it. (its easier for them to run the sample right there while they are at the site).  
Answer: It is preferable for the town/generator to bring samples back from field sites to its Public Works to do the test so that hazardous waste generated by the tests does not have to be transported from field sites. Under the rules, the town/generator would need hazardous waste licenses to transport or accept the hazardous wastes from off-site. Towns should set up a hazardous waste collection container for the hazardous wastes from the tests, with an appropriate size container, labeled as "Hazardous Waste" with an accumulation start date. If the town's Public Works is a Small Quantity Generator (SQG), i.e. it generates for all its hazardous wastes in aggregate no more than 27 gallons/month and accumulates no more than 55 gallon of all of its hazardous waste in aggregate, then the town/generator could accumulate the waste indefinitely until the container of hazardous waste from tests is full at which point the town/generator would have 180 days to ship



via licensed hazardous waste transporter. Town/ Public Works should not dispose of these waste through the Household HW collection programs because they are not household exempt wastes.

4. We are going to do a training of the use of this kit on 10/17 in Portland. I would really like for attendees to be able to practice use of the kit at that training. Do I need to schedule with NRCC or Clean Harbors to come pick up the waste that day (as a licensed transporter), or could one of the communities transport it back to their public works facility for storage until later disposal (during HHWD)?

Answer: Under the rules, the generator should arrange for waste pick-up at the site of generation. These hazardous wastes are not exempt under the household waste exclusion and are not acceptable at Household Hazardous Waste collections events.

The guidance above is based on the information provided below and the applicable rules, Hazardous Waste Management Rules, 06-096 C.M.R. ch. 850 through 858, without information on the number of test kits expected to be used, frequency of testing and volumes of anticipated waste accumulation. If you have questions or would like to discuss the specifics, please feel free to contact me at [Michael.s.hudson@maine.gov](mailto:Michael.s.hudson@maine.gov) or 207-287-7884, or Cherrie Plummer of the Hazardous Waste Management Unit. Cherrie's contact is [Cherrie.F.Plummer@maine.gov](mailto:Cherrie.F.Plummer@maine.gov) and 207-287-7882.

Michael S. Hudson, Supervisor, Hazardous Waste Management Unit  
Maine Department of Environmental Protection  
17 State House Station, Augusta, ME 04333-0017  
Tel. 207-287-7884  
[www.maine.gov/dep](http://www.maine.gov/dep)

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**From:** Poirier, Rhonda  
**Sent:** Monday, October 07, 2019 9:37 AM  
**To:** Hudson, Michael S <[Michael.S.Hudson@maine.gov](mailto:Michael.S.Hudson@maine.gov)>  
**Subject:** Proper handling and disposal of CheMetrics Surfactant field test kit residuals  
**Importance:** High

Hi Mike,

The sampling she's describing is required by one of the permits in my stormwater program. She is giving a workshop on it on 10/17 and would like to talk to the proper DEP person before that, for planning purposes. Can you help her?

Thank you,  
Rhonda

Rhonda Poirier  
MEPDES Stormwater Program Manager  
Bureau of Water Quality  
Maine Department of Environmental Protection  
207-592-6233  
[www.maine.gov/dep](http://www.maine.gov/dep)

---

**From:** Kristie Rabasca <[krabasca@integratedenv.com](mailto:krabasca@integratedenv.com)>  
**Sent:** Tuesday, October 01, 2019 4:02 PM  
**To:** Poirier, Rhonda <[Rhonda.Poirier@maine.gov](mailto:Rhonda.Poirier@maine.gov)>  
**Cc:** Aimee Mountain ([Aimee.Mountain@gza.com](mailto:Aimee.Mountain@gza.com)) <[Aimee.Mountain@gza.com](mailto:Aimee.Mountain@gza.com)>; Damon Yakovleff <[dyakovleff@cumberlandswcd.org](mailto:dyakovleff@cumberlandswcd.org)>  
**Subject:** Proper handling and disposal of CheMetrics Surfactant field test kit residuals

Hi Rhonda,

Thanks for taking my call.

I am developing a dry weather monitoring training session for the ISWG and SMSWG MS4s, and am developing a QAPP and some checklists.

We will need to use the CheMetrics K-9400 field test kit for surfactants. I have attached the instructions for the kit, and the Safety Data Sheets for the two reagents. Generally for each sample we will do the following:

1. Add 5 ml of water to a small plastic vial
2. Add 4ml of the double tipped reagent (SDS attached and it is flammable and contains 71% chloroform)
3. Shake
4. Use the 0.25 ml sealed glass ampule ( which is 98% N-propanol) to draw the organic phase out of the plastic vial with the water and the first reagent.
5. Use colorimeter to check detergent concentration of sample.

