State of Maine
Department of Environmental Protection
Bureau of Land and Water Quality

General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems

MER041000

General Permit--Municipal Separate Storm Sewer Systems

Maine Pollutant Discharge Elimination System (MEPDES)

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PART I. General Coverage Under This Permit

A. Permit Coverage. This Municipal Separate Storm Sewer System General Permit, hereinafter described as the General Permit, authorizes the direct discharge of stormwater from a regulated small municipal separate storm sewer system ("MS4") to a MS4 or waters of the State other than groundwater, provided that the MS4 is located in an Urbanized Area as determined by the inclusive sum of the 2000 and 2010 Decennial Census by the Bureau of Census. Small MS4s are those entities which meet the definition in 40 CFR Part 122.26(b)(16). Regulated small MS4s are those entities required pursuant to 40 CFR 122.26(a)(9)(i)(A) to obtain stormwater permit coverage to operate their small MS4. Discharges from regulated small MS4s must meet the requirements of this General Permit and applicable provisions of Maine's waste discharge and water classification statutes and rules. Compliance with this General Permit authorizes a person to discharge stormwater, pursuant to Water Pollution Control Law, 38 M.R.S.A. § 413, as described below. Discharges listed in Part I(D)(2-6) are excluded from coverage under this General Permit. Unless otherwise explicitly noted, this permit only covers operations or activities associated with stormwater runoff from the regulated small MS4 within an identified Urbanized Area.

1. **Effective date of this General Permit.** This General Permit is effective July 1, 2013, and, except as provided in Continuation of General Permit Coverage (Part I, Section C), authorization to discharge under this General Permit expires at midnight June 30, 2018. This General Permit replaces Maine's General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems issued July 1, 2008.

2. **Waiver of authorization.** The Department may grant a regulated small MS4 a waiver from the requirement to obtain authorization if:

   a. The population within the Urbanized Area portion of the municipality is less than 1,000, and stormwater from the MS4 is not causing or contributing to the impairment of a receiving water body; and

   b. The MS4 does not contribute substantially to the pollutant load of a physically interconnected regulated MS4 (see 40 CFR 122.32(d)(1); and

   c. If the MS4 discharges any pollutant(s) that has/have been identified as a cause of impairment of any water body to which it discharges, stormwater controls are not needed based on waste load allocations that are part of an EPA approved or established "total maximum daily load" (TMDL) that addresses the pollutants of concern (see 40CFR 122.32 (d)(2)).

B. Authority. A waste discharge permit is required for the direct or indirect discharge of pollutants to waters of the State.[1] A general permit may be issued for point source discharges (direct discharges) of stormwater.[2] A violation of a condition or requirement of a general permit constitutes a violation of Maine's water quality laws and the federal Clean Water Act, and subjects the discharger to penalties under *Organization and Powers*, 38 M.R.S.A. § 349, and § 309 of the Clean Water Act[3]. Nothing in this General Permit is intended to limit the Department's authority under the waste discharge and water classification statutes or rules. This General Permit does not affect requirements under other applicable Maine statutes such as Site Location of Development (Site Law), Stormwater Management, and Natural Resources Protection (NRPA).

[1] See 38 M.R.S.A. § 413.
[2] See 06-096 CMR 529(2)(a)(2)(i) , 40 CFR §§122.32-122.35.
[3] See 40 CFR §122.36.

This General Permit does not prevent a municipality from adopting stricter standards than contained in this General Permit, or in state or federal law.

C. **Continuation of General Permit Coverage.** Coverage under this General Permit will be continued, provided there are no changes in the discharge as described in the Notice of Intent ("NOI"). If changes occur or are proposed, the permittee having filed the NOI shall notify the Department, as specified in this General Permit. Upon reissuance of a new general permit, a permittee wishing to continue coverage shall submit a new NOI to the Department.

If this permit is not reissued, revoked or replaced prior to the expiration date, it will be administratively continued and remain in force and effect. In that case, any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this General Permit, at which time the permittee shall submit a new NOI to the Department in accordance with the new general permit to maintain authorization to discharge;
2. The permittee's submittal of a Notice of Termination;
3. Issuance of an individual permit for the permittee's discharges; or
4. A formal permit decision by the Commissioner not to reissue this General Permit, at which time the permittee shall seek coverage under an alternative general permit or individual permit.

D. **Limitations on Coverage.** This General Permit does not authorize a stormwater discharge that requires an individual waste discharge permit or is required to obtain coverage under another waste discharge general permit. The Department may require any person with a discharge authorized by this General Permit to apply for and obtain an individual permit or an alternative general permit.[4] Any interested person may petition the Department to take action under this paragraph. Examples of when an individual waste discharge permit may be required are specified in rule.[5]

1. **Compliance with this general permit.** Regulated small MS4s must remain in compliance with all standards and requirements of this General Permit. If the Department determines that the standards of this General Permit have not been met, the Department shall notify the permittee and may undertake one or more of the following actions:

   a. Authorize coverage under this General Permit after appropriate controls and implementation procedures designed to bring the discharge into compliance with this General Permit and water quality standards have been implemented as determined by the Department;

   b. Require an individual waste discharge permit;

   c. Inform the person that the discharge is prohibited; or

   d. Take enforcement action to address the violation(s).

2. **Non-stormwater.** This General Permit does not authorize discharges that are mixed with sources of non-stormwater, other than those discharges in compliance with Part IV (H)(3)(c).

3. **Discharge of hazardous substances, chemicals, or oil.** This General Permit does not authorize the discharge of hazardous substances, chemicals, or oil resulting from an on-site spill.

4. **Total maximum daily load ("TMDL").** This General Permit does not authorize a direct discharge that

[4] See General Permits for Certain Wastewater Discharges, 06-096 CMR 529(2)(b)(3) (last amended June 27, 2007).
[5] See 06-096 CMR 529(2)(b)(3)(i)(A)-(G).

is inconsistent with any EPA approved TMDL waste load allocation, except where the TMDL does not provide adequate information to develop specific measures to protect water quality, and any implementation plan for the waterbody to which the direct discharge drains.

5. **Violation of water quality standards.** This General Permit does not authorize a discharge that causes or contributes to a violation of a water quality standard. Discharges covered under this permit may not:

   a. Contain any pollutant, including toxic substances, in quantities or concentrations, which may cause or contribute to any adverse impact on the receiving water;
   b. Be to a receiving water which is not meeting its classification standard for any characteristic which may be affected by the discharge; or
   c. Impart color, taste, turbidity, radioactivity, settleable materials, floating substances or other properties that cause the receiving water to be unsuitable for the designated uses ascribed to its classification.

6. **Waste discharge license (groundwater).** A waste discharge license ("WDL") may be required for the discharge of stormwater through any well or wells, including drywells and subsurface fluid distribution systems. For complete requirements, see Rules To Control The Subsurface Discharge Of Pollutants, 06-096 CMR 543 (effective October 6, 2006), and Stormwater Management, 06-096 CMR 500 Appendix D (last amended December 27, 2006).

   A "subsurface fluid distribution system" is an assemblage of perforated pipes, drain tiles, or similar mechanisms intended to distribute fluids below the surface of the ground. A "well" is a bored, drilled, or driven shaft the depth of which is greater than the largest surface dimension, whether the shaft is typically dry or contains liquid; or a dug hole the depth of which is greater than the largest surface dimension; or a subsurface fluid distribution system. "Well injection" means the subsurface discharge of fluids into or through a well.

7. **Reopener.** This General Permit may be modified or reopened by the Department as provided in Water Pollution Control, 38 M.R.S.A. § 414-A(5).

PART II. Definitions

The following terms have the following meanings as used in this General Permit in addition to the definitions found in Chapter 520 of the Department's rules, and applicable statutory definitions.

