



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS  
GOVERNOR

MELANIE LOYZIM  
COMMISSIONER

March 16, 2022

Mr. Phillip L. Crowell Jr.  
City Manager  
60 Court Street  
Auburn, Maine 04210  
*e-mail:* [pcrowell@auburnmaine.gov](mailto:pcrowell@auburnmaine.gov)

**RE: Municipal Separate Storm Sewer System (MS4) General Permit #MER041000  
Proposed Draft - MER041006**

Dear Mr. Crowell:

Enclosed is a **proposed draft** Department Order granting coverage for the City of Auburn under the Municipal Separate Storm Sewer System (MS4) General Permit, #MER041000, issued by the Department on October 15, 2020 and revised on November 23, 2021. The Department proposes to issue this Department Order as a final document after opportunity for your review and comment. By transmittal of this letter, you are provided with an opportunity to comment on the proposed draft document. If it contains errors or does not accurately reflect present or proposed conditions, please respond to this Department so that changes can be considered.

Beginning today, Wednesday, March 16, 2022, the Department is making the draft Department Order available for a 30-day public comment period. All comments on the proposed draft Department Order must be received in the Department of Environmental Protection office on or before the close of business on **Monday, April 18, 2022**. Failure to submit comments in a timely fashion will result in the final permit document being issued as drafted.

Comments in writing should be submitted to my attention at the following address:

Maine Department of Environmental Protection  
Bureau of Water Quality  
Division of Water Quality Management  
17 State House Station  
Augusta, ME 04333-0017  
[gregg.wood@maine.gov](mailto:gregg.wood@maine.gov)

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

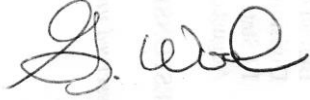
BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

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

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Wood". The signature is fluid and cursive, with the first name "G." and the last name "Wood" clearly distinguishable.

Gregg Wood  
Division of Water Quality Management  
Bureau of Water Quality

Enc.

cc: Stacia Hoover, DEP/CMRO  
Damien Houlihan, USEPA  
Newton Tedder, USEPA

Lori Mitchell, DEP/CMRO  
Nathan Chien, USEPA

Holliday Keen, DEP/CMRO  
Richard Carvalho, USEPA



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

**DEPARTMENT ORDER  
IN THE MATTER OF**

|                                      |                   |                                |
|--------------------------------------|-------------------|--------------------------------|
| CITY OF AUBURN                       | )                 | MUNICIPAL SEPARATE STORM       |
| AUBURN, ANDROSCOGGIN COUNTY, MAINE   | )                 | SEWER SYSTEM                   |
| MER041006                            | )                 | MER041000                      |
|                                      | )                 | <b>GENERAL PERMIT COVERAGE</b> |
| <b>March 16, 2022 Proposed Draft</b> | <b>APPROVAL</b> ) | <b>RENEWAL</b>                 |

The Department of Environmental Protection (Department/DEP) has considered the Notice of Intent submitted by the CITY OF AUBURN (City/permittee), with supportive data, agency review comments and other related materials on file for coverage under the Municipal Separate Storm Sewer System (MS4) General Permit, #MER041000, issued by the Department on October 15, 2020 and revised on November 23, 2021, and FINDS THE FOLLOWING FACTS.

The permittee submitted a Notice of Intent (NOI) with an initial Stormwater Management Plan (SWMP) to the Department on March 30, 2021 that were made available for a 30-day public comment period on the Department's website at <https://www.maine.gov/dep/comment/comment.html?id=4463193>. No public comments were received on the NOI or the initial SWMP. The Department has reviewed the initial SWMP document and made the determination that the document is consistent with and fully articulates what is required to meet the MS4 GP standard. Pursuant to Part IV(B) of MS4 GP issued by the Department on October 15, 2020 and revised on November 23, 2021, the permittee must update the initial SWMP within 60 days of the effective date of this DEP permittee specific order or within 60 days of the final resolution to an appeal of this DEP permittee specific order. The final plan must be submitted to the Department and will be posted on the Department's website.