So the two wastes we have when done are:

- a. The mixture of the 5 ml water and the 4 ml 71% chloroform (which is still flammable) in the plastic vial (minus about 1 ml extracted into the n-propanol vial)
- b. About 1 ml of the n-propanol and the chloroform organic phase in a very small glass ampule.

I am requesting the EPA SOP on this – but I do not think it has the detail I want.

When I have used this in the past, I have given it to the municipality where it was generated and told them it was a **Doo1 Flammable and D022 Tox-chloroform waste**, and they hand it to clean harbors during household hazardous waste day.

**We are going to have a lot more people generating this waste – using these kits, and we need to handle it properly. As we provide them with guidance, we want to make sure it is right.**

**My questions are:**

1. Can the Towns mix the liquids from a. and b. in a single container for disposal as Doo1 and Do22 waste? Or do they need to keep them separate to dispose of them?
2. The n-propanol waste is super tough to get out of the vial – we pretty much just dispose of the whole vial. Is that okay? Or can we break the vial? And dispose of the empty glass as solid waste (as long as it is RCRA empty)
3. Most of these towns are going to be SQGs (Maine Definition), and are going to be generating this waste while they are out in the field over a period of months. Then after each event, they are going to drive it back to the public works facility and set up a SQG haz waste storage area until they can get rid of it (either at HHWD collection, or have a specific pick up). They have 1 year to dispose of it. Have I missed any exemptions or special conditions for this? Is it okay that they are driving it around? Or should they be bringing the water samples back to public works and running the surfactant analysis on it at public works so they don't have to transport it. (its easier for them to run the sample right there while they are at the site).
4. We are going to do a training of the use of this kit on 10/17 in Portland. I would really like for attendees to be able to practice use of the kit at that training. Do I need to schedule with NRCC or Clean Harbors to come pick up the waste that day (as a licensed transporter), or could one of the communities transport it back to their public works facility for storage until later disposal (during HHWD)?

So many questions.... Perhaps I could talk with someone at Haz waste.... Thanks for any help you can provide.



Kristie L. Rabasca, P.E

Integrated Environmental Engineering, Inc.

12 Farms Edge Road

Cape Elizabeth, ME 04170

207-415-5830

# **Addendum 3**

## **Example Chains of Custody**

# Laboratory Sample Chain of Custody

Client:	Contact:	Phone #:	Email
Address:	City:	State:	Zip Code:
Purchase Order #:	Proj. Name/No.:	Quote #:	
Bill (if different than above):		Address:	
Sampler (Print/Sign):		Copies To:	

<b>LAB USE ONLY</b>	Work Order #:	Analysis and Container Type Preservatives											
Remarks:  Shipping Info:      FEDEX      UPS      CLIENT Airbill No: Temp C                  Temp Blank                  Intact      Not Intact		Filt.	Filt.	Filt.	Filt.	Filt.	Filt.	Filt.	Filt.	Filt.	Filt.	Filt.	
		Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	

*	Sample Description	Date/Time Collected	Matrix water/soil /other	No. of Containers	Filt. Y/N	Filt. Y/N	Filt. Y/N	Filt. Y/N	Filt. Y/N	Filt. Y/N	Filt. Y/N	Filt. Y/N	Filt. Y/N

COMMENTS:

Relinquished By:	Date/Time	Received By:	Relinquished By:	Date/Time	Received By:
Relinquished By:	Date/Time	Received By:	Relinquished By:	Date/Time	Received By:



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**EMSL Order Number** (Lab Use Only):

