STILLWATER ENVIRONMENTAL ENGINEERING, INC. • PO Box 426, ORONO, MAINE 04473

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) STORMWATER MANAGEMENT PLAN (SMP)

For

Town of Lisbon
300 Lisbon Street, Lisbon, ME 04250
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Prepared By
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Submitted: March 25, 2021
Revised: February 19, 2026

MS4 General Permit Effective July 1, 2022

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1 Introduction

1.1 Regulatory Overview

The Town of Lisbon (Town) is subject to the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s). The most recent permit was issued by the Maine Department of Environmental Protection (MDEP) on October 15, 2020, to be effective for 5 years from July 1, 2022 to June 30, 2027 (see **Attachment G**). The permit authorizes the direct discharge of stormwater from regulated MS4s to waters of the State, other than groundwater, pursuant to Water Pollution Control Law 38 M.R.S.A. § 413. The Town of Lisbon submitted a Notice of Intent (NOI) to comply with the terms and conditions of the MS4 General Permit on or before March 31, 2021 (see **Attachment H**).

The General Permit covers operations or activities associated with stormwater runoff within identified "urbanized areas" of the municipality's regulated MS4. An urbanized area is a classification of the U.S. Census Bureau that is based on population density and amount of concentrated development – factors that result in increased stormwater volume and pollutant load to receiving waterbodies in the area.

The U.S. Environmental Protection Agency (USEPA) and MDEP began regulating communities for their stormwater discharges using the Urbanized Area criteria in 2003. The Town of Lisbon became regulated in 2013 based on the 2010 census. **Attachment A** shows the urbanized area regulated by the 2022 MS4 General Permit for the Town. This map was developed from the inclusive sum of the U.S. Census Bureau census conducted in 2000 and 2010. The 2022 MS4 General Permit does not include any modifications to urbanized area based on data from the 2020 U.S. Census.

The Town of Lisbon encompasses a total land area of approximately 22.8 square miles, with approximately 17.5% (4 square miles) of that total area within the Town's urbanized area. According to the 2010 U.S. Census, the population of the Town is estimated to be 9,021, with 5,528 residents within the regulated urbanized area.

Each of the four MS4 General Permits (effective 2003, 2008, 2013, and 2022) have required that the regulated MS4s develop and implement a Stormwater Management Plan (SMP) to coincide with the effective dates of the General Permit. The SMP is designed to reduce or eliminate polluted stormwater runoff to the maximum extent practicable (MEP) from its regulated MS4. The elements of the SMP are described in **Section 1.3**.

1.2 Cooperation Between Regulated Communities

There are 30 municipalities, two transportation agencies, and eight state/federal agencies in the State of Maine subject to MS4 General Permit regulation. Historically, there is a strong regional and/or state-wide collaborative effort among regulated entities to develop and carry out required permit activities. Most regulated MS4s (municipal, transportation, and state/federal) in the State are part of an established regional stormwater working group consisting of MS4 communities and supporting local organizations. These working groups include:

- Androscoggin Valley (Lewiston-Auburn) Stormwater Working Group (AVSWG);
- Bangor Area Stormwater Working Group (BASWG);
- Interlocal (Greater Portland) Stormwater Working Group (ISWG); and
- Southern Maine (York County) Stormwater Working Group (SMSWG).

The Town of Lisbon is a member of AVSWG, a coalition of four MS4 municipalities in the greater Lewiston Auburn area (Auburn, Lewiston, Lisbon, and Sabattus).

AVSWG participants, including the Town of Lisbon, are working collaboratively to implement MCM 1 and MCM 2 of the 2022 General Permit. The Town will continue to participate in and support implementation of regional practices by AVSWG. In addition, the Town hires a third-party consultant to implement some requirements and implements other requirements using municipal staff. This plan describes which elements will be completed individually, regionally, or as part of a statewide effort.

1.3 Stormwater Management Plan

As mentioned in the Regulatory Overview, operators of a regulated small MS4 are required to design a stormwater management plan (SMP) that will effectively:

- Reduce the discharge of pollutants to the "maximum extent practicable" (MEP);
- Protect water quality; and
- Satisfy the appropriate water quality requirements of the USEPA's Clean Water Act.

The SMP is a tool describing how a regulated community plans to manage stormwater in a way that will limit pollutant loads and protect the quality of receiving waters. The plan is *not enforceable*, however, some of its elements are enforceable as identified in the Town's permittee-specific DEP Order contained in **Attachment I**. However, the SMP does allow the permittee to adjust approaches and practices throughout the permit cycle if needed, based on regular evaluation of their effectiveness, changing conditions, specific local concerns, and/or other factors. SMP modifications of the BMPs contained in the permittee-specific DEP Order require MDEP review and approval and public notice.

Specifications of the MS4 General Permit are primarily based on qualitative *minimum control measures* (MCMs) of stormwater management, less so on quantitative requirements (e.g. numeric water quality criteria). This SMP describes how the Town will implement Best Management Practices (BMPs) to meet the six MCMs that are defined in Part IV(C) of the 2022 MS4 General Permit:

I - Public Education and Outreach

II - Public Involvement and Participation

III - Illicit Discharge Detection and Elimination Program

IV - Construction Site Stormwater Runoff Control

V - Post-Construction Stormwater Management in New Development and Redevelopment

VI - Pollution Prevention/Good Housekeeping for Municipal Operations

The 2022 MS4 General Permit requires that for each MCM, the Town must:

a) Define appropriate BMPs;

b) Designate a person(s) responsible for implementing each BMP;

c) Define a date or timeline with milestones for implementation of each BMP; and

d) Define measurable goals for each BMP.

This SMP is developed in accordance with the terms and conditions of the MS4 General Permit reissued by the MDEP on October 15, 2020. Many of the BMPs in this plan continue or expand upon BMPs developed under prior MS4 General Permits. Specific requirements for addressing MCMs have changed though the six MCMs have remained the same for all permit cycles.

Section 1.4 and **Section 1.5** describe the Town's water quality status, and the watershed(s) that are considered to be priorities for the Town when considering stormwater management practices to prevent or alleviate impairment of waters. **Section 1.6**, **Section 1.7**, and **Section 1.8** describe how permit coverage is obtained, how the SMP is modified (when needed), when public notice is required, and annual reporting requirements.

The MDEP will review this SMP and determine if the Town is controlling pollutants to the *maximum extent practicable* (MEP). MEP is the USEPA's statutory standard for pollutant reduction requirements of permitted MS4s, and the term is flexible in consideration that pollutant control strategies will vary for each small MS4 based on unique local conditions and factors such as cost, existing technology, and logistics of BMPs. The Town is allowed to consider these concepts as they select BMPs to meet permit requirements but the MDEP decides if the Town is meeting the MEP standard. *Practices that were considered MEP under the MS4 2013 permit may no longer meet that standard and must be improved or expanded based on changed conditions.*

1.4 Discharges to Impaired Waters

Discharges to waterbodies with approved Total Maximum Daily Load (TMDL) or discharges causing or contributing to impairment have additional requirements in the 2022 MS4 General Permit:

1. If an MS4 has a point source discharge to a water with a TMDL approved before 10/15/2020, the discharge must be consistent with any TMDL requirements established by the MDEP.
    - If a TMDL is approved or modified by the EPA after 10/15/2020, the MDEP will notify the permittee if any changes are needed to the SMP, and may take other actions regarding the approved TMDL as identified in the 2022 MS4 General Permit.
2. If an MS4 has a discharge to an Urban Impaired Stream, it must develop and implement three (3) BMPs to address the water's impairment, unless the MDEP has determined the MS4 discharge is not causing or contributing to the impairment.