The permittee must fully implement all actions, schedules and milestones established in the March 30, 2021 initial SWMP and any revisions to the initial SWMP reflected in the final plan.

The permittee has agreed to comply with all terms and conditions of the MS4 General Permit, #MER041000, dated October 15, 2020 and revised on November 23, 2021. Operated in accordance with the Municipal Separate Storm Sewer System (MS4) General Permit, #MER041000, the discharges identified by the permittee will not have a significant adverse effect on water quality or cause or contribute to the violation of the water quality standards of the receiving water.

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

### **Impaired Waters**

For the areas that discharge to waters that are impaired by total phosphorus and/or dissolved oxygen (Gulf Island Pond and Logan Brook):

- a. **On or before September 1, 2022** - Supplement the residential and business/commercial/institutional public education and outreach program with an annually timed message on specific topics, noting any existing regulations where appropriate.
  - i. March/April: disposal of grass clippings and use of slow-release and phosphorus-free fertilizers.
  - ii. June/July: proper management of pet waste.
  - iii. August/September/October: proper disposal of leaf litter.
- b. **On or before September 1, 2022** - Establish housekeeping procedures to manage grass cuttings and leaf litter on permittee property.
- c. **On or before September 1, 2022** - Increase street sweeping frequencies on all municipally owned streets and parking lots to a minimum of 2x per year (one time each spring and fall).
- d. **On or before September 1, 2022** - Implement a fall leaf litter clean program that reduces leaf litter related nutrient loads.

For the areas that discharge to waters that are impaired by bacteria or pathogens (Logan Brook, Androscoggin River, Little Androscoggin River):

- a. **On or before September 1, 2022** - Supplement residential public education and outreach program with an annual, web-based message encouraging the proper management of pet waste.
- b. **On or before September 1, 2022** - Designate catchments draining to any waterbody impaired for bacteria or pathogens as either problem or high priority catchments in implementation of the IDDE program.

For the areas that discharge to waters that are impaired by total suspended solids (Gulf Island Pond):

- a. **On or before September 1, 2022** - Prioritize inspection of catch basins to ensure that no catch basin sump exceeds 50% full.
- b. **On or before April 1, 2023** - Increase annual street sweeping on municipally owned or operated facilities to target areas with high potential pollutant load.

- 4. For the areas that discharge to waters that are impaired by impervious cover (Logan Brook):
  - a. Consistent with the requirements of MCM 4 and MCM 5, continue to refine regulatory policies that minimize the impact of development and redevelopment on waters in Auburn. With existing policies, it is anticipated that there will be reductions in the impact of impervious cover through redevelopment over time. The BMPs the permittee must implement in the Logan Brook Watershed are:
    - i. **On or before July 1, 2022** - Initiate development of a targeted watershed planning effort.
    - ii. **On or before July 1, 2024** - Implement an outreach and educational program with Logan Brook commercial landowners on environmentally appropriate winter salt management.
    - iii. **Beginning July 1, 2022** - Consult with DEP watershed management program on a targeted water quality monitoring program and an in-stream habitat evaluation as a part of planning effort outlined above.
    - iv. **On or before July 1, 2025** - Complete the Logan Brook watershed plan.
    - v. **Beginning July 1, 2025** – Commence annual monitoring for Logan Brook in accordance with the final in-stream habitat evaluation.

Results of implementation of the practices in the Impaired Waters section above must be documented in the permittee’s annual report required by Special Condition G, *Annual Compliance Report*, of MS4 GP #MER041000 referenced above.

THEREFORE, the Department GRANTS the CITY OF AUBURN, coverage under the Municipal Separate Storm Sewer System (MS4) General Permit, #MER041000, issued by the Department on October 15, 2020 and revised on November 23, 2021, subject to the terms and conditions therein.

DONE AND DATED AT AUGUSTA, MAINE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
 Melanie Loyzim, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

The Notice of Intent was received by the Department on \_\_\_\_\_ March 30, 2021 \_\_\_\_\_.

The Notice of Intent was accepted by the Department on \_\_\_\_\_ April 5, 2021 \_\_\_\_\_.

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

This Order prepared by GREGG WOOD, BUREAU OF WATER QUALITY