EMSL ANALYTICAL, INC.  
200 ROUTE 130 NORTH  
CINNAMINSON, NJ 08077

PHONE: (800) 220-3675  
FAX: (856) 786-0262

<b>Company :</b>		<b>EMSL-Bill to:</b> <input type="checkbox"/> Same <input type="checkbox"/> Different If Bill to is Different please note in Comments**					
<b>Street:</b>		<i>Third Party Billing requires written authorization from third party</i>					
<b>City:</b>	<b>State/Province:</b>	<b>Zip/Postal Code:</b>	<b>Country:</b>				
<b>Report To (Name):</b>		<b>Fax #:</b>					
<b>Telephone #:</b>		<b>E-mail Address:</b>					
<b>Project Name/ Number:</b>							
<b>Please Provide Results:</b> <input type="checkbox"/> Fax <input type="checkbox"/> E-mail		<b>PO#</b>	<b>State Samples Taken:</b>				
<b>Turnaround Time (TAT) Options* - Please Check</b>							
<input type="checkbox"/> 3 Hour	<input type="checkbox"/> 6 Hour	<input type="checkbox"/> 24 Hour	<input type="checkbox"/> 48 Hour	<input type="checkbox"/> 72 Hour	<input type="checkbox"/> 96 Hour	<input type="checkbox"/> 1 Week	<input type="checkbox"/> 2 Week
<small>*Analysis completed in accordance with EMSL's Terms and Conditions located in the Analytical Price Guide. TATs are subject to methodology requirements.</small>							
<b>Fungi</b>		<b>Bacteria</b>		<b>Insects</b>			
<input type="checkbox"/> ERMI Panel (M180) <i>Dust Only</i>		<input type="checkbox"/> Human <i>Bacteroides</i> (M199)		<input type="checkbox"/> Bed Bug ( <i>Cimex lectularius</i> ) (M146)			
<input type="checkbox"/> EPA 36 Panel (M233) <i>Air, Swab</i>		<input type="checkbox"/> Total <i>Bacteroides</i> (M095)		<input type="checkbox"/> Tick - <i>Anaplasma phagocytophilum</i> Anaplasmosis (M261)			
<input type="checkbox"/> Water Damage 20 Panel (M181)		<input type="checkbox"/> <i>E. coli</i> O157:H7 (M140)		<input type="checkbox"/> Tick - <i>Babesia microti</i> Babesiosis (M260)			
<input type="checkbox"/> Wood Rot Fungi 10 Panel (M232)		<input type="checkbox"/> <i>E. coli</i> (M200)		<input type="checkbox"/> Tick - <i>Borrelia burgdorferi</i> Lyme disease (M196)			
<input type="checkbox"/> <i>Aspergillus</i> 15 Panel (M186)		<input type="checkbox"/> Total <i>Enterococcus</i> (M096)		<b>Other</b>			
<input type="checkbox"/> <i>Aspergillus</i> 6 Panel (M188)		<input type="checkbox"/> <i>Helicobacter pylori</i> (M207)		<input type="checkbox"/> <i>Acanthamoeba</i> spp. (M147)			
<input type="checkbox"/> <i>Penicillium</i> 13 Panel (M189)		<input type="checkbox"/> <i>Legionella pneumophila</i> (M103)		<input type="checkbox"/> <i>Cryptosporidium</i> spp. (M237)			
<input type="checkbox"/> Customized Fungi Panel (M100)		<input type="checkbox"/> <i>Legionella</i> 4 species-EPA (M162)		<input type="checkbox"/> <i>Giardia</i> spp. (M149)			
<input type="checkbox"/> <i>Penicillium</i> Mycotoxin 9 Panel (M190)		<input type="checkbox"/> <i>Legionella</i> Broad Screen (M163)		<input type="checkbox"/> Enterovirus RT-PCR (M142)			
<b>Birds, Animal Droppings</b>		<input type="checkbox"/> MRSA (M203)		<input type="checkbox"/> Food Authentication (F130)			
<input type="checkbox"/> <i>Chlamydophila psittaci</i> (M234)		<input type="checkbox"/> <i>Mycobacterium avium</i> (M144)		<input type="checkbox"/> GMO Analysis (F131)			
<input type="checkbox"/> <i>Cryptococcus neoformans</i> (M143)		<input type="checkbox"/> <i>Mycobacterium tuberculosis</i> (M159)		<input type="checkbox"/> DNA Barcode Analysis (M195)			
<input type="checkbox"/> <i>Histoplasma capsulatum</i> (M208)		<input type="checkbox"/> <i>Pseudomonas aeruginosa</i>		<input type="checkbox"/> DNA Sequencing Fungi/Bacteria Isolates (M192)			
<input type="checkbox"/> Raccoon Roundworm (M236)		<input type="checkbox"/> <i>Salmonella</i> spp. (M141)		<input type="checkbox"/> Special Request:			
<input type="checkbox"/> Rodent (Mouse, Rat) Dropping (M271)		<input type="checkbox"/> <i>Shigella</i> spp. (F122)					
<b>Sample #</b>	<b>Sample Location</b>	<b>Sample Type</b>	<b>Test Code</b>	<b>Volume/Area</b>	<b>Date/Time Collected</b>		
<b>Client Sample # (s):</b> -				<b>Total # of Samples:</b>			
<b>Relinquished (Client):</b>				<b>Date:</b>	<b>Time:</b>		
<b>Received (Lab):</b>				<b>Date:</b>	<b>Time:</b>		
<b>Comments:</b>							