1.4.1 Town of Lisbon Water Quality Status

The following named waterbodies recieve discharges from the Town's MS4:

- Androscoggin River;
- Sabattus River (Impaired); and
- Unnamed Stream Near Route 196 (Impaired).

Sabattus River does not have an EPA approved TMDL and therefore does not require additional actions per the 2022 MS4 General Permit.

Unnamed Stream (near Route 196) has an impairment classification in the Town of Lisbon's MS4 regulated area that requires additional actions by the Town per the 2022 MS4 General Permit. The Unnamed Stream watershed covers 557 acres in the Town of Lisbon and currently has approximately 18% impervious cover. Because it fails to meet water quality standards due to effects of stormwater runoff from developed land, Unnamed Stream has been classified as an Urban Impaired Stream by MDEP Chapter 502 criteria. See **Section 3.7** for BMPs that address this impairment.

1.5 Priority Watersheds

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

For previous MS4 permit cycles, the Town selected the Unnamed Stream (near Route 196) as the priority watershed to focus on for SMP implementation.

1.6 Obtaining Coverage to Discharge

As required, a Notice of Intent (NOI) to comply with the 2022 MS4 General Permit was submitted to the MDEP with this SMP. A copy of the Town's NOI along with the Town's public notice is provided in **Attachment H**.

Following review of the SMP and NOI, the MDEP issued a permittee specific DEP Order, establishing terms and conditions that are enforceable in addition to the language in the 2022 MS4 General Permit, which is also enforceable. The final permittee specific DEP Order is included in **Attachment I**.

A 30-day Public Notice is required for both the NOI and the permittee specific DEP Order.

Once the MDEP issues authorization to discharge, the permittee has 60 days to update the SMP to reflect any new or changed requirements based on the DEP Order and any public comments. The new permit conditions will take effect on July 1st, 2022.

1.7 SMP Modifications

The SMP must be amended during the permit term (2022 - 2027) if the MDEP or the regulated MS4s determine that:

a) The actions required by the BMPs fail to control pollutants to meet the terms and conditions of the MS4 General Permit and the permittee specific DEP Order;

b) The BMPs do not prevent the potential for a significant contribution of pollutants to Waters of the State other than groundwater; or

c) New information results in a shift in the SMP's priorities.

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

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

- To modify any schedule identified in the permittee specific Department Order, the permittee must file an application on a MDEP form with the Department that includes a justification to formally modify the original permittee-specific Department Order.

- The permittee must allow the public the opportunity to comment on changes made to the SMP a minimum of once per year.
- For BMPs in the SMP that are not required to comply with the General Permit or the permittee specific Department Order, the BMPs and/or implementation schedule may be amended as appropriate without the need for public comment. Changes must be submitted to the Department in the Annual Report following the permit year the change(s) were made.

1.8 Annual Compliance Report and Record Keeping

By September 15th of each year, the Town will electronically submit an Annual Compliance Report for the MDEP's review using the standardized form provided by the MDEP. The Annual Compliance Report must be sent to:

Holliday Keen
Municipal/Industrial Stormwater Coordinator
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017
Holliday.Keen@maine.gov

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

As a regulated MS4, the Town must keep records required by the 2022 MS4 General Permit and permit modification for at least three (3) years following its expiration or longer if requested by the MDEP Commissioner. The Town must make records (including this SMP) available to the public at reasonable times during regular business hours.

2 SMP Organization

2.1 Plan Management Hierarchy

2.2 Additional Environmental Plans

The Town implements the following existing environmental plans: The Town implements the following existing environmental plans:

- Operations and Maintenance (O&M) Plan for Municipal Operations (available upon request);
- Illicit Discharge Detection and Elimination (IDDE) Plan (**Attachment C**);
- Level of Service (LOS) Plan for Snow and Ice Removal (available upon request); and
- No Exposure Certification (NEC) for the Waste Water Treatment Plant (available upon request); and
- Stormwater Pollution Prevention Plan (SWPPP) for Public Works and Transfer Station Facilities (both are available upon request).

3 Minimum Control Measures

3.1 MCM I - Education/Outreach Program

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

1. An Outreach to Raise Awareness Campaign targeted at two audiences applying three (3) tools per audience per year. One target audience must be the public and the second audience may be selected from: municipal, commercial, development/construction, or institutions.

2. An Outreach to Change Behavior Campaign to promote one behavior change directed at two audiences using a minimum of three (3) outreach tools per year. This campaign will promote and reinforce desirable behaviors designed to reduce stormwater pollution.

In 2018, the AVSWG participated in a statewide survey to assess public awareness of a variety of stormwater issues and related behaviors. The survey results report was included in the AVSWG Permit Year 5 (2017-2018) annual reports. In addition, the AVSWG communities reviewed regional water quality related to stormwater issues, examined the unique conditions within each of their communities, and evaluated the needs for public education around stormwater at a regional meeting in April, 2020 and two meetings in February of 2021. Based on the survey results and the discussions at their regional meetings, the AVSWG communities discussed which issues of significance to address and what tools and messages might be effective. The Town has chosen Best Management Practices (BMPs) that are structured to allow for adaptive education and outreach approaches to create a strong, diverse, and effective campaign over the duration of this permit.

The Town of Lisbon will fulfill the requirements for Public Education/Outreach through participation in the AVSWG and in the Statewide Think Blue Maine Campaign, as described in the following BMPs. The BMPs will be implemented according to their individual timelines over the term of the permit.

3.1.1 BMP1A - Outreach to Raise Awareness Campaign

Description:
This BMP describes the measurable goals for the public audience.

The Think Blue Maine campaign began in 2003 as a statewide effort to raise awareness of common stormwater pollutants and ways to prevent those pollutants. This campaign has been historically successful in increasing awareness of stormwater issues. The AVSWG, ISWG, and SMSWG coordinate their Think Blue Maine messaging and education efforts to provide consistent messaging in Southern Maine. In addition, the Massachusetts and New Hampshire small MS4s are using a similar Think Blue campaign, so there is some regionally consistent messaging in circulation.

In 2018, the AVSWG participated in a statewide survey around public awareness of stormwater issues and behaviors that impact stormwater. One hundred percent of survey respondents ages 25-34 stated it was “very important to have clean water in the lakes and streams in [their] community”, and 78% of respondents believe that stormwater runoff has a major impact or somewhat impacts water quality, but only 33% of respondents were able to correctly describe what happens to stormwater at their residence. The AVSWG communities will use the Think Blue Maine campaign to raise awareness of the target audience to be more aware of stormwater issues and be more willing to change their behavior in the future.

Measurable Goals:
The Town, through its participation in the statewide campaign, will raise 15% of the target audience's awareness of what happens to stormwater at their residence or place of work. According to the 2019 US Census Bureau, the AVSWG region's population for ages 25 to 34 is approximately 9,500 people and 15% of the target is approximately 1,500 people.