A. **Applicant.** "Applicant" means a municipality, sanitary or sewerage district which files an NOI pursuant to Part III of this General Permit.

B. **Best Management Practices ("BMP").** "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

C. **Commissioner.** "Commissioner" means the Commissioner of the Maine Department of Environmental Protection.

D. **Common Plan of Development or Sale.** "Common Plan of Development or Sale" means a subdivision under municipal law as determined by the municipality where the subdivision is located.

E. **Compensation Fee Utilization Plan.** A "Compensation Fee Utilization Plan" means a plan that specifies how funds received as a fee payment will be allocated to reduce the impact of stormwater pollution to an impaired waterbody.

F. **Construction Activity.** "Construction Activity" or "activity" means:

1. Construction activity including one acre or more of disturbed area, or activity with less than one acre of total land area that is part of a common plan of development or sale, if the common plan of development or sale will ultimately disturb equal to or greater than one acre;[6] or

2. Any other construction activity designated by the Department based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the State.

G. **Department.** "Department" means the State of Maine Department of Environmental Protection.

H. **Direct Discharge.** "Direct Discharge" or "point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.[7]

I. **Discharge.** "Discharge" means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to the Waters of the State (for the purpose of this General Permit, other than groundwater.)

J. **Disturbed Area.** "Disturbed Area" means all land areas that are stripped, graded, grubbed, filled or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered "disturbed area" "Disturbed area" does not include routine maintenance, but does include redevelopment and new impervious areas. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces provided that an applicant or permittee can prove the original line and grade and hydraulic capacity will be maintained and original purpose of the gravel surface remains the same is considered routine maintenance.

K. **Illicit Discharge.** "Illicit Discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater other than discharges authorized pursuant to another permit issued pursuant to 38 M.R.S.A. § 413 and the allowable non-stormwater discharges identified in Part IV(H)(3)(c) of this permit.

L. **Impaired Waterbody.** "Impaired Waterbody" means a waterbody that is not attaining water quality criteria or standards, as determined by the Department.

M. **Low Impact Development ("LID").** "Low Impact Development" or "LID" means an approach to land development or redevelopment that provides water quality treatment of stormwater as close to its source as possible.

N. **Maximum Extent Practicable ("MEP").** "Maximum Extent Practicable" or "MEP" means available and

[6] Common plan of development or sale has the same meaning as defined in the Maine Construction General Permit.

[7] See Water Classification Program, 38 M.R.S.A. § 466(5) (definition of "direct discharge") and 06-096 CMR 520 (definition of "point source").

feasible considering cost, existing technology, and logistics based on the overall purpose of the project. MEP is the Clean Water Act standard that establishes the level of pollutant reductions that operators of regulated small MS4s must achieve. The reduction of pollutants is achieved by implementing BMPs and other requirements of this General Permit in an iterative process that continually adapts to current conditions and BMP effectiveness, on a location-by-location basis, taking into consideration such factors as condition of receiving waters, specific local concerns, a comprehensive watershed plan, MS4 size, climate implementation schedules, current ability to finance the program, beneficial uses of receiving water, hydrology, geology, and capacity to perform operation and maintenance. The goal of the General Permit, and the projects required to be undertaken under the General Permit, is to protect and improve water quality.

O. **Municipal Separate Storm Sewer System ("MS4").** "Municipal Separate Storm Sewer System" or ("MS4") means a conveyance or system of conveyances designed or used for collecting or conveying stormwater (other than a publicly owned treatment works (POTW), as defined at 40 CFR 122.2, or a combined sewer), including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains owned or operated by any municipality, sewer or sewage district, Maine Department of Transportation (MaineDOT), Maine Turnpike Authority (MTA), State agency or Federal agency or other public entity that discharges directly to waters of the State other than groundwater.

P. **Notice of Intent ("NOI").** "Notice of Intent" or "NOI" means a notification of intent to seek coverage under this General Permit, as provided in Part III(A), made by the applicant to the Department on an NOI form(s) provided by the Department. This is also the mechanism used to request coverage under this General Permit.

Q. **Outfall.** "Outfall" means the point source where the MS4 discharges from a pipe, ditch or other discrete conveyance to the waters of the State other than groundwater, or to another MS4 and does not include pipes, such as cross culverts, tunnels or other conveyances which connect segments of the same stream or other waters of the State and are used to convey waters of the State.

R. **Permittee.** "Permittee" means a municipality, sanitary or sewerage district that owns or operates the storm sewer system authorized under this General Permit.

S. **Person.** "Person" means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity which creates, initiates, originates or maintains a discharge authorized by this General Permit.[8]

T. **Redevelopment.** "Redevelopment" means, an activity undertaken to redevelop property in which the new developed area, not including maintenance, is located within the same footprint as the existing developed area. Redevelopment projects do not include such activities as exterior remodeling.

U. **Regulated Small MS4.** "Regulated Small MS4" means any Small MS4 authorized by this General Permit or the general permits for the discharge of stormwater from Maine Department of Transportation (MaineDOT) and Maine Turnpike Authority (MTA) small MS4s or State or Federally owned or operated small MS4s including all those located partially or entirely within an Urbanized Area ("UA") . A list of these regulated small MS4s owned or operated by municipalities is included in Appendix A of this General Permit.

V. **Small MS4.** "Small MS4" means any MS4 that is not already covered by the Phase I MS4 stormwater program including municipally owned or operated storm sewer systems, State or Federally-owned systems, such as colleges, universities, prisons, military bases and facilities, and transportation entities such as MaineDOT and MTA road systems and facilities. See also 40 CFR 122.26(b)(16).

[8] See Protection and Improvement of Waters Laws – General Provisions, 38 M.R.S.A. § 361-A(4).

W. **Stormwater.** "Stormwater" means the part of precipitation including runoff from rain or melting ice and snow that flows across the surface as sheet flow, shallow concentrated flow, or in drainageways. "Stormwater" has the same meaning as "storm water".

X. **Stormwater Pollution Prevention Plan ("SWPPP").** "Stormwater Pollution Prevention Plan" or "SWPPP" means a written plan developed and implemented for select municipal operations to reduce or eliminate pollutants as described in this General Permit.

Y. **Total Maximum Daily Load ("TMDL").** "Total Maximum Daily Load" or "TMDL" means the maximum capacity of a surface water to assimilate a pollutant as established by the Department and approved by the U.S. Environmental Protection Agency ("EPA"), consistent with conditions set forth in 40 CFR Part 130 including pollutants contributed by point and non-point sources and a margin of safety.

Z. **Urban Impaired Stream.** "Urban Impaired Stream" means a stream that fails to meet water quality standards because of effects of stormwater runoff from developed land. Urban impaired streams are those streams identified and listed in Chapter 502, Appendix B of the Department of Environmental Protection Rules as amended from time to time. A list of the urban impaired streams is included in Appendix B of this General Permit.

AA. **Urban Runoff.** "Urban Runoff" means stormwater runoff from an Urbanized Area, and may contain elevated levels of pollutants such as hydrocarbons, chlorides, heavy metals and nutrients which may cause or contribute to a waterbody's impairment. In many instances frequent elevated storm flows, low base flows, and high temperatures will also be significant contributors to a waterbody's impairment.

AB. **Urbanized Area ("UA").** "Urbanized Area" or "UA" means the area of the State of Maine so defined by the inclusive sum of the 2000 decennial census and latest decennial census (2010) by the U.S. Bureau of the Census.

Part III. Procedure

A. **NOI requirements.** The operator of any regulated small MS4 that initiates, creates, originates or maintains a discharge described in Part I of this General Permit and that wishes to obtain coverage under this permit shall file with the Department an NOI that meets the requirements of this General Permit no later than July 30, 2013. By submitting a signed NOI, the applicant agrees to comply with the terms and conditions of this General Permit.