Additional Pages of the Chain of Custody are only necessary if needed for additional sample information



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Sample #	Sample Location	Sample Type	Test Code	Volume/Area	Date/Time Collected

**\*\*Comments/Special Instructions**

**Addendum 4**  
**User Manual(s) and Safety Data Sheets (SDS) for**  
**Field Equipment and/or Test Kit(s)**  
**(This is an optional addendum. The information**  
**must be located where field personnel can access**  
**electronically or in paper form, so this**  
**Addendum can be used as a place to describe**  
**where field personnel will find equipment,**  
**manuals and SDSs).**



## **ATTACHMENT D**

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### **COORDINATION LETTERS WITH INTERCONNECTED MS4S**

Interconnected MS4	Date of update	Contact	Phone	E-mail
Maine DOT	6/20/2022	Peter Newkirk	207-877-5081	<a href="mailto:Peter.Newkirk@maine.gov">Peter.Newkirk@maine.gov</a>
Town of Yarmouth	2/25/2021	Steve Johnson	207-846-2401 (o)	<a href="mailto:sjohnson@yarmouth.me.us">sjohnson@yarmouth.me.us</a>
Town of Falmouth	2/25/2021	Justin Early	207-781-3919	<a href="mailto:jeary@falmouthme.org">jeary@falmouthme.org</a>

### **Kristie Rabasca**

**From:** Laura Neleski <[Ineleski@cumberlandmaine.com](mailto:Ineleski@cumberlandmaine.com)>  
**Sent:** Thursday, February 25, 2021 4:18 PM  
**To:** Steven Johnson; Justin Early; [kerem.gungor@maine.gov](mailto:kerem.gungor@maine.gov)  
**Cc:** Kristie Rabasca  
**Subject:** Correction to Coordination Letter from the Town of Cumberland

I apologize for the earlier typo. Please read this corrected version:

The Town of Cumberland is regulated by the 2013 Maine General Permit for the Discharge of Stormwater from our Municipal Separate Storm Sewer System (MS4). Our mapping shows that we have cross connection (some of your MS4 system flows into ours and/or some of our MS4 system flows into yours).

With this letter we are acknowledging that you will notify us of any illicit discharges or spills in your MS4 that could affect our MS4. We will also notify you of any illicit discharges in our MS4 that may affect your MS4 system.

If you have any MS4 related issues, please contact me at Cumberland Town Hall at 207-829-2220 or email me at [Ineleski@cumberlandmaine.com](mailto:Ineleski@cumberlandmaine.com) during regular business hours. In the event of an emergency after hours, please contact 911 who will relay any pertinent information to our town.

Also, the Town intends to apply for coverage under the 2022 MS4 General Permit and as such, is preparing their Stormwater Management Plan and Illicit Discharge Detection and Elimination Plan. This letter constitutes notice that we are applying for continued coverage and we will be providing formal public notice in March 2021.

Thank you for your consideration in the matter.

Sincerely,



Laura Neleski  
Public Services Administrative Assistant &  
Stormwater Program Coordinator, Town of Cumberland  
207-829-2220  
[www.cumberlandmaine.com](http://www.cumberlandmaine.com)  
290 Tuttle Road, Cumberland, Maine 04021



# **APPENDIX F**

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## **CONSTRUCTION INSPECTION FORMS**

## Construction Inspection Form for Sediment and Erosion Control

Site Name: Map/Lot:	Date of Inspection:
Inspector:	Inspection Time:            AM/PM
Pictures Taken:	Weather:
Type of Inspection: Initial / Return / Winter Stabilization / Final Stabilization / Complaint / Other _____	

Inspection Parameters		Comments/Follow up Date
Description and estimate of construction area that is disturbed:		
Does contractor have Erosion and Sediment Control Plan, drawings, and inspection log on site?	<b>Yes / No / NA</b>	
Is the contractor or a third-party inspector conducting inspections after rain events and weekly as required by the Erosion and Sediment Control Plan for the site?	<b>Yes / No / NA</b>	
Is the construction entrance clean with no track out of sediment?	<b>Yes / No</b>	
Is waste properly managed (concrete washout disposed of properly, no liquids in waste container, waste containers closed)?	<b>Yes / No</b>	
Are there any petroleum or hazardous materials on site, and if so, are there spill controls in place?	<b>Yes / No</b>	