- **Target Audience:** People age 25-34 who live in the AVSWG region
- **Message:** "Water that lands on our roads, roofs, and other hard surfaces picks up pollutants and carries them to our local waterbodies without being treated."
- **Outreach Tools:** A minimum of three outreach tools will be selected from **Attachment B.1** each year. Each tool will be assessed and customized based on the target audience's receptiveness to the method. Any tool used in a given year will be tailored to the message of the relevant target audience subset based on common characteristics and/or demographics.
- **Effectiveness:** Effectiveness will be evaluated annually by tracking process indicators for each tool implemented that year and by tracking impact indicators where available (See **Attachment B.1**).

Implementation:
A minimum of three of the tools from **Attachment B.1** will be implemented each year for the duration of the permit. As part of the adaptive management of the education and outreach program, tools and messaging will be reviewed and evaluated on an annual basis at a minimum as part of annual reporting. To address emerging issues, opportunistic tools and outreach may also be implemented. Seasonal messaging and tool adjustments will be used when applicable.

Responsible Party: Stormwater Coordinator (with implementation assistance from Cumberland County Soil & Water Conservation District)

3.1.2 BMP1B - Municipal Outreach to Raise Awareness

Description:
Chlorides are a major component of winter road maintenance for snow and ice removal. Chloride pollution in stormwater likely contributes to the detriment of surface water quality in the AVSWG region. This campaign will build on efforts over the last permit cycle to make MS4 winter maintenance decision-makers aware of the negative impacts of chlorides on local waters and actions that can be taken to reduce chloride impacts. Chloride reductions must be balanced with public safety concerns, as the public has come to expect clear roads shortly after winter storm events.

Measurable Goals:
During each permit year, the Town will improve municipal Public Works staff awareness of the impacts of chlorides on water quality, with a minimum of a 10% increase in awareness (determined through municipal surveys) by the end of PY5. The Town chose a 10% increase, due to the high baseline level of staff awareness from the previous permit cycle.

- **Target Audience:** Public Works leadership and staff, and municipal leadership
- **Message:** "The application of winter sand and salt can negatively impact waterways, infrastructure, and drinking water supplies. The best management of winter sand and salt will reduce impacts, save money, and preserve infrastructure."
- **Outreach Tools:** A minimum of three outreach tools will be selected from **Attachment B.2** each year. Each tool will be assessed and customized based on the target audience's receptiveness to the method. Any tool used in a given year will be tailored to the message of the relevant target audience subset based on common characteristics and/or demographics.

- **Effectiveness:** Effectiveness will be evaluated annually by tracking process indicators for each tool implemented that year and by tracking impact indicators where available (See **Attachment B.2**).

Implementation:
A minimum of three of the tools from **Attachment B.2** will be implemented each year for the duration of the permit. As part of the adaptive management of the education and outreach program, tools and messaging will be reviewed and evaluated on an annual basis at a minimum as part of annual reporting. To address emerging issues, opportunistic tools and outreach may also be implemented. Seasonal messaging and tool adjustments will be used when applicable.

Responsible Party: Stormwater Coordinator

3.1.3 BMP1C - Outreach to Change Behavior Audience 1

Description:
AVSWG communities have focused on changing behavior of residents' fertilizer and pesticide use over the past permit cycle by using the message developed by Maine Yardscaping. Due to their past success, AVSWG plans to continue this effort through the new permit cycle. AVSWG worked with Bates College to conduct an intercept survey of the effectiveness of their previous campaign. This data will be used as the baseline for this campaign.

Measurable Goals:
As a result of AVSWG efforts, at the end of the permit cycle, at least 10% of homeowners, aged 35-55, will reduce or eliminate their use of fertilizers and/or pesticides and those who already have reduced or eliminated lawn chemicals will continue those positive behavior changes.

- **Target Audience:** Homeowners, aged 35-55 in AVSWG communities.
- **Message:** "Protect the health and safety of your kids, pets, and water by reducing the use of fertilizer and weed and bug killers on your lawn. Instead, mow high and let the clippings lie."
- **Outreach Tools:** A minimum of three outreach tools will be selected from **Attachment B.3** each year. Each tool will be assessed and customized based on the target audience's receptiveness to the method. Any tool used in a given year will be tailored to the message of the relevant target audience subset based on common characteristics and/or demographics.
- **Effectiveness:** Effectiveness will be evaluated annually by tracking process indicators for each tool implemented that year and by tracking impact indicators where available (See **Attachment B.3**).

Implementation:
A minimum of three of the tools from **Attachment B.3** will be implemented each year for the duration of the permit. As part of the adaptive management education and outreach program, tools and messaging will be reviewed and evaluated on an annual basis at a minimum as part of annual reporting. To address emerging issues, opportunistic tools and outreach may also be implemented. Seasonal messaging and tool adjustments will be used when applicable.

Responsible Party: Stormwater Coordinator

3.1.4 BMP1D - Outreach to Change Behavior Audience 2

Description:
AVSWG communities have focused on changing behavior of residents' fertilizer and pesticide use over the

past permit cycle by using the message of Maine Yardscaping. AVSWG will expand this message to a second audience, municipal staff, during this permit cycle. The Town will conduct a baseline survey of municipal staff during PY1.

Measurable Goals:
As a result of AVSWG and Town efforts, the Town will have reviewed their lawncare practices, assessing the effectiveness of current methods and identifying areas for improvements. The Town will also implement at least the following three practices:

1. Eliminating the use of pesticides or fertilizers on municipal properties;
2. Mowing at least 3" high, except on athletic fields where shorter grass is needed; and
3. Keeping a spill kit with absorbent pads in each grounds maintenance vehicle for quick clean up of spills.

- **Target Audience:** Public Works leadership and staff, and municipal leadership
- **Message:** "The application of fertilizers and pesticides can negatively impact waterways and drinking water supplies. The best management of landscaped areas will reduce impacts and save money."
- **Outreach Tools:** A minimum of three outreach tools will be selected from **Attachment B.4** each year. Each tool will be assessed and customized based on the target audience's receptiveness to the method. Any tool used in a given year will be tailored to the message of the relevant target audience subset based on common characteristics and/or demographics.
- **Effectiveness:** Effectiveness will be evaluated annually by tracking process indicators for each tool implemented that year and by tracking impact indicators where available (See **Attachment B.4**).

Implementation:
A minimum of three of the tools from **Attachment B.4** will be implemented each year for the duration of the permit. As part of the adaptive management of the education and outreach program, tools and messaging will be reviewed and evaluated on an annual basis at a minimum as part of annual reporting. To address emerging issues, opportunistic tools and outreach may also be implemented. Seasonal messaging and tool adjustments will be used when applicable.

Responsible Party: Stormwater Coordinator

3.1.5 BMP1E - Evaluate Campaign Effectiveness

The 2022 General Permit requires each MS4 permittee to identify methods it will use to evaluate the effectiveness of each awareness and behavior change campaign. A relevant baseline evaluation (e.g. from previous permit cycle) must be conducted prior to each campaign, followed by an evaluation in year five of this permit to assess the overall effectiveness of the outreach program. Any message or delivery mechanism found ineffective or of unsatisfactory efficacy, must be modified accordingly.

Description:
The Town will collect Education/Outreach program data to show evidence that progress toward the defined awareness and behavior goals of the program is achieved.