B. **Scope of NOI.** The applicant shall register on one set of NOI forms for all discharges from the regulated small MS4 within the Urbanized Area that are operated by the municipality.

C. **Submission.** The applicant shall file the NOI using a form(s) provided by the Department. The applicant shall sign the NOI in accordance with Part III(D)(2). The NOI must be submitted to the Department with the appropriate fee, with failure of proper payment resulting in summary rejection of the NOI as incomplete. An applicant is not prohibited from submitting an NOI after July 30, 2013. If a late NOI is submitted, authorization to discharge is only for discharges that occur after obtaining authorization pursuant to Part III(E). The Department reserves the right to take appropriate enforcement actions for any unpermitted discharges.

D. **Contents of NOI.**

1. **NOI Form.** The NOI must be filed on a form(s) provided by the Department and must include the following.

a. Name of the municipality and the name, title, address, email address, and telephone number of the chief elected official or principal executive officer.

b. Name, address, email address, and telephone number of the primary municipal contact person responsible for the stormwater management program.

c. Permit number assigned to the municipality under the previous Department MS4 permit, if any.

d. Name of the receiving stream(s), wetland(s) or waterbody(s) to which the Regulated Small MS4 discharges, and a list of the impaired waterbody(s) which receive stormwater from the Regulated Small MS4.

e. An estimate of the area in square miles, of the Urbanized Area.

2. **Signatory Requirements.** All Notices of Intent, reports certifications or information either submitted to the Department, or that this permit requires to be maintained by the permittee, must be signed and certified in accordance with Waste Discharge Licenses, 06-096 CMR 521(5) (effective date January 23, 2001).

The signature of the applicant's chief elected official or principal executive officer of the municipality shall certify in writing as follows:

"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 that 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.

3. **Filing an NOI form.** An NOI must be filed with the Department at the following address:

Municipal/Industrial Stormwater Coordinator
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

4. **Additional information.** The Department may require an applicant to submit additional information that the Department reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this General Permit.

E. Obtaining Authorization.

1. **Interim Coverage.** Upon the Department's receipt of an NOI that meets the requirements of Part III(C) of this General Permit, the applicant is authorized to discharge on an interim basis for up to 180 days from the effective date of this permit. The Commissioner shall return as incomplete any NOI that does not satisfy the requirements of Part III (C) of this General Permit. The applicant shall meet the standards contained in this General Permit during the interim period. Interim coverage will terminate earlier than 180 days if a complete Stormwater Program Management Plan has been submitted and reviewed by the Department and coverage under this permit is either granted or denied by the Department. The Department shall provide written notice of interim coverage under the NOI.

2. **Public Notice and Comment.**

   a. Applicant Public Notice and Comment. Applicants are required to publish a public notice that the NOI is being filed with the Department of Environmental Protection. The notice must be published within 30 days prior to the NOI being sent to the Department. The notice may be published in the legal advertisement section of a daily or weekly newspaper having general circulation in the area where the discharges authorized by this permit will occur or by making the notice available on the MS4's official internet web site. Applicants are required to provide a letter of notice to all regulated small MS4s into which the MS4 discharges, and also to persons who have requested to be notified of the NOI application, provided that the Department has provided the mailing addresses of such interested persons to the respective applicants. If the public notice is not published or made available at the proper time, or if the NOI is returned because it is incomplete, the Department may require that notice be published a second time.

   b. Department Public Notice and Comment. The Department will provide a public notice and opportunity for comment on the contents of the submitted NOIs and Stormwater Program Management Plans by making information available on the internet.

   The public comment period is a minimum of 20 days. Based on a review of the NOI, Stormwater Program Management Plan or other information, the Department may extend the public comment period, require additional information or may deny coverage under this permit and require submission of an application for an individual or alternative MEPDES permit.

3. **Action by Commissioner.** The Commissioner shall return as incomplete any NOI that does not satisfy the requirements of Part III (C) and Part III (D) of this General Permit.

   a. The Commissioner may deny coverage under this General Permit if more than 30 days have elapsed following the applicant's receipt of a written request by the Commissioner that the applicant submit additional information required pursuant to this General Permit and the applicant has not timely and completely submitted such information.

   b. The Commissioner shall deny coverage under this General Permit if the subject activity is ineligible for this General Permit, if the applicant cannot or is unlikely to comply with this General Permit, or for any other reason provided by law.

   c. The Commissioner shall grant coverage under this General Permit if the Stormwater Program Management Plan is consistent with the requirement to reduce pollutants under the MEP standard, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act.

4. **Coverage under this General Permit.** The applicant is authorized to discharge under the terms and conditions of this General Permit when coverage under this General Permit is granted. The grant or denial of coverage under this General Permit must be in writing.

5. **Effect of Denial of Coverage.** Denial of coverage under this General Permit constitutes notice to the applicant that the subject activity may not lawfully be conducted or maintained without issuance of an individual MEPDES permit or coverage under an alternative General Permit. Denial of coverage under this General Permit must be in writing.

Part IV. Requirements

The permittee shall at all times continue to meet the requirements for authorization set forth in Part I of this General Permit. In addition, the permittee shall assure that authorized discharges and activities are conducted in accordance with the following required conditions.

A. Stormwater Program Management Plan. The permittee shall develop, implement, and enforce a Stormwater Program Management Plan ("Plan") implementing six minimum control measures, set forth in Section H below, which are designed to reduce the discharge of pollutants from its regulated small MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. For the purposes of this permit, narrative effluent limitations requiring implementation of BMPs are generally the most appropriate form of effluent limitations when designed to satisfy technology requirements (including reductions of pollutants to the MEP) and to protect water quality. The Plan and all Minimum Control Measures must be substantially implemented by June 30, 2018.

The permittee shall describe in its Stormwater Program Management Plan how it will reduce or eliminate polluted stormwater runoff to the maximum extent practicable, from its regulated MS4. The Stormwater Program Management Plan must be signed in accordance with the signatory requirements in Part III (D)(2). Upon receipt of the NOI and Stormwater Program Management Plan, the Department shall post the NOIs and "Plans" on the Department's website to provide public notice. The permittee shall submit the regulated small MS4's comprehensive Stormwater Program Management Plan for Department review in accordance with the following submittal schedule.

Stormwater Program Management Plan Submission Date	Municipalities
October 28, 2013	Hampden, Bangor, Brewer, Veazie, Orono, Old Town, Milford
November 15, 2013	Falmouth, Cumberland Yarmouth, Windham, Lewiston, Auburn, Sabattus, Lisbon
December 6, 2013	Biddeford, Old Orchard Beach, Scarborough, Cape Elizabeth, Westbrook, Gorham, Freeport
December 20, 2013	York, Kittery, Eliot, South Berwick, Berwick, Saco, South Portland, Portland

1. Stormwater Program Management Plan Requirements.

a. For each of the six Minimum Control Measures in Part IV(H), the following information must be included:

i. The measurable goal(s) by which each BMP will be evaluated;

ii. The person(s) or position(s) responsible for implementing each BMP; and

iii. The date by which each BMP will be implemented including as appropriate, time lines and milestones for implementation of BMPs.

Note: Guidance documents that may be used in the development of BMPs and measurable goals include, but are not limited to, the following:

- EPA's BMP menu:
- MaineDOT's Best Management Practices for Erosion & Sedimentation Control

b. Additional stormwater treatment controls are necessary for Urban Impaired Stream watersheds. For discharges from the permittee's infrastructure and operations, to an Urban Impaired Stream, the permittee shall implement structural and non-structural measures to the maximum extent practicable necessary to control, the discharge of stormwater runoff including known pollutants of concern. Pollutant(s) of concern refer to the pollutant(s) identified as causing or contributing to the waterbody's impairment. Urban runoff may be used as a surrogate pollutant of concern where information is lacking on specific causes of impairment.