**Review the site plan for sediment and erosion control requirements. Select "Pass" if structures are properly installed and functioning as required. Select "Fail" if contractor needs to make corrections or repairs and describe briefly repairs needed. Select "N/A" for "Not Applicable" if they do not apply at the site.**

Catch Basin Protection	<b>Pass / Fail / NA</b>	
Silt Fence /Hay bales	<b>Pass / Fail / NA</b>	
Erosion Control Berm or Sock	<b>Pass / Fail / NA</b>	
Dust Control	<b>Pass / Fail / NA</b>	
Dewatering	<b>Pass / Fail / NA</b>	
Other: _____	<b>Pass / Fail / NA</b>	
Any Areas of Repeated Non-compliance that require MDEP Notification?	<b>Yes / No</b>	
Any other comments?		



# TIER II: EROSION & SEDIMENTATION CONTROL INSPECTION REPORT

Part I: General Information	
Project Name:	
Project Address:	
Project Contact Person:	
Contact Phone Number:	
Contact Email:	

Part II: Inspection Details					
Inspection Date:					
Time:					
Weather at time of inspection:					
Date & Amount Last Precipitation: *					
Inspector Name:					
Inspector Phone Number:					
ESC Plan Available?	Yes	No	Modifications to ESC Plan Needed?	Yes	No
Note any changes needed to ESC Plan					
Previous Inspection Reports Available?	Yes	No	Previous Corrective Actions Required?	Yes	No
Note previous corrective actions					
O&M Plan Available?	Yes	No			

Part III: Certification	Initial Below
I attest that no sediment, trash, debris, or contaminated water is leaving the construction site.	
I attest that no sediment, trash, debris, contaminated water is entering a wetland or waterway.	

Part IV: Erosion & Sedimentation Controls				
				Notes - include location(s) of issue (picture #s)
Perimeter controls in place and in good condition	Yes	No	N/A	
Stockpiles properly managed (no signs of migration)	Yes	No	N/A	
Construction entrance(s) clean and free of tracking onto roadways	Yes	No	N/A	
Dewatering activity following ESC Plan	Yes	No	N/A	
Waste management in good condition (trash and debris)	Yes	No	N/A	
Dust control measures in place and effective	Yes	No	N/A	
Slopes stabilized and free of rills and gulley erosion	Yes	No	N/A	
Infiltration areas protected from compaction	Yes	No	N/A	

Part V: Recommended Corrective Actions

Part VI: Re-Inspection						
Re-inspection required?	Yes	No	Recommended timeline for re-inspection	24 hrs	1 week	Other (specify)
Date of re-inspection:						
All issues have been corrected			Yes		No (Notice of violation or stop-work order may be considered)	



# Erosion Sedimentation Control Inspection Report

Construction Sites ≥ 1 Acre

<b>Part I: General Information</b>			
Project Name			
Project Address			
Project Contact Person & Title			
Project Contact Phone Number			
Project Contact Email			
Project in Shoreland Zone?	Yes	No	
DEP ESC-Certified Inspector?	Yes	No	
DEP Permitt Number (if known)			
Inspection Date & Time			
Inspector Name			
Inspector Phone Number			
Current Weather & Temperature °F			
Date & Amount Last Precipitation			
<b>Part II: Previous Inspections</b>			
ESC Plan Available on site?	Yes	No	
Self Inspection Reports Available?	Yes	No	
Previous third-party inspection reports reviewed?	Yes	No	
Note any outstanding issues from previous inspection reports below.			
	Fixed?	Yes	No
	Fixed?	Yes	No
	Fixed?	Yes	No
	Fixed?	Yes	No
	Fixed?	Yes	No



# Erosion Sedimentation Control Inspection Report

Construction Sites ≥ 1 Acre

*M and F ratings require follow-up be noted in Part XIII*

**M** = Maintenance Needed (BMP is functioning, but needs attention)  
**P** = Pass (BMP is functioning and in good condition)  
**F** = Fail (BMP is not functioning and needs repair/replacement)  
**N/A** = Not Applicable