Measurable Goals:

1. The baseline of each awareness and behavior change campaign will be evaluated in PY1; and
2. AVSWG will conduct a regional survey and participate in a statewide survey in PY5 to evaluate the effectiveness of each awareness and behavior change campaign.

Implementation Tools:
At the beginning of and throughout the 2022 MS4 permit cycle, the Town will evaluate E & O program data and periodically assess the effectiveness of the awareness and behavior change campaigns (BMP1A, 1B, 1C, 1D). The following tools will be implemented for evaluation:

1. In PY1, review the evaluation of outreach effectiveness from the previous MS4 permit cycle; and
2. Through participation in AVSWG, in PY5 the Town will contribute to the overall evaluation of AVSWG's E & O programs and the Town's own outreach.

Responsible Party: Stormwater Coordinator

3.2 MCM II - Public Involvement and Participation

MS4 permittees must fully comply with MCM II by involving the public in the planning and implementation process of improving water quality and reducing stormwater quantity via their stormwater program. BMPs for this MCM must support active involvement of the public and stakeholders.

The Town will fulfill the requirements for Public Involvement and Participation through relevant AVSWG practices and by implementing additional BMPs.

3.2.1 BMP2A - Public Notice of Stakeholder Involvement

The MS4 permittee must comply with applicable state and local public notice requirements using effective mechanisms for reaching the public and comply with the Maine Freedom of Access Act when stakeholders are involved with implementation of the permit. The permittee must document the stakeholder meetings and attendance in the annual report as a way of measuring this goal.

Description:
The Town will follow state and local Public Notice requirements when involving stakeholders, in the implementation of the 2022 MS4 General Permit.

Measurable Goal:
There will be consistent public notification and public access to documentation of all Town meetings with MS4 permit stakeholders throughout the permit cycle.

Implementation Tools:
The Town will comply with public notice and access requirements by:

1. Providing public notice of Town Council meetings, referring to stormwater issues on specific agendas, and posting Council meeting agendas and minutes on the Town website; and
2. Posting the SMP on the Town website.

Responsible Party: Stormwater Coordinator

3.2.2 BMP2B - Public Events

The permittee or regional stormwater group of which the permittee is a member must annually host/conduct or participate in a public event that includes a pollution prevention and/or water quality theme.

Description:
In the previous permit cycle, the Town identified the Moxie Festival, which is held in Lisbon each July, as their most effective potential education and outreach event. In partnership with the Town of Sabattus, the Town will continue to provide an educational booth at the Moxie Festival each permit year.

Measurable Goal:
Each permit year the Town will participate in at least one public event with a pollution prevention and/or water quality theme.

Implementation Tools:
Each permit year, the Town , in collaboration with the Town of Sabattus, will host an educational stormwater

booth at the Moxie Festival or another similar event. Stormwater educational materials will be provided to attendees.

Responsible Party: Stormwater Coordinator

3.3 MCM III - Illicit Discharge Detection and Elimination (IDDE)

Each MS4 permittee must implement and enforce a program to detect and eliminate illicit discharges and unauthorized non-stormwater discharges. The program must address the following four components: 1)Procedures for prioritizing watersheds, 2)Procedures for tracing the source of an illicit discharge, 3)Procedures for removing the source of the discharges, and 4)Procedures for program evaluation and assessment.

To meet MS4 General Permit requirements for this MCM, the Town will continue to implement its Illicit Discharge Detection and Elimination (IDDE) program, which includes:

- A Watershed-based map of the Town's stormwater management system;
- A written IDDE Plan which includes;
  - Inspections of outfalls owned/operated by the Town (and monitoring of outfalls which flow during dry weather);
  - Investigations of potential illicit discharges;
  - Enforcement of the Non-Stormwater Discharge Ordinance; and
  - A Quality Assurance Project Plan (QAPP).
- Development of a prioritized list of outfalls which have the potential to cause illicit discharges during wet weather.

The following BMPs will be implemented to meet this MCM.

3.3.1 BMP3A - Non-stormwater Discharge Ordinance

The permittee must continue to implement a non-stormwater discharge ordinance that prohibits non-stormwater discharges and provides for the implementation of appropriate enforcement procedures and actions.

Description:
The Town approved its Non-Stormwater Discharge Ordinance, which is included as Chapter 42, Article III of the Town's Code of Ordinances, on March 3, 2015. The ordinance has been implemented since approval, and is enforced by the Town Code Enforcement Officer.

Measurable Goals:

1. The Town will implement and enforce its non-stormwater discharge ordinance throughout the 2022 MS4 permit cycle; and
2. Any violations of the non-stormwater discharge ordinance and related enforcement actions during the permit cycle will be documented.

Implementation:
The Town will continue to implement and enforce its non-stormwater discharge ordinance including potential sanitary sewer overflows (SSOs) to the MS4 within the Town's regulated area.

Responsible Party: Stormwater Coordinator

3.3.2 BMP3B - IDDE Plan

The IDDE program must include a written IDDE Plan to address any discharge that is not uncontaminated groundwater, water from a natural resource, or an allowable non-stormwater discharge. The plan must address dumping that results in illicit discharges to the MS4. The IDDE plan must set forth all written procedures developed in accordance with the requirements listed in the General Permit.

Description:
The Town developed an IDDE Plan as part of the 2013 MS4 General Permit, and has updated the IDDE Plan (see **Attachment C**) to meet requirements of the 2022 MS4 General Permit.

Measurable Goal:
As part of its IDDE program, the Town will review its IDDE Plan each permit year and revise the plan as necessary.

Implementation:
The Town will continue to review their IDDE plan annually and revise the plan as needed.

Responsible Party: Stormwater Coordinator

3.3.3 BMP3C - Watershed Based Storm Sewer System Infrastructure Map

Permittees must maintain a map(s) of their municipally-owned or operated storm sewer system. 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 and the name of the receiving water for each outfall. Each catch basin must be uniquely identified to facilitate control of potential illicit discharges, and proper operation and maintenance of these structures. Permittees must continue to keep their map(s) current and ensure that maps are reviewed for any updates at least annually. Permittees may choose to utilize paper or electronic maps for their storm sewer system.

Description:
The Town developed and refined a watershed based storm sewer system infrastructure map during previous MS4 permit cycles. The Town utilizes a Geographic Information System (GIS) based mapping system to manage all MS4 related storm sewer system components.

Measurable Goals:
The Town will annually review its storm sewer infrastructure maps and revise as necessary. The review will include all existing storm sewer system infrastructure, including but not limited to:

- The location of all stormwater catch basins;
- Connecting surface and subsurface infrastructure depicting the direction of in-flow and out-flow pipes; and
- The locations of all discharges from all stormwater outfalls operated by the Town.

Implementation:
The Town will continue to refine their Town infrastructure mapping system as necessary during each year of the current MS4 permit cycle to address potential changes to their stormwater management system. The Town will rely on the annual storm sewer system infrastructure inspection program described in **BMPs 3D** and **6E** below to maintain awareness of system changes and necessary mapping updates.

Responsible Party: Stormwater Coordinator

3.3.4 BMP3D - Dry Weather Outfall Inspection

Permittees must implement a dry weather outfall inspection program that includes all elements outlined in Part IV(C)(3)(e)(i - vii) of the General Permit.