B. Keeping Plans Current. The permittee shall keep the Plan current. Circumstances when the Plan must be amended include the following:

1. **Amended plan.** The Plan must be amended if the Department or the permittee determines that:

   a. The actions required by the Plan fail to control pollutants to the maximum extent practicable or to adequately protect against pollution of the waters of the State other than groundwater;

   b. The Plan does not prevent the potential for a significant contribution of pollutants to waters of the State other than groundwater;

   c. The Plan does not meet one or more requirements of this General Permit; or

   d. New information results in a shift in the Plan's priorities.

2. **Department notification.** The Department shall notify the permittee if Department determines that the Plan must be amended. Within 30 days of such notification, unless otherwise specified by the Department in writing, the permittee shall respond to the Department indicating how the permittee plans to modify the Plan to address these requirements. Within 90 days of this response or within 120 days of the original notification, whichever is less, unless otherwise specified by the Department in writing, the permittee shall revise the Plan. The permittee shall perform all actions required by the revised Plan in accordance with the timelines in the revised Plan, and certify to the Department that the requested changes have been made and implemented.

3. **Permittee information.** The permittee shall provide such information as the Department requires to evaluate the Plan and its implementation. The permittee shall note minor modifications to the Plan in its annual report. Major modifications to the Plan such as a change in the Plan's priorities must be submitted to the Department and approved prior to implementation.

C. Failure to Prepare or Amend the Plan. Failure to complete or update a Plan in accordance with this General Permit does not relieve a permittee of responsibility to implement actions required to protect the waters of the State other than groundwater and to comply with all conditions of this General Permit.

D. Evaluation and Assessment. As specified in Part IV(J)(1), the permittee shall evaluate program compliance, the appropriateness of identified best management practices, and progress towards achieving identified measurable goals.

E. Assessment of Stormwater Program Management Plan. The Plan must address the six Minimum Control Measures ("MCMs") as required in this permit. The Plan must, at a minimum, include the measures indicated as required within the UA of the municipality. The permittee may also include in the Plan those measures indicated as suggested and any other measures the permittee deems appropriate. Some municipalities may choose to implement required minimum control measures or portions of minimum control measures throughout the entire municipality, however this General Permit only requires implementation of the minimum control measures within the UA to the extent the measures will have an impact on the MS4, and for municipal facilities, operations and activities within the UA, that discharge to waters of the State other than groundwater.

F. Signature Requirements

1. **Signature.** The Plan must be signed by the chief elected municipal official or principal executive officer. The Plan must be retained by the chief elected official or principal executive officer for the duration of the permit period and copies must be available and retained by municipal officials or employees responsible for implementation of the Plan.

2. **Plan availability.** The permittee shall have a signed copy of the plan available either at the municipal office or on the official municipal web site and shall make a copy of the Plan available to the following immediately upon request:

   a. The Commissioner of the Department;

   b. In the case of a regulated small MS4 adjacent to or interconnected with the permittee's storm sewer system, to the operator of that regulated small MS4; and

   c. In the case of a regulated small MS4 stormwater discharge to a water supply watershed, to the public water supply company.

G. Annual Fee. Coverage under an existing General Permit will be continued upon payment of an annual fee. An annual fee must be submitted by no later than July 20 each year, starting July 20, 2013. Fees must be paid by check or money order payable to **Treasurer, State of Maine.**

H. Minimum Control Measures. For each Minimum Control Measure, the permittee shall: define appropriate BMPs; designate a person(s) responsible for each BMP; define a time line for implementation of each BMP; and define measurable goals for each BMP. The Minimum Control Measures to be included in the Plan are as follows.

1. Public Education and Outreach on Stormwater Impacts.

The three goals of this minimum control measure are:

1. To raise awareness that polluted stormwater runoff is the most significant source of water quality problems for Maine's waters;
2. To motivate people to use Best Management Practices (BMPs) which reduce polluted stormwater runoff ; and
3. To reduce polluted stormwater runoff as a result of increased awareness and utilization of BMPs.

The permittee shall document changes in awareness and BMP adoption (behavior change) in target audiences.

a. Required Strategies.

i. Raise Awareness (Goal 1): Beginning July 1, 2013, the permittee shall continue their outreach efforts from the previous MS4 permit cycle while developing or revising an existing Awareness Plan.

1. Develop or Revise a Plan to Raise Awareness: By February 1, 2014, each permittee or stormwater group of which the permittee is a member shall have a new Awareness Plan or revise an existing Plan to raise awareness of stormwater issues for a target audience outside of municipal government. The Plan's goal must be to raise awareness of polluted stormwater

runoff issues such as the path stormwater runoff takes, sources of stormwater pollution, and the impact that polluted stormwater runoff has in the community or communities.

2. By December 1, 2013, the permittee shall submit draft Stormwater Awareness Plan to the Department for review and approval. The Stormwater Awareness Plan is considered approved as of February 1, 2014, unless the permittee receives written communication from the Department indicating non-approval. The permittee shall begin implementation of the Stormwater Awareness Plan within one week of its approval.

The Stormwater Awareness Plan must identify:

a) The target audience
b) The outreach tool(s) to be used
c) The message
d) The distribution system
e) The time line and implementation schedule
f) The person(s) responsible for implementation
g) An impact evaluation protocol
h) A plan modification protocol (this must include DEP approval of significant plan modifications)
i) The goals (e.g., the targeted level of change sought as a result of the education and outreach effort)

3. The permittee shall include a review of the Stormwater Awareness Plan in each of its Annual Reports. The review must include process indicators which assess the permittee's execution of the Stormwater Awareness Plan. The permittee shall also include impact indicators according to the following schedule unless otherwise indicated in the approved Stormwater Awareness Plan: in permit year three (3), the permittee shall conduct a cursory evaluation and assessment on both the progress of implementing the Stormwater Awareness Plan as well as the impact the efforts are having on the target audience. In permit year five (5) the permittee shall provide an in-depth assessment of both the implementation and the impact of the Stormwater Awareness Plan.

NOTE: Process indicators relate to the execution of the program (e.g., did people attend the meetings? did the press release result in media coverage?). Impact indicators relate to the achievement of the goals/objectives of the program (e.g., what effect did the effort have on behavior?).

The Department has available a number of evaluation tools as well as samples from other regions.

4. The permittee shall include a comprehensive review of the Stormwater Awareness Plan in its permit year five (5) Annual Report. The review must include an analysis of the process indicators and impact indicators.

ii. Raise Awareness of Both stormwater Pollution and the MS4 program requirements for municipal staff including municipal employees, volunteers, council members and other elected officials.

1. Develop or revise a Permit Awareness Plan to raise awareness and permit implementation and compliance: By March 1, 2014, each permittee shall have a new Permit Awareness Plan or revise an existing Plan to raise awareness of stormwater issues including MS4 permit

requirements for municipal employees, elected officials and volunteers within municipal government. The Permit Awareness Plan's goal is to raise awareness of polluted stormwater runoff such as the sources of stormwater pollution, the path polluted stormwater runoff takes from the pollution source to waters of the State, the impact polluted stormwater runoff has on the community, potential measures to reduce or eliminate pollution sources, and General Permit obligations and the permittee's obligations and responsibility to ensure permit compliance.

2. By January 6, 2014, the permittee shall submit the draft Permit Awareness Plan to the Department for review and approval. The Permit Awareness Plan is considered approved as of March 1, 2014, unless the permittee receives written communication from the Department indicating non-approval. The permittee shall begin implementation of the Permit Awareness Plan within one week of its approval.

