



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS  
GOVERNOR

MELANIE LOYZIM  
COMMISSIONER

March 16, 2022

Mr. Peter Joseph  
Town Manager  
30 Main Street  
Freeport, Maine 04032  
*e-mail:* [pjoseph@freeportmaine.com](mailto:pjoseph@freeportmaine.com)

**RE: Municipal Separate Storm Sewer System (MS4) General Permit #MER041000  
Proposed Draft - MER041017**

Dear Mr. Joseph:

Enclosed is a **proposed draft** Department Order granting coverage for the Town of Freeport 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

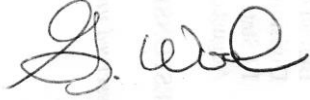
BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

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 written in a cursive style with a large initial "G" and a stylized "W".

Gregg Wood  
Division of Water Quality Management  
Bureau of Water Quality

Enc.

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

Lori Mitchell, DEP/CMRO  
Nathan Chien, USEPA

Holliday Keen, DEP/CMRO  
Richard Carvalho, USEPA



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

**DEPARTMENT ORDER  
IN THE MATTER OF**

|                                      |                   |                                |
|--------------------------------------|-------------------|--------------------------------|
| TOWN OF FREEPORT                     | )                 | MUNICIPAL SEPARATE STORM       |
| FREEPORT, CUMBERLAND COUNTY, MAINE   | )                 | SEWER SYSTEM                   |
| MER041017                            | )                 | 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 TOWN OF FREEPORT (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 31, 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 31, 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 Town's regulated MS4 has discharges to Frost Gully Brook and Concord Gully Brook, which are classified as Urban Impaired Streams in Maine DEP Rule Chapter 502 and are listed in the Maine Statewide Impervious Cover Total Maximum Daily Load (TMDL). Frost Gully Brook is also listed in the Maine Statewide Bacteria TMDL. To meet the Urban Impaired Stream requirement of the 2022 MS4 General Permit, the Town must implement the following Best Management Practices (BMPs).

**Beginning calendar year 2022**, the permittee must implement the following chloride reduction practices for the Concord Gully Brook and Frost Gully Brook watersheds.

- a. At least one representative from the Town 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 Town must provide winter maintenance education and outreach to the public using two tools from the Town's Stormwater Management Plan.
  - The first year after legislation passes, the Town'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 Town 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 Town's Stormwater Management Plan.

**Beginning July 1, 2022**, the permittee must conduct monthly street sweeping on all town-owned roads and town-owned parking lots in the Concord Gully Brook and Frost Gully Brook watersheds between May and October each year. The Downtown Village area between Main, School, Bow, Depot, and West Street will be swept weekly between May and October of each year. A dual-vacuum, high-efficiency street sweeper shall be used to remove material from the impervious surfaces. The Town shall schedule its sweepings prior to precipitation events and between long periods of dry weather. Records of street sweeping activities must be documented in the permittee's Annual Report required by Special Condition G, *Annual Compliance Report*, of MS4 GP #MER041000 referenced above.

**On or before July 1, 2023**, the permittee must conduct an assessment of stormwater inputs and culverts within the Frost Gully Brook Watershed. The assessment shall be designed to supplement the Geomorphological Study conducted in 2017. The assessment must be conducted where impervious surfaces are concentrated between U.S. Route One, Bow Street, East Street, Park Street, Kendall Lane and Mallett Drive. The assessment must inventory where stormwater quality and quantity management currently exists and identify opportunities for stormwater mitigation. The findings and recommended mitigation measures must be documented in the permittee's Annual Report required by Special Condition G, *Annual Compliance Report*, of MS4 GP #MER041000 referenced above.

**On or before July 1 2027**, the permittee must construct one (1) structural or non-structural mitigation measures for Frost Gully Brook and Concord Gully Brook.

THEREFORE, the Department GRANTS the TOWN OF FREEPORT, 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 31, 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