<b>Part III: Overall Site BMPs</b>					Notes
Disturbed areas minimized	M	P	F	N/A	
Natural buffers protected	M	P	F	N/A	
Perimeter controls (required prior to construction)	M	P	F	N/A	
<b>Part IV: Winter Stabilization (November 1 - April 15)</b>					Notes
Hay mulch is applied at 2x standard application rate	M	P	F	N/A	
Areas brought to final grade are stabilized each day	M	P	F	N/A	
Areas W/I 75' of protected natural resource must be double row of barriers	M	P	F	N/A	
<b>Part V: Sediment Barriers</b>					Notes
Sediment barriers downgradient of disturbance(s)/stock piles	M	P	F	N/A	
Sediment barriers adjacent to drainage channels	M	P	F	N/A	
Sediment barriers functioning as intended; excess sediment removed	M	P	F	N/A	
<b>Part VI: Temporary Site Stabilization</b>					Notes
Disturbed but inactive area stabilized w/mulch or non-eroding cover	M	P	F	N/A	
Disturbed area within 75' of wetland stabilized w/in 48hrs of storm event	M	P	F	N/A	
No evidence of washing/rilling of topsoil	M	P	F	N/A	
Seeded areas protected with mulch or erosion control blanket	M	P	F	N/A	
<b>Part VII: Permanent Site Stabilization</b>					Notes
90% cover of healthy vegetation established on vegetated areas	M	P	F	N/A	
Binding of sod roots to soil; sod healthy and intact	M	P	F	N/A	
Mulched landscape areas totally covered with approved mulch materials	M	P	F	N/A	





# Erosion Sedimentation Control Inspection Report

Construction Sites ≥ 1 Acre

Rip-rap backed by well-graded gravel or geo-textile	M	P	F	N/A	
Soil stable behind rip-rap	M	P	F	N/A	
Rip-rap appropriately sized to stay in place	M	P	F	N/A	
Placement of compacted subbase is complete on paved areas	M	P	F	N/A	
Roads & parking drain to stable area	M	P	F	N/A	
Runoff is evenly distributed to buffers	M	P	F	N/A	
Catch basin(s) are capturing run-off without by-pass to other areas	M	P	F	N/A	
<b>Part VIII: Ditches, Channels, Swales</b>					
					Notes
Well graded rip-rap lining or other non-erosive lining	M	P	F	N/A	
No evidence of undercutting of banks	M	P	F	N/A	
No evidence of down-cutting of channel	M	P	F	N/A	
No evidence of slumping of channel lining	M	P	F	N/A	
Stabilized with geotextile, gravel bed and stone lining	M	P	F	N/A	
Netting used to anchor mulch on 8% slopes unless;	M	P	F	N/A	
Erosion control blankets or erosion control mix is in place	M	P	F	N/A	
Stabilized for long-term erosion control	M	P	F	N/A	
Sized to handle runoff	M	P	F	N/A	
Constructed and completed w/in same day	M	P	F	N/A	
If delayed, diversion berms used	M	P	F	N/A	
Check dams installed appropriately and functioning as intended	M	P	F	N/A	
Temporary lining installed/prevent scour	M	P	F	N/A	
Channels, banks, and slopes free of erosion	M	P	F	N/A	
<b>Part IX: Culverts</b>					
					Notes
No evidence of overtopping or flooding	M	P	F	N/A	
Culvert outlet has apron or plunge pools installed	M	P	F	N/A	
Culvert inlets protected with appropriate materials to prevent erosion	M	P	F	N/A	
Aprons and plunge pools are functioning as intended	M	P	F	N/A	



# Erosion Sedimentation Control Inspection Report

Construction Sites ≥ 1 Acre

Part X: Materials Storage / Good Housekeeping					Notes
Material storage areas is not exposed to the elements	M	P	F	N/A	
Spill prevention, containment, and response plan is on site	M	P	F	N/A	
A spill kit is on site to prevent petroleum from discharging	M	P	F	N/A	
Petroleum/ haz. materials not stored / handled where exposed to stormwater	M	P	F	N/A	
Litter and construction debris is enclosed /covered / not overfull	M	P	F	N/A	
Part XI: Dewatering					Notes
Discharge to a wooded buffer, sediment bag, or specifically designated BMP	M	P	F	N/A	
Discharge is not flowing across disturbed areas	M	P	F	N/A	
Part XII: Tracking & Dust Control					Notes
No evidence of tracking mud/soil onto public roadway	M	P	F	N/A	
Stabilized construction entrance installed and functioning	M	P	F	N/A	
Non-oil dust control used to minimize fugitive dust	M	P	F	N/A	
Weekly sweeping of roadways being conducted	M	P	F	N/A	
Part XIII: Corrections Needed					Compliance Deadline / Timeframe