Description:
The Town performs annual dry weather inspections of all identified stormwater outfalls in the urbanized area, if possible, and given budgetary constraints. These inspections are prioritized for areas identified as higher priority for illicit discharges in the municipalities IDDE Plan, as well as outfalls located in the Town's priority watershed. The inspection program is designed to identify potential illicit discharges within the Town's stormwater management system, and is a critical component for minimizing stormwater pollution to receiving water bodies.

Measurable Goals:

1. Annually inspect at least 20% of outfalls within the Town's regulated area, inspecting 100% of outfalls located within the Town's regulated area by the end of PY5 (minimum); and
2. Annually inspect more than 20% of outfalls in priority areas identified in the Town IDDE Plan, priority watershed, and throughout the regulated area (above and beyond).

Implementation:
The Town will continue to annually perform its existing dry weather outfall inspection program, prioritizing inspection of outfalls discharging from the Town's priority watershed. Stormwater Team members involved in the inspection program will be trained (as necessary) on how to conduct and record dry weather inspections. See the Town's IDDE Plan found in **Attachment C** for a paper example of the electronic form used for these inspections. Inspection results will be documented in a database management system or other record keeping system for compliance purposes. The Town will rely on available resources specifically addressing illicit discharge detection and elimination, including, but not limited to the Town's IDDE Plan.

Responsible Party: Stormwater Coordinator

3.3.5 BMP3E - Wet Weather Assessment for Potential Illicit Discharges

Prior to the expiration date of the 2022 MS4 General Permit, permittees must perform a wet weather assessment for the potential for illicit discharges during wet weather events. The assessment will vary by permittee and utilize data from existing studies including those listed in Part IV(C)(3)(f) of the General Permit. The outcome of the assessment will be a list of outfalls identified for wet weather monitoring and testing, if applicable, by the permittee in the next permit cycle and the rationale for including these outfalls. On or before the expiration date of this General Permit, the permittee must identify these wet weather outfalls in its written IDDE plan and identify the wet weather outfalls targeted for wet weather monitoring based on the EPA New England bacterial source tracking protocol or other acceptable protocols or methodologies and specify the timing and frequency of wet weather monitoring to be completed during the term of the next permit cycle. Should the permittee complete the IDDE plan prior to the expiration date of the GP and permittee specific DEP Order, the permittee must implement the wet weather monitoring upon completion of the IDDE plan update.

Description:
The Town will conduct a wet weather assessment in accordance with the 2022 MS4 General Permit Part IV(C)(3)(f), and will incorporate the wet weather assessment into their IDDE Plan by the end of PY5 (6/30/2027).

Measurable Goals:
The Town's wet weather assessment will identify all outfalls in the regulated area that have the potential for illicit discharges during wet weather events, identify targeted wet weather outfalls for monitoring during the next permit cycle, and incorporate the wet weather assessment into the Town IDDE Plan by the end of PY5.

Implementation:
The Town will conduct a comprehensive wet weather outfall assessment (identifying outfalls/parameters for future wet weather monitoring) over the course of the 2022 MS4 permit cycle.

Responsible Party: Stormwater Coordinator

3.3.6 BMP3F - Identify Allowable Non-stormwater Discharges that Contribute Pollutants

The permittee must include if it has identified any allowable non-stormwater discharges that are significant contributors of pollutants to the MS4. The non-stormwater discharges authorized by the General Permit are listed in Part IV(C)(3)(h) of the permit. If sources are identified, then the permittee must implement measures and/or cooperate with responsible dischargers to control these sources so they are no longer significant contributors of pollutants.

Description:
The Town has prioritized the following municipal allowable non-stormwater discharge to its MS4:

Hydrant flushing runoff: The Town relies on Lisbon Water Department (LWD) personnel for the flushing of all Town owned fire hydrants located in the municipality. The Town's Stormwater Management Team, in coordination with Water Department personnel, developed and implemented a standard operating procedure (SOP) for the flushing of all municipally owned hydrants within the regulated urbanized area. This SOP, which is included in the Town's IDDE Plan found in (**Attachment C**) ensures that discharges from the Town's MS4 to receiving water bodies as a result of hydrant flushing activities are not significant contributors of pollutants.

Measurable Goals:
The Town will meet the following goals to control pollutant contributions from the identified allowable non-stormwater discharges:

1. Annual review of the Town hydrant map, including where discharges drain to the MS4 and receiving waters;
2. Request an annual water quality report from the LWD concerning hydrant flushing activities; and
3. Address any other allowable non-stormwater discharges (see General Permit Part IV(C)(3)(h)) that are identified as significant contributors of pollutants to the MS4.

Implementation:
The Town will implement the following measures to control pollutant contributions from the Town's allowable non-stormwater discharges:

1. The Town will work with LWD to annually review and update the Town infrastructure map to maintain location points of all hydrants;
2. The Town will request an annual water quality report documenting all best management practices implemented for hydrant flushing activity at the prioritized hydrants as well as the LWD's testing results of the total residual chlorine for any such discharges; and
3. During each permit year, the Town will include a status update on the evaluation of water line and hydrant flushing as a potential significant contributor of pollutants to the MS4, and an update on subsequent actions.

Responsible Party: Stormwater Coordinator

3.4 MCM IV - Construction Site Stormwater Runoff Control

Each permittee must implement and enforce a program to minimize or eliminate pollutants in any stormwater runoff from construction activities that disturb one acre or more of land. 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 Town of Lisbon selected the following Best Management Practices (BMPs) to meet requirements of MCM IV, ensuring that construction on both public and private property does not impact water resources.

3.4.1 BMP4A - Erosion and Sediment Control Regulatory Mechanism

The General Permit requires that the MS4 permittee have an ordinance or other regulatory mechanism in place that requires the use of erosion and sediment control BMPs at construction sites consistent with the minimum standards outlined in Appendix C of the 2022 MS4 General Permit. Permittees who have an existing ordinance must evaluate and update it as needed within one (1) year of the effective date of this GP. Permittees without an existing ordinance must develop an ordinance within one (1) year of the effective date of this GP and have an approved ordinance in place with the necessary enforcement authority within two (2) years of the effective date of this General Permit.

Description:
The Town of Lisbon will continue to enforce an existing program to reduce pollutants in any stormwater runoff to the MS4 from construction activities resulting in a land disturbance of greater than or equal to one acre within the Town's urbanized area. The Town relies on Chapter 500, which applies to a project that disturbs one acre or more of land area and requires a stormwater permit, issued by MDEP, pursuant to the Stormwater Management Law. Chapter 500 Appendix C describes housekeeping performance standards, including construction site waste control, for permitted construction projects.

Measurable Goal:
In PY1, the Town will evaluate and update its existing regulatory mechanism, as necessary, to include references to the requirements found in Attachment C of the MS4 General Permit. These requirements include the provisions detailed in the MDEP Chapter 500 Appendix A - Erosion and Sediment Control, Appendix B - Inspections and Maintenance, and Appendix C - Housekeeping. If updates to the Town's existing ordinance are required, they will be completed by July 1, 2023.

Implementation:
The Town will rely on the MDEP's administration and enforcement of the Maine Construction General Permit (MCGP) for all projects resulting in a land disturbance of greater than or equal to one acre in the Town. The Town may opt to implement and enforce their existing construction site stormwater runnoff conrol program within the municipal boundary and not just the urbanized area.