   The Permit Awareness Plan must identify:
   a) The target audience
   b) The outreach tool(s) to be used
   c) The distribution system
   d) Method to address turnover of employees, elected officials and volunteers
   e) The time line and implementation schedule
   f) The person(s) responsible for implementation
   g) An impact evaluation protocol
   h) A plan modification protocol (this must include DEP approval of significant plan modifications)
   i) The goal (e.g. the target level of awareness for each audience)

3. The permittee shall include a review of the Permit Awareness Plan in each of its Annual Reports. The review must include process indicators which assess the permittee's execution of the Permit Awareness Plan. The permittee shall also include impact indicators according to the following schedule unless otherwise indicated in the approved Permit Awareness Plan: In year 3, the permittee will do an evaluation and assessment on both the progress of implementing the plan as well as the impact the efforts are having on the target audience. In year 5 the permittee shall provide an in-depth assessment of both the implementation and the impact of the Permit Awareness Plan.

4. The permittee shall include a comprehensive review of the Permit Awareness Plan in its permit year five (5) Annual Report. The review must include an analysis of the process indicators and impact indicators.

iii. Targeted BMP Adoption: Beginning July 1, 2013, the permittee shall continue outreach efforts from the previous MS4 General Permit while developing or revising a new BMP Adoption Plan.

1. By January 15, 2014, each permittee or stormwater group of which the permittee is a member shall have a new or revised Adoption Plan with the goal of promoting behavior change through the implementation of BMPs. Each permittee or stormwater group shall select at least one specific BMP to target for a focused outreach Plan. In order to facilitate statewide consistency and efficient use of resources, permittees may work collaboratively to develop and implement a Statewide BMP Adoption Plan that allows for regional flexibility.

The permittee shall target at least 15% of the segmented audience to adopt the targeted BMPs.

2. By November 1, 2013, the permittee shall submit the draft BMP Adoption Plan to the Department for review and approval. The BMP Adoption Plan is considered approved as of January 15, 2014, unless the permittee receives written communication from the Department indicating non-approval. The permittee shall begin implementation of the BMP Adoption Plan within one week of its approval.

   The BMP Adoption Plan must identify:
   a) The BMP
   b) The target audience
   c) The outreach tool(s) to be used
   d) The message
   e) The distribution system
   f) The time line and implementation schedule
   g) The person(s) responsible for implementation
   h) An impact evaluation protocol
   i) A plan modification protocol (this must include DEP approval of significant plan modifications)
   j) The goal (e.g. the target level BMP adoption for each audience)

NOTE: For example, if 10% of dog owners are picking up pet waste in public parks, then in five years the permittee will seek to raise the percentage of dog owners picking up pet waste and disposing of it in the trash to 25% in public parks. Or if 50% of the homeowners are using weed & feed lawn care chemicals, seek to reduce the number to 35%.

3. The permittee shall include a review of the BMP Adoption Plan in each of its Annual Reports. The review must include process indicators which assess the permittee's execution of the BMP Adoption Plan. The permittee shall also include impact indicators according to the following schedule unless otherwise indicated in the approved BMP Adoption Plan: in permit year 1, the permittee will assess the target audience to set the baseline and inform the development of the BMP Adoption Plan. In permit year three (3), the permittee will conduct a preliminary evaluation and assessment on both the progress of implementing the plan as well as the impact the efforts are having on the target audience. In permit year five (5) the permittee shall provide final assessment of both the implementation and the impact of the BMP Adoption Plan.

4. The permittee shall include in its fifth year Annual Report a comprehensive review of the BMP Adoption Plan. The review must include an analysis of the process indicators and impact indicators.

iv. Permittees will enhance their education and outreach effort in their impaired or priority watershed or work to address a stormwater pollutant issue of regional or statewide significance.

1. Permittees with an impaired waterbody may either target a specific activity that if successfully addressed will improve and/or protect water quality in the priority or impaired watershed(s) or the permittee may implement option 2 below. The effort can be undertaken individually or collectively by MS4s. Examples include developing an outreach effort to encourage stormwater BMP owners to properly maintain their BMPs or target an audience to increase the use of LID practices within the priority watershed.

2. Permittees may choose instead to work singly or collaboratively on a common regional or statewide stormwater pollutant issue. Such issues include but are not limited to elevated chloride in waterbodies from winter salt applications or the toxic constituents associated with the application of coal tar sealants. The goal of the effort should be to reduce or eliminate the pollutant(s) of concern.

3. By July 1, 2014, each permittee shall provide a draft plan on how it plans to meet either permit requirement iv 1 or 2 with elements a-h below, by November 1, 2014, each permittee shall provide a final plan with implementation to begin by January 5, 2015

   a. Identify the specific stormwater activity or pollutant to be addressed
   b. The target audience(s)
   c. The outreach tool(s) to be used
   d. The message and the BMPs to be encouraged
   e. The time line and implementation schedule
   f. The person(s) responsible for implementation
   g. The goal of the outreach effort
   h. An impact evaluation protocol.

4. The permittee shall report the progress and results of the targeted outreach effort in the Annual Report. In the fifth year Annual Report will include a comprehensive review of the outreach effort . The review must include an analysis of the process indicators and impact indicators

v. <u>Compliance with this minimum control measure will be based upon whether the permittee:</u>
   a) Continued existing education and outreach efforts
   b) Developed both the required plans in elements i though iv
   c) Successfully executed the plans
   d) Reported process and impact indicators, and
   e) Completed annual reports and a 5-year analysis of the plans.

Ultimately, the adoption and use of BMPs by the targeted audience(s) to reduce polluted stormwater runoff is the goal of this section but is not a condition of compliance with the education and outreach minimum control measure.

b. Suggested Strategies.

i <u>Schools.</u> Each permittee or regional stormwater group is encouraged to develop an outreach plan directed at its school age population. It is recommended that students receive information regarding:

- The definition of stormwater
- The path stormwater takes
- The sources of pollution in stormwater
- The harmful effects of polluted stormwater
- BMPs in age appropriate concepts and materials

1. The permittee is encouraged to include in each of its Annual Reports, a review of the plan. The review could include process indicators which assess the permittee's execution of the school Outreach Plan, and impact indicators which assess the effectiveness of the plan.

2. The permittee is encouraged to include in its fifth year Annual Report a comprehensive review of the school Outreach Plan. The review could include an analysis of the process indicators and an analysis of the impact indicators.

ii. Partnering with local organizations: A critical mass of a community (e.g., a neighborhood, a social group, or some sort of group with identifiable and similar characteristics) must accept new ideas and behaviors for those new ideas and behaviors to spread. With this in mind, a permittee may wish to include in its outreach efforts various local organizations which may be able to assist in helping to spread the stormwater message. Examples of potential partner organizations include: girl and boy scouts, fish & game clubs, water districts, conservation commissions, garden clubs, rotary, religious organizations, ethnically based groups, and watershed associations.

iii. Involving members of the community in the implementation of BMPs.

