



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

March 16, 2022

Mr. Bryan Kaenrath
City Administrator
300 Main Street
Saco, Maine 04072
e-mail: bkaenrath@sacomaine.org

**RE: Municipal Separate Storm Sewer System (MS4) General Permit #MER041000
Proposed Draft - MER041011**

Dear Mr. Kaenrath:

Enclosed is a **proposed draft** Department Order granting coverage for the City of Saco 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

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

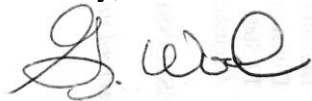
PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

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

website: www.maine.gov/dep

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

Sincerely,

A handwritten signature in black ink, appearing to read "G. Wood". The signature is fluid and cursive, with the first letter of each name being significantly larger and more stylized.

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Alison Moody, DEP/SMRO
Damien Houlihan, USEPA
Newton Tedder, USEPA

Lori Mitchell, DEP/CMRO
Nathan Chien, USEPA

Holliday Keen, DEP/CMRO
Richard Carvalho, USEPA



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

**DEPARTMENT ORDER
IN THE MATTER OF**

CITY OF SACO)	MUNICIPAL SEPARATE STORM
SACO, YORK COUNTY, MAINE)	SEWER SYSTEM
MER041011)	MER041000
)	GENERAL PERMIT COVERAGE
March 16, 2022 Proposed Draft	APPROVAL)	RENEWAL

The Department of Environmental Protection (Department/DEP) has considered the Notice of Intent submitted by the CITY OF SACO (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 19, 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 19, 2021 initial SWMP and any revisions to the initial SWMP reflected in the final plan.

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

Impaired Waters

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

The City's regulated MS4 has discharges to Goosefare Brook which is classified as an Urban Impaired Stream (UIS) in Maine DEP Rule Chapter 502 and are listed in the Maine Statewide Impervious Cover Total Maximum Daily Load (TMDL). Goosefare Brook is also listed in the Maine Statewide Bacteria TMDL. To meet the UIS requirement of the 2022 MS4 General Permit, the City will implement the following BMPs.

On or before December 1, 2022, the permittee must implement the following chloride reduction practices for the Goosefare Brook watershed.

- 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 must 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's 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 will 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.

Beginning July 1, 2022 and each year thereafter, the permittee, solely or in combination with others, must provide one digital and one print targeted education outreach each year to residents living adjacent to Goosefare Brook about ways to create, improve, and maintain their riparian zone associated with Goosefare Brook. The goal of the enhanced public education is to encourage the residents living adjacent to Goosefare Brook to improve their riparian zone by creating or improving and maintaining the riparian buffer with native species to minimize erosion, following proper yard waste practices.

Beginning July 1, 2022 and lasting through July 1, 2023, the permittee must conduct site visits to at least five (5) sites within the priority sub-catchment areas and evaluate potential for implementing structural stormwater BMP to treat stormwater runoff from existing impervious surface. At a minimum, the following sites will be visited:

- a. Industrial Park Road at Goosefare Brook Crossing – Upper Main Stem
- b. Industrial Park Rail Yard Siding – Upper Main Stem
- c. Intersection of Fairfield and Route 1 – Bear Brook South Branch
- d. Intersection of Hutchins and Route 1 – Bear Brook South Branch
- e. Intersection of Hannaford Supermarket Entrance and Route 1 – Bear Brook South Branch

The permittee must summarize the results of the evaluation and must select a site(s) for design. The permittee must document the recommended project in must be documented in the permittee's annual report required by Special Condition G, *Annual Compliance Report*, of MS4 GP #MER041000 referenced above.

- f. **Beginning July 1, 2023 and lasting through June 30, 2024**, should the budget be approved, the permittee must prepare the design for the recommended project.
- g. **Beginning July 1, 2024 and lasting through June 30, 2025**, should the budget be approved, the permittee must make application to obtain the necessary permits and easements to construct the recommended project.
- h. **Beginning July 1, 2025 and lasting through June 30, 2026**, should the budget be approved and the permits and easements are obtained, the permittee must construct the project.
- i. **Beginning July 1, 2026**, the permittee must begin inspection and maintenance on the completed project.

Should the budget for the requirements in paragraphs (f-i) above not be approved, the permittee must notify the Department as soon as it is aware of the lack of funding.

The Department reserves the right to reopen this Order to reestablish a scope of work and schedule for implementation of alternate BMPs.

Results of implementation of the BMPs established in this Order 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 SACO, 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 19, 2021 _____.

The Notice of Intent was accepted by the Department on _____ April 2, 2021 _____.

Date filed with Board of Environmental Protection: _____

This Order prepared by GREGG WOOD, BUREAU OF WATER QUALITY