Responsible Party: Stormwater Coordinator

3.4.2 BMP4B - Procedures for Site Plan Review

The MS4 permittee must develop and implement procedures for site plan review that incorporate consideration of potential water quality impacts, erosion control, waste storage, and other elements of this MCM, the ability for the public to comment on such reviews at publicly-noticed meetings, and procedures to consider information submitted by the public.

Description:
The Town of Lisbon has existing Site Plan and Subdivision Review procedures applicable to projects that disturb one or more acres of land within the urbanized area. These procedures include the provisions detailed in the 2022 MS4 General Permit (consideration of potential water quality impacts, erosion control, waste storage, the ability for the public to comment at publicly noticed meetings, as well as procedures to consider information submitted by the public). The Town Planning Board is authorized to review and act on all site plans for development requiring site plan review. All Town Planning Board meetings are open to public attendance and public comment.

Measurable Goals:
The Town will meet the following goals for implementing Site Plan Review procedures to address MS4 permit requirements:

1. In PY1, evaluate the Site Plan Review Ordinance, as applicable to the MS4 program, updating the ordinance as necessary;;
2. Notification for Town residents of all Planning Board meetings; and
3. Consideration of all public input related to site plan reviews and actions.

Implementation:
The Town will continue implementation and enforcement of its Site Plan Review Ordinance, specifically:

1. Throughout the 2022 permit cycle, the Town will review and update its Site Plan Review Ordinance as necessary to incorporate consideration of stormwater runoff control at applicable construction sites;
2. Continue to notify and invite the public to Town Planning Board meetings; and
3. Solicit public comment on site plan reviews applicable to MS4 regulation.

Responsible Party: Stormwater Coordinator

3.4.3 BMP4C - Procedures for Notification

The permittee's construction site runoff program must include procedures for notifying construction site developers and operators of the requirements for registration under the Maine Construction General Permit and Chapter 500, Stormwater Management.

Description:
As required by the MS4 permit, the Town will notify construction site developers and operators of the requirements for registration under the Maine Construction General Permit or Chapter 500. This notification applies to construction activity in the Town disturbing one or more acres.

Measurable Goals:
During each permit year, the Town will rely on development and building permit applications, which include

notification of requirement for registration under the MCGP or Chapter 500 requirements. During each permit year the Town will provide a brief summary of all projects meeting the requirements for notification in the MS4 Annual Report submitted to MDEP.

Implementation:
Construction site developers and operators will be made aware of this requirement through development and building permit applications for applicable projects.

Responsible Party: Stormwater Coordinator

3.4.4 BMP4D - Construction Site Inspections and Documentation

The permittee must document construction activity that disturbs one or more acres within the urbanized area. Written procedures for site inspection and enforcement authority must be documented. Construction site inspections must be completed following minimum requirements outlined in Part IV(4)(a)(v)(b) of the General Permit.

Description:
To maintain the effectiveness of construction site stormwater control best management practices (BMPs), regular inspection of control measures is essential. The Town will continue to inspect applicable construction projects for erosion and sediment control (E&SC) and good housekeeping/pollution prevention, as required by the MS4 General Permit. The Town will also develop a construction site inspection plan, detailing inspection procedures and follow-up actions for applicable construction sites within the regulated area.

Measurable Goals:
The Town will meet the following goals for construction site inspections and documentation:

1. By the permit effective date (July 1st, 2022), develop written procedures for site inspection, and enforcement of erosion and sediment control (E&SC) measures;
2. Inspect each applicable construction site for E&SC compliance at least three times during the active earth-moving phase the operation (see **Attachment D** for a paper example of the electronic form used for these inspections);
3. Inspect each applicable construction site for E&SC compliance annually until the operation reaches substantial completion;
4. Inspect each applicable construction site for E&SC compliance at project completion to ensure that the site reached permanent stabilization and all temporary erosion and sediment controls have been removed;
5. Document all construction inspections, enforcement action, and corrective actions taken; and
6. Summarize the inspection program results in the MS4 Annual Report submitted to MDEP each permit year.

Implementation:
Qualified Town personnel will perform, or contract to perform, applicable construction site inspections on a frequency specified in written inspection procedures. For sites not in compliance, the inspector(s) will provide site operators with guidance on how to come into compliance. Sites which are not brought into compliance with the MCGP within a reasonable period after receiving guidance from the inspector(s) or after other measures are taken by the MS4, will be reported to the MDEP Land Bureau staff for non-compliance with the MS4 Permit.

Responsible Party: Stormwater Coordinator

3.5 MCM V - Post-Construction Runoff Control for New Development and Redevelopment

Each permittee must implement and enforce a program to address post construction 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.

The Town selected the following Best Management Practices (BMPs) for the Post-Construction Stormwater Management MCM of this SMP.

3.5.1 BMP5A - Low Impact Development Ordinance

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

Description:
As part of their program to address post-construction stormwater runoff to the maximum extent practicable, the Town will develop and adopt a Low Impact Development (LID) ordinance, based on LID techniques and measures defined in Appendix F of the 2022 MS4 General Permit.

Measurable Goals:
The Town will implement the following strategies to prevent or minimize water quality impacts:

- By September 1, 2022 the Town will develop and submit to MDEP for review a Model Low Impact Development (LID) Ordinance for stormwater management on new and redevelopment sites which establishes performance standards that are at least as stringent as the LID measures contained in Table 1 of Appendix F of the 2022 MS4 General Permit.
- MDEP will post the model ordinance for public comment and approve it, with or without modifications, by November 1, 2022.
- By July 1, 2024 the Town will adopt an ordinance that is at least as stringent as the approved Model LID ordinance.

Implementation:
The Town will enforce a program to require LID to the maximum extent practicable as part of its Site Plan Review procedures, relying on performance standards at least as stringent as the measures found in Table of Appendix F of the 2022 MS4 General Permit.

Responsible Party: Stormwater Coordinator

3.5.2 BMP5B - Post-Construction Discharge Ordinance

Each MS4 permittee must have and implement a post-construction discharge ordinance, or other regulatory mechanism. Per the ordinance, the operation must be inspected annually to document the functioning and maintenance of all post-construction BMPs. The operator has 60 days to take corrective action on any identified BMP deficiencies.

Description:
The Town will continue to rely on their existing Post-Construction Stormwater Management Ordinance developed during a previous permit cycle and enacted on March 3, 2015. The Town relies on MDEP's administration and enforcement of the MCGP and Chapter 500 requirements.

Measurable Goals:

1. The Town's Post-Construction Stormwater Management Ordinance will be reviewed and updated to meet curent MS4 General Permit requirements by the end of PY1 (July 1st, 2023);
2. During each permit year the Town will ensure applicable post-construction stormwater management BMPs (installed after July 1, 2009) discharging to its regulated MS4 are functioning properly, as required by the General Permit. This includes those that are either privately or municipally owned and operated; and
3. A summary of all post-construction inspections performed for MS4 permit compliance will be provided in the MS4 Annual Report submitted to MDEP each permit year.

Implementation:
The Town Post-Construction Stormwater Management Ordinance will be updated to contain the following specific requirements:

- The owner or operator of a post-construction BMP must provide the Town with an annual report, completed by a qualified inspector documenting that all on-site BMPs are adequately maintained and functioning as intended; and
- If a post-construction BMP requires maintenance, the owner or operator must provide the Town with a record of the deficiency and corrective action(s) taken in no later than 60 days following the date the deficiency was identified. If 60 days is not possible, then the Town must establish an expeditious schedule to complete the maintenance and establish a record of the deficiency and corrective action(s) taken.