2. Public Involvement and Participation.

The goal of this minimum control measure is to involve the public in both the planning and implementation process of improving water quality and reducing stormwater quantity via the stormwater program. A program planned with a stakeholder group is more likely to be successful in achieving its goals. The public can provide valuable input and assistance to a MS4's municipal stormwater management program. Therefore, the public should be given opportunities to play an active role in both the development and implementation of the program. An active and involved community is crucial to the success of a municipal stormwater management program because it allows for broader public support, additional expertise and a conduit to other programs. Community members are also more likely to apply these lessons/BMPs at home.

a. Required Strategies.

i. Public notice requirements. The permittee shall comply with applicable state and local Public Notice requirements using effective mechanisms for reaching the public, and comply with the public notice requirements of the Maine Freedom of Access Act, 1 M.R.S.A. §§ 401 et seq. ("FOAA") when the permittee involves stakeholders in the implementation of this General Permit. The permittee shall document the meetings and attendance through the annual report as a way of measuring this goal.

ii. Public Event. The permittee or regional stormwater group of which the permittee is a member shall annually host/conduct or participate a public event (for example, storm drain stenciling, stream clean-up, household hazardous waste collection day, volunteer monitoring, neighborhood educational events, conservation commission outreach program, Urban Impaired Stream outreach program, or adopt a storm drain or local stream program). The event must include a pollution prevention and/or water quality theme. The target audience does not need to be the entire urbanized area but should be aimed at a segment of the population that the permittee wishes to reach. The permittee is encouraged to plan this event and consult with the Department to ensure it will satisfy this permit's requirements.

1. The permittee shall include a report of the public event in each of its Annual Reports. The report must include process indicators which assess the permittee's planning and execution, as well as impact indicators which assess the effectiveness of the event.

NOTE: The Department has available a number of evaluation tools as well as samples from other regions.

2. The permittee shall include a comprehensive review of the public events in its fifth year Annual Report that must include an analysis of the process indicators and impact indicators.

b. **Suggested Strategies.**

If there are a variety of ethnic or economic groups in the community, the permittee could develop specific public participation outreach opportunities for these communities.

3. Illicit Discharge Detection and Elimination.

a. **Required Strategies.** Each permittee shall develop, implement and enforce a program to detect and eliminate illicit discharges and non-stormwater discharges, as defined in 06-096 CMR 521(9)(b)(2), except as provided in Part IV(H)(3)(c) of this permit.

i. By June 30, 2018, Permittees not subject to the 2008 MS4 General Permit shall develop a watershed based storm sewer system infrastructure map or series of maps for its regulated area. The map(s) must show the location of all stormwater catch basins, connecting surface and subsurface infrastructure and depict the direction of in-flow and out-flow pipes, and the locations of all discharges from all stormwater outfalls operated by the regulated small MS4 to receiving waters or to an interconnected MS4. Each catch basin must be uniquely identified to facilitate control of potential illicit discharges, and to ensure proper operation and maintenance of these structures. For each outfall, the following information must be included: type (e.g. culvert or ditch), material, size of conveyance, the name and location of the nearest named waterbody to which the outfall eventually discharges. Permittees subject to the 2008 MS4 General Permit shall continue to keep their map(s) current and ensure that maps are reviewed for any updates at least annually.

ii. Permittees not subject to the 2008 MS4 General Permit shall develop and implement a non-stormwater discharge ordinance which effectively prohibits non-stormwater discharges and stipulates the implementation of appropriate enforcement procedures and actions by no later than January 10, 2015. Permittees subject to the 2008 MS4 General Permit shall to the extent allowable under State or local law, continue to implement, and provide annual reporting of the permittee's non-stormwater discharge ordinance that effectively prohibits, unauthorized non-stormwater discharges into the permittee's storm sewer system.

iii. Permittees not subject to the 2008 MS4 General Permit shall develop a prioritized dry weather outfall inspection plan by no later than June 30, 2014. This dry weather outfall inspection plan must pertain to a watershed or sub-watershed that the permittee has identified as having the greatest potential threat to the receiving water. (See *Guidelines and Standard Operating Procedures For Stormwater Phase II Communities in Maine* volumes 1 and 2) The SOP can be obtained from the following web site http://www.thinkbluemaine.org/docs/index.htm under the illicit discharge detection and elimination section. Permittees subject to the 2008 MS4 General Permit shall continue to implement its prioritized dry weather outfall inspection plan based on drainage areas such as an urban impaired stream watershed, or based on a watershed or sub-watershed that the permittee has identified as having the greatest potential threat to the receiving water. (See *Guidelines and Standard Operating Procedures For Stormwater Phase II Communities in Maine* volumes 1 and 2) The SOP can be obtained from the following web site. http://www.thinkbluemaine.org/docs/index.htm under the illicit discharge detection and elimination section.

Permittees not subject to the 2008 MS4 General Permit shall conduct a dry weather inspection of MS4 outfalls that discharge to the two highest priority sub-watersheds, as approved by the Department. In subsequent permit years, dry weather inspections must be expanded to other sub-watersheds within the permittee's two highest priority watersheds as approved by the Department. The municipality must have a defined procedure/policy or protocol in place that details the steps that must be taken when an illicit discharge is identified during these inspections to locate the source of the illicit discharge and eliminate it. Permittees subject to the 2008 MS4 General Permit shall revise their outfall inspection plan and continue conducting dry weather inspections in different watersheds or sub-watersheds as approved by the Department and evaluate discharges for illicit connections.

iv Permittees not subject to the 2008 MS4 General Permit shall, by no later than June 30, 2018, develop and implement a strategy to detect any illicit discharges to their open ditch system within their highest priority watershed, to the extent allowable under State or local law. Permittees subject to the 2008 MS4 General Permit shall continue to implement an illicit discharge/illicit connection detection program based upon a schedule approved by the Department.

v By June 30, 2016, each permittee shall develop a list of septic systems in its highest priority watershed that are 20 years old or greater and which may discharge to the MS4 if the system fails. By June 30, 2017, each permittee shall implement a drive-by evaluation and documentation program of septic systems in its highest priority watershed that are 20 years old or greater and which have the potential to discharge into the MS4. This septic system inspection and documentation program must include a mechanism for addressing any discharges to the MS4 from malfunctioning septic systems.

b. Suggested: Each permittee may develop and implement an annual municipal household hazardous waste collection, or participate in an annual regional household hazardous waste collection program, or provide some other mechanism for residents to dispose of household hazardous waste.

c. Non-stormwater discharges. This permit authorizes the following non-stormwater discharges provided they do not contribute to a violation of water quality standards as determined by the Department. These discharges must be addressed in the Plan if they are identified by the permittee as significant contributors of pollutants to the regulated small MS4.

- 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

- hydrant flushing and firefighting activity runoff
- water line flushing and discharges from potable water sources
- individual residential car washing
- dechlorinated swimming pool discharges

4. **Construction Site Stormwater Runoff Control.** Each permittee shall develop, implement, and enforce a program, or modify an existing program, to reduce pollutants in any stormwater runoff to the regulated small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must include, but not be limited to, the development and implementation of:

a. If the permittee chooses to rely on either the Maine Construction General Permit ("MCGP") and if applicable Chapter 500, Stormwater Management, the program must include the development and implementation of:

i. Procedures for notifying construction site developers and operators of the requirements for registration under the Maine Construction General Permit or Chapter 500, Stormwater Management for the discharge of stormwater associated with construction activities; and

ii. Document every construction activity that disturbs one or more acres within the UA.

ii. Implement site inspections procedures to ensure projects are in compliance with the MCGP and Chapter 500, Stormwater Management. In watersheds of Urban Impaired Streams, and in the permittee's highest priority watershed, inspect the construction activity at least three times with one inspection at project completion to ensure that all post construction BMPs were properly installed, and that final stabilization of the site has been completed. All construction inspections must be properly documented. For other watersheds, inspect the construction activity a minimum of twice, with one inspection at project completion to ensure that all post construction BMPs were properly installed, and that final stabilization of the site has been completed.

b. **Non-reliance on the MCGP.** If the permittee <u>does not</u> choose to rely on the MCGP, the program must include the development and implementation of:

i. An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions for non-compliance, to the extent allowable under State or local law;

ii. Procedures for notifying construction site developers and operators of the requirements for registration under the MCGP and Chapter 500, Stormwater Management for the discharge of stormwater associated with construction activities;

iii. Requirements for construction site operators to implement appropriate erosion and sediment control best management practices in accordance with state law and any local requirements;

iv. Requirements for construction site operators to control waste at the site such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste that may cause adverse impacts to water quality;

v. Procedures for site plan review that incorporate consideration of potential water quality impacts;

vi. Procedures for receipt and consideration of information submitted by the public; and

vii. Site inspections procedures to ensure projects are in compliance with the erosion and sedimentation control plan, MCGP and Chapter 500, Stormwater Management. In watersheds of Urban Impaired Streams and the permittee's highest priority watershed or sub-watershed, inspect and properly document the construction activity at least three times with one inspection just prior to or within 24 hours of a rain event greater than .2 inches, and one inspection at project completion to ensure that all post construction BMPs were properly installed, and that final stabilization of the site has been properly completed. For other watersheds, inspect the construction activity at least twice, with one inspection at project completion to ensure that all post construction BMPs were properly installed, and that final stabilization of the site has been properly completed.