Responsible Party: Stormwater Coordinator

3.6 MCM VI - Pollution Prevention/Good Housekeeping for Municipal Operations

The objective of this program is to mitigate or eliminate pollutant runoff from municipal operations on property that is owned or managed by the permittee and located within the urbanized area.

The Town selected BMPs for the Pollution Prevention/Good Housekeeping for Municipal Operations MCM of this SMP. The following BMPs are specific to the Town and are to be implemented in addition to those options outlined in the AVSWG SMP.

3.6.1 BMP6A - Operation and Maintenance (O&M) Activities

Permittees must inventory and implement written operation and maintenance (O&M) procedures for 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. O&M procedures must reduce stormwater pollution to the maximum extent practicable and address stormwater treatment and controls that are used to achieve compliance with the conditions of the permit.

Description:
For previous MS4 permit cycles, the Town developed and/or revised an O&M Plan for all activities occurring within the Town on municipally owned properties that have the potential to impact stormwater runoff. The O&M Plan contains an inventory of these municipal operations.

The Plan inventory includes, at a minimum, the following activities:

- Automobile Maintenance;
- Hazardous Materials Storage;
- Landscaping and Lawn Care;
- Parking Lot and Street cleaning;
- Roadway Maintenance;
- Pest Control;
- Road Salt Application and Storage;
- Spill Response and Prevention;
- Storm Drain System Cleaning;
- Vehicle Washing; and
- Vehicle Fueling System.

Measurable Goals:

1. The Town will annually review and update its inventory of municipal operations that have the potential to cause or contribute to stormwater pollution;
2. The Town will evaluate the O&M Plan annually to iteratively improve strategies and practices to eliminate or better control pollutant discharges; and

3. A summary of the O&M activities and any proposed changes to the O&M Plan based on annual evaluations will be provided in the MS4 Annual Report submitted to MDEP each permit year.

Implementation:
The Town will update its O&M Plan to include any changes to municipal operations by the permit effective date (July 1st, 2022), and review the plan annually thereafter. During all years of the 2022 permit cycle, the Town will implement this O&M Plan for municipal activities occurring in the Town that have the potential to impact stormwater runoff.

Responsible Party: Public Works Director

3.6.2 BMP6B - Municipal Employee Training

The permittee must conduct annual employee training to prevent and reduce stormwater pollution from the municipal operations and facilities subject to the MS4 permit. Compliance measures related to trainings must be documented and reported to MDEP annually, and must include: the types of trainings presented, the percentage of municipal and contract staff, and their occupation, that received training, the length of the training, and training content delivered.

Description:
The Town provides municipal employee training on an as needed basis, but at a minumum annually. The training programs focus on municipal activities occurring in the Town which have a potential to impact stormwater runoff. Typical municipal operations with this potential have been identified in the O&M Plan in **BMP 6A**.

Measurable Goals:

1. The Town will annually evaluate and identify training needs and materials for MS4 staff regarding municipal O&M procedures.
2. Each permit year the Town will provide an appropriate employee training program that addresses means to reduce stormwater pollution from municipal operations.
3. The Town will document the following MS4 permit compliance measures for each annual training:
    - Types of training presented;
    - Percentage of municipal and contract staff trainees;
    - Occupations of municipal and contract staff trainees;
    - Duration of the training program; and
    - Content delivered during the training program.
4. The Town will report compliance measures related to municipal trainings in the MS4 Annual Report submitted to MDEP each permit year.

Implementation:
Each permit year, the Town will evaluate and identify specific training needs for municipal and contract staff regarding the Town's O&M procedures. The Town will then develop and gather materials appropriate for the topic to be presented. Topics to be covered by the training program may include, but are not limited to:

- Maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural stormwater controls to reduce pollutants discharged from the MS4;
- Controls for reducing or eliminating the discharge of pollutants into the MS4 from streets, roads, highways, parking lots, maintenance and storage yards, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations, snow disposal areas, and waste transfer stations; and
- Procedures for disposing of waste removed from the MS4 and areas listed above in accordance with all regulatory requirements (such as dredge spoil, accumulated sediments, floatables, and other debris).

Responsible Party: Public Works Director

3.6.3 BMP6C - Street Sweeping

The permittees must develop and implement a program to sweep all paved streets and paved parking lots maintained by the permittee at least once a year done soon after snowmelt.

Description:
The Town of Lisbon employs a regular sweeping program on all municipally owned parking lots and roads. Town personnel involved with winter maintenance operations for the Town perform street sweeping. Winter maintenance staff will be apprised of all requirements the Town must comply with for MS4 permit program compliance.

Measurable Goals:

1. The Town will perform street sweeping of all municipally owned roads at least one time each year, as soon as possible after snowmelt;
2. As necessary, the Town will modify their winter road and parking lot maintenance program based on annual evaluations of street sweeping activities; and
3. A summary of annual sweeping activities and any program modifications will be provided in the MS4 Annual Report submitted to MDEP each permit year.

Implementation:
During each permit year, the Town will continue to implement a sweeping program for all municipally owned parking lots and roads. The Town will annually evaluate the effectiveness of their street sweeping program and alter the program, as necessary, to meet their winter maintenance goals. Sweeping of all Town owned roads and parking lots occurs as soon as possible after snowmelt.

Responsible Party: Public Works Director

3.6.4 BMP6D - Catch Basin Inspection and Cleaning

The permittee must develop and implement a program to inspect catch basins and other stormwater structures that accumulate sediment. All catch basins and stormwater structures must be inspected at least once every other year and cleaned with a frequency appropriate to the accumulation identified. Sediments must be removed in accordance with current state law.

Description:
The Town's stormwater management system consists of a system of open ditches, catch basins and interconnecting storm drains collecting runoff that discharge to identified outfalls.

Measurable Goals:
Per MS4 permit requirements, the Town will meet the following stormwater infrastructure inspection and cleaning goals:

1. During each permit year the Town will inspect and clean (as necessary) storm drains and catch basins in the storm sewer system to meet the following required frequency and conditions:
    - Inspect and clean a minimum of 50% of all catch basins, so that all catch basins are inspected and cleaned over the course of two years;
    - Clean catch basins more frequently if inspections indicate excessive accumulation (50% of the sump is filled) of sediment.
        - If two consecutive inspections show excess accumulation, then the Town will clean those catch basins every year.
        - If annual inspections show a decrease in sediment accumulation to less than 25% of the sump, then inspections can be resumed at a frequency of once every two years.
2. The Town will perform opportunistic inspections of the catch basins during the cleaning process to detect potential illicit discharges;
3. Inspections will be completed and documented in a database system used by the Town to manage all MS4 related inspections. See **Attachment E** for an example of the form used for these inspections; and
4. Inspections and cleaning of catch basins beyond the enforceable number (50% annually) will be considered an above and beyond measure.

Implementation:
The Town will continue to inspect every year, and clean at the required frequency and conditions outlined in Measurable Goal 1, all municipally owned catch basins.