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

a. Required Strategies.

i. Each permittee shall develop, implement, and enforce a program 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 MS4. This program shall ensure that controls are in place that will prevent or minimize water quality impacts.

ii. To ensure adequate long-term operation and maintenance of post construction BMPs, each permittee subject to the 2008 MS4 General Permit shall continue to implement a post construction discharge ordinance, or similar measure approved by the Department. Permittees not subject to the 2008 MS4 General Permit shall implement a post construction discharge ordinance, or similar measure approved by the Department, by no later than June 30, 2015. This ordinance or similar measure must stipulate that the owner or operator of a post construction BMP described in Part IV(H)(5)(a)(i) provide the permittee with an annual report documenting that the BMP is adequately maintained and is functioning as intended or requires maintenance. If the post construction BMP requires maintenance, the owner or operator shall provide a record of the deficiency and corrective action(s) taken to the permittee. In permit year two and in subsequent permit years, each permittee shall include the following in their annual report:

- the cumulative number of sites that have post construction BMPs discharging into their MS4;
- a summary of the number of sites that have post construction BMPs discharging into their 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.

iii. Each permittee shall annually inspect a percentage of post construction BMPs located in the direct watershed of a lake most at risk from new development or in watersheds of an urban impaired stream. If the owner or operator of a post construction BMP hires a qualified third party inspector, the permittee will have no inspection requirements. If the owner or operator of a post construction BMP does a "self" inspection, the permittee is required to conduct the following inspection schedule.

1-10 post construction sites: inspect at least one site, or 40% (whichever is greater)
11-30 post construction sites: inspect at least four sites, or 30% (whichever is greater)
31-60 post construction sites: inspect at least nine sites, or 25% (whichever is greater)
61-100 post construction sites: inspect at least fifteen sites, or 20% (whichever is greater)
101-160 post construction sites: inspect at least twenty sites, or 17% (whichever is greater)
Over 160 post construction sites: inspect at least twenty seven sites, or 11% (whichever is greater)

NOTE: For the purposes of this Minimum Control Measure, a post construction site may be a large commercial development i.e. big box store, or a subdivision, or any activity that disturbed one of more acres. Construction sites may have multiple post construction BMPs.

iv. Develop and implement a procedure for notifying site developers to consider incorporating low impact development techniques.

6. Pollution Prevention/Good Housekeeping for Municipal Operations.

This program has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

a. Required Strategies.

i. Permittees not subject to the 2008 MS4 General Permit shall by the end of permit year one, develop an inventory of all municipal operations conducted in, on, or associated with facilities, buildings, golf courses, cemeteries, parks and open space owned or operated by the permittee that have the potential to cause or contribute to stormwater or surface water pollution. By the end of permit year two, Permittees not subject to the 2008 MS4 General Permit shall develop and implement written operation and maintenance procedures for its highest priority watershed that includes maintenance schedules and inspection procedures to ensure long term operation of structural and non-structural controls that reduce stormwater pollution to the maximum extent practicable. By the end of year three develop and implement operation and maintenance procedures for the remaining watersheds within the Urbanized Area. Permittees subject to the 2008 MS4 General Permit shall continue to maintain their inventory of properties, facilities and activities, and continue implementation of their operation and maintenance plans. These procedures must address as applicable:

- Proper use, storage and disposal of petroleum and non-petroleum products, hazardous materials, waste materials, pesticides and fertilizers including minimizing the use of these products, and an alternative product analysis;
- Spill response and prevention;
- Vehicle and equipment storage, maintenance and fueling;
- Amount and type(s) of deicing materials used each deicing season
- Landscaping and lawn care including, where applicable, an evaluation of reduced mowing frequencies, establishing and maintaining buffers, cutting vegetation within 100 feet of a stormwater conveyance or surface water;
- Erosion and sedimentation control;
- Feeding gulls, waterfowl or other wildlife.

ii. Using training materials that are available from the EPA, the State, regional stormwater groups or other organizations, *Guidelines and Standard Operating Procedures For Stormwater Phase II Communities in Maine* volumes 1 and 2, and the Think Blue Maine website, www.thinkbluemaine.org this program must include employee training to prevent and reduce

stormwater pollution from municipal operations and facilities. The permittee shall report annually on the types of trainings presented, the number of municipal and contract staff that received training, the length of the training, and training effectiveness.

iii. The permittee shall develop and implement a program to sweep all publicly accepted paved streets and publicly owned paved parking lots maintained by the permittee at least once a year as soon as possible after snowmelt.

iv. The permittee shall develop and implement a program to evaluate and, if necessary, clean catch basins and other stormwater structures that accumulate sediment at least once every other year and dispose of the removed sediments in accordance with current state law. The permittee shall clean catch basins more frequently if inspections indicate excessive accumulation of sediment. Excessive accumulation is greater than or equal to 50 percent filled.

v. The permittee shall evaluate and implement a prioritized schedule, as necessary, for repairing or upgrading the conveyances, structures and outfalls of the regulated small MS4.

vi. Permittees not subject to the 2008 MS4 General Permit shall by June 30, 2015, develop and implement a stormwater pollution prevention plan ("SWPPP") for the following municipal operations: public works facilities, transfer stations, and school bus maintenance facilities operated by the permittee unless the facility is currently regulated under Maine's Industrial Stormwater Program. The SWPPP must meet the conditions and requirements including quarterly visual monitoring per Maine's Multi-Sector General Permit ("MSGP") Stormwater Discharge Associated with Industrial Activity, published April 26, 2011. The SWPPP outlines sources of potential stormwater pollutants and the methods by which these pollutants will be reduced or prevented from entering Waters of the State, other than groundwater, or to an MS4. The Plan identifies in writing a SWPPP team of facility personnel as well as a SWPPP team leader who is ultimately responsible for SWPPP implementation. The Department has developed a generic SWPPP for municipal operations which can be modified by the permittee for individual facilities as required by this permit. Contact the Municipal and Industrial Stormwater Coordinator for an electronic copy of the SWPPP, Quarterly inspection forms, visual monitoring forms or for technical assistance, including on-site assistance, to meet this permit obligation. Permittees subject to the 2008 MS4 General Permit shall continue to implement and update their SWPPP(s) to ensure it meets Maine's April 26, 2011 MSGP requirements including visual monitoring. The Department shall honor request for technical assistance including on-site technical assistance inspections and SWPPP training.

b. **Suggested Operational Strategies.** At a minimum, consider the following in developing your program.

i. Structural and non-structural stormwater controls to reduce floatables and other pollutants discharged from your separate storm sewers.

ii. Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, and snow disposal areas.

iii. Ensure that new flood and stormwater management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices.

I. Sharing responsibility

1. **Reliance on other entity.** The permittee may satisfy the requirement to implement a BMP for a Minimum Control Measure by having a third party implement the BMP. For example, if a local watershed organization organized or funded by the permittee performs an annual "river clean-up", this event may be used to satisfy a BMP for the Public Participation and the Pollution Prevention and Good Housekeeping Minimum Control Measure.

   If the permittee is relying on a third party to implement one or more BMP(s), the permittee shall note that fact in the Stormwater Program Management Plan and annual report required in Part IV (J). If the third party fails to implement the BMP(s), the permittee remains responsible for its implementation.

2. **Qualifying state or federal program.** If a BMP or Minimum Control Measure is the responsibility of a third party under another NPDES or MEPDES permit, the permittee is not required to include such BMP or Minimum Control Measure in its stormwater management program. The permittee shall reference this qualifying program in their Stormwater Program Management Plan. However, the permittee is responsible for its implementation if the third party fails to perform. The permittee shall periodically confirm that the third party is still implementing this measure. If the third party fails to implement the measure, the Plan may be modified to address the measure, if necessary.

   In the case of a permitted municipal industrial activity, such as a publicly owned treatment works covered by the Multi Sector General Permit, the permittee may reference the activity's Stormwater Pollution Prevention Plan to address a portion of the permittee's Plan.

3. **Other MS4 Permittees.** The permittee shall identify interconnections within the regulated small MS4s and find ways to cooperate with other regulated entities. Where a portion of the separate storm sewer system within a municipality is owned, operated or otherwise the responsibility of another regulated small MS4, the two entities may coordinate the development and implementation of their respective Plans to address all elements of Part IV H (1-6). At the very least, a clear description of their respective responsibilities for these elements must be included in each regulated small MS4's Plan.

   For example, a storm sewer system within a municipality may be operated and maintained by the MaineDOT, or other public or quasi-public entity. In cases such as these, the two entities shall cooperate and coordinate their Plans to reduce duplicative efforts to address the Minimum Control Measures, particularly at the interconnections within storm sewer systems. Where an illicit discharge is detected from an outfall near an interface between two storm sewer systems and where there is more than one responsible entity, the two entities shall coordinate their efforts to detect and ultimately eliminate the cause of the illicit discharge. These efforts must be noted in both the regulated small MS4's annual reports.

J. Reporting and Record Keeping Requirements

1. The permittee shall keep records required by this permit for at least three (3) years following its expiration, or longer if requested by the Commissioner. The permittee shall make records, including its Stormwater Program Management Plan, available to the public at reasonable times during regular business hours.

   By September 15, 2014 and annually thereafter by September 15, the permittee shall submit a report for the Department's review and approval to:

Municipal/Industrial Stormwater Coordinator
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

The report must include the following.

a. The status of compliance with permit conditions based on the permittees Plan, an assessment of the appropriateness of identified best management practices, progress towards achieving identified measurable goals for each of the Minimum Control Measures, and progress toward achieving to goal of reducing the discharge of pollutants to the MEP.

b. Results of information collected and analyzed, including monitoring data, if any, during the reporting period.

c. A summary of the stormwater activities the permittee intends to undertake pursuant to its Plan during the next reporting cycle.

d. A change in any identified BMPs or measurable goals that apply to the Plan.

e. A summary describing the activities, progress, and accomplishments for each of the minimum control measures #1 through #6 (including such items as the status of education and outreach efforts, public involvement activities, stormwater mapping efforts, dry weather inspections, 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, and the status of the permittee's good housekeeping/pollution prevention program.

2. Changes to the report based on the Department's review comment(s) must be submitted to the Department within 60 days of the receipt of the comment(s).

3. **Suggested**. Provide an estimate of annual expenditures for permit compliance for the reporting period and projected budget for the following year.[9]

K. **Impaired Waters and Total Maximum Daily Load (TMDL).** If the waterbody to which a discharge drains is impaired and has an EPA approved TMDL, then the discharge must be consistent with the TMDL waste load allocation ("WLA") and any implementation plan. This general permit does not authorize a direct discharge that is inconsistent with the WLA of any EPA approved TMDL. If a TMDL is approved or modified by EPA subsequent to the effective date of this General Permit, the Department shall notify the permittee and may:

1. Require the permittee to review its Plan for consistency with the TMDL, and propose any necessary modification to the Plan to be submitted to the Department within six months of the receipt of notification concerning the TMDL;

2. Issue a watershed-specific general permit for the area draining to the impaired waterbody. The watershed-specific MS4 general permit may reference parts of this General Permit; or

[9] The collection of expenditure data by the Department is solely for the purpose of determining generic program costs not as a measure of the permittee's program compliance or effectiveness. The Department recognizes that expenditure data tracking and reporting methodology may vary from one reporting entity to another, as well as over time, and will assess any data for its validity, relevance and utility as it pertains to the purpose stated above.

3. Require an individual permit.

PART V. Standard Conditions

A. **Removed Substances.** Solids, sludges, filter backwash or other pollutants removed or resulting from the treatment of wastewaters shall be disposed of in a manner approved by the Department.

B. **Other Applicable Conditions.** The conditions in Waste Discharge License Conditions,06-096 CMR 523(2) (effective January 23, 2001) also apply to discharges pursuant to this General Permit and are incorporated herein as if fully set forth. These conditions address areas such as: duty to comply; need to reduce or halt activity not a defense; duty to mitigate; permit actions; property rights; duty to provide information; and inspection and entry.

C. **Monitoring Requirement.** The Department may require monitoring of an individual discharge as may be reasonably necessary in order to characterize the nature, volume or other attributes of that discharge or its sources.

D. **Other Information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, he or she shall promptly submit such facts or information.-

E. **Endangered Species.** Pursuant to State and Local Cooperation Law, 12 M.R.S.A. § 12806, A state agency or municipal government shall not permit, license, fund or carry out projects that will:

1. Significantly alter the habitat identified under Conservation of Endangered Species Law, 12 M.R.S.A. § 12804, subsection 2 of any species designated as threatened or endangered under this subchapter; or

2. Violate protection guidelines set forth in 12 M.R.S.A. § 12804, subsection 3.

F. **Individual Permit or Alternative General Permit.** When an individual permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative general permit, the applicability of this permit to the individual permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Commissioner.

Appendix A

Regulated Small MS4 Municipal Operators

Auburn
Bangor
Berwick
Biddeford
Brewer
Cape Elizabeth
Cumberland
Eliot
Falmouth
Freeport
Gorham
Hampden
Kittery
Lewiston
Lisbon
Milford
Old Orchard Beach
Old Town
Orono
Portland
Sabattus
Saco
Scarborough
South Berwick
South Portland
Veazie
Westbrook
Windham
Yarmouth
York

Appendix B

Urban Impaired Streams

Logan Brook	Auburn
Penjajawoc Stream including Meadow Brook	Bangor
Birch Stream (Ohio Street)	Bangor
Capehart Brook (Pushaw Road)	Bangor
Arctic Brook (Valley Avenue)	Bangor
Shaw Brook	Bangor, Hampden
Frost Gully Brook	Freeport
Concord Gully	Freeport
Hart/Dill Brook	Lewiston
Jepson Brook	Lewiston
Capisic Brook	Portland
Fall Brook	Portland
Nasons Brook	Portland
Goosefare Brook	Saco, Old Orchard Beach
Trout Brook (including Kimball Brook)	South Portland, Cape Elizabeth
Barberry Creek	South Portland
Long Creek	South Portland, Portland, Westbrook, Scarborough
Phillips Brook	Scarborough
Red Brook	Scarborough, South Portland

This General Permit may be reopened to include or delete specific waterbodies or segments based upon new information. Reopening the General Permit for this purpose is subject to the requirements in 38 MRSA 414-A (5), including notice to interested parties of record and opportunity for hearing. Actions may be appealed as provided in 38 MRSA 341-D and 346.