Responsible Party: Public Works Director

3.6.5 BMP6E - Maintenance and Upgrading of Stormwater Conveyance System

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

Description:
The Town's stormwater conveyance system consists of a system of open ditches, catch basins, and interconnecting storm drains collecting runoff that discharge to identified outfalls.

Measurable Goals:

1. During each permit year, the Town will continue to evaluate and implement a maintenance schedule for conveyances, structures and outfalls owned and operated by the MS4; and
2. A summary of annual activities will be provided in the MS4 Annual Report submitted to MDEP each permit year.

Implementation:
The Town will continue to evaluate their stormwater conveyance system each year. Based on the results of dry weather outfall inspections, and catch basin inspections (**BMPs 3D**, **6D**) and other factors, the Town will plan and implement as necessary, a repair schedule of Town owned conveyances, structures and outfalls.

Responsible Party: Public Works Director

3.6.6 BMP6F - Stormwater Pollution Prevention Plan (SWPPP)

The permittee must implement written procedures outlined in a stormwater pollution prevention plan ("SWPPP") for operations or facilities that are owned or operated by the permittee and not already regulated under the Maine Industrial Stormwater Program: public works facilities; transfer stations; and/or school bus maintenance facilities. SWPPP implementation must address long-term operation of structural and non-structural controls that reduce stormwater pollution to the maximum extent practicable.

Description:
During the previous permit cycle, the Town developed a SWPPP for relevant Town operations and facilities. The SWPPP includes compliance with necessary requirements under the most current issuance of the MDEP's Multi-Sector General Permit (MSGP) for Industrial Activities.

Measurable Goals:

1. The Town will perform necessary quarterly visual monitoring and other compliance tasks each year, as described in their current SWPPP;
2. The Town will make the SWPPP available to appropriate facility staff, MDEP and USEPA staff, and keep a copy of the SWPPP on-site at all times for reference and review;
3. The Town will amend the SWPPP to comply with the requirements specified in Part IV(C)(6)(d) of the MS4 General Permit by the permit effective date of July 1st, 2022;
4. The Town will further amend the SWPPP within 30 calendar days of completion of any of the following:
    - A change in design, construction, operation or maintenance that may have a significant effect on the discharge or potential for discharge of pollutants including the addition or reduction of industrial activity;
    - Monitoring, inspections, or investigations by Town, local, state or federal officials that determine the SWPPP is ineffective in eliminating or significantly minimizing the intended pollutants; or
    - A discharge occurs that is determined by the MDEP to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard.
5. The Town will maintain the proper documentation for inspections and monitoring activities;
6. Annual training for SWPPP activities will be provided as part of MS4 related trainings for relevant Town staff; and

7. A summary of SWPPP related activities will be provided in the MS4 Annual Report submitted to MDEP each permit year.

Implementation:
During each permit year, the Town will implement stormwater pollution control measures, non-numeric effluent limitations, and pollution prevention practices identified in the SWPPP. Town staff will perform necessary tasks to maintain compliance with the requirements of the most current issuance of the MDEP MSGP, including quarterly visual monitoring.

Responsible Party: Public Works Director

3.7 Impaired Waters BMPs

The MS4 General Permit requires permittees to specifically address discharge(s) to impaired waters that are located within the MS4 regulated area. If a waterbody to which a point source discharge drains is impaired and has an EPA approved total maximum daily load (TMDL), then the SMP must address compliance with the TMDL waste load allocation ("WLA") and any implementation plan.

The Town of Lisbon's MS4 includes point source discharges to the unnamed stream (also referred to as Alder Brook near Route 196), which is classified as an Urban Impaired Stream in Maine DEP Rule Chapter 502, and has an Impervious Cover TMDL dated September 27, 2012. Progress has been made on identifying and addressing impairments through assessment, best management practices, and/or public education. As such, there is a good basis for understanding potential next steps to mitigate this impairment. This work sets the framework for identification of the three BMPs that will be implemented to meet the Urban Impaired Stream requirement of the 2022 MS4 General Permit.

3.7.1 IWBMP1 - Information to Raise Residents' Awareness of the Town's Urban Impaired Stream

Description:
The Town will educate citizens on urban impaired streams through social media. Information will be posted to help raise awareness about Lisbon's urban impaired stream, Alder Brook, and provide information about actions that residents can take to help reduce the potential for stormwater pollution that can affect the stream.

Measurable Goals:
Information will be posted by the Town two times per year throughout the permit cycle. At the end of each permit year, social media metrics will be compiled and assessed to determine how well the target audience was reached. Metrics will include the number of views and amount of engagement (e.g. reactions, comments, shares, etc.) for each post.

Implementation:
Social media posts related to impaired streams, specifically Alder Brook, will be made on:

- The Town of Lisbon Facebook page; and/or
- The Positive Change Lisbon Facebook page.

Content will include basic information about Alder Brook and its watershed, a description of the water quality impairment, and any plans to improve the stream such as a watershed-based plan. There will also be information on what Town residents can do, on an individual level, to help improve the water quality of Alder Brook.

Responsible Party: Stormwater Coordinator

3.7.2 IWBMP2 - Stream Culvert Survey

Description:
The Town will conduct a culvert survey along Alder Brook, in order to assess the condition of culverts and associated road-stream crossings. The assessment will help to identify any culverts that require maintenance, repair or replacement in order to improve their function. Culverts that are in poor condition can be an impediment to natural flow of the stream, which can affect aquatic life integrity.

Measurable Goals:
The Town will complete a culvert survey of Alder Brook by the end of permit year 2. The survey will be

conducted by a qualified consultant. Results will be reported to MDEP in the MS4 annual report and a comprehensive survey report will be compiled in permit year 2.

Implementation:
A qualified consultant will assess all culverts along Alder Brook by the end of permit year 2.

Responsible Party: Stormwater Coordinator

3.7.3 IWBMP3 - Structural BMP implementation within Alder Brook Watershed

Description:
The Town will implement at least one structural BMP during the permit cycle in the Alder Brook watershed. The Town will collaborate with MDEP to identify a BMP that is most effective for stream improvement. BMP options are based on a stream walk conducted by MDEP in 2021, and further options will be reviewed following the culvert survey outlined in **IWBMP2**, above.

Measurable Goals:
Based on the stream walk conducted by MDEP in 2021, and the culvert survey, the Town will collaborate with MDEP to determine potential stormwater infrastructure BMPs for Alder Brook in permit year 3. By the end of permit year 3, the Town will select a minimum of one structural BMP, and will implement the selected BMP(s) by the end of permit year 5.

Implementation:
The Town will implement one or more of the following stormwater infrastructure BMPs by the end of the permit cycle:

A. Clean out gravel and sediment and conduct maintenance on the culvert under Bauer Street; or

B. Remove the unnecessary culvert identified by MDEP staff just below Route 196; or

C. Another MDEP approved structural BMP within the Alder Brook watershed identified during the culvert survey.

Responsible Party: Stormwater Coordinator

4 General Requirements

4.1 Plan Approval

The Town is committed to reduce the discharge of pollutants from its regulated small MS4 to the maximum extent practicable, and maintains the highest standards for stormwater management through regular review, updating, and implementation of this Stormwater Management Plan.

Ryan McBee
Signature

7/12/2022
Date

Ryan McBee (Interim Town Manager)
Printed Name, Title

4.2 Plan Location and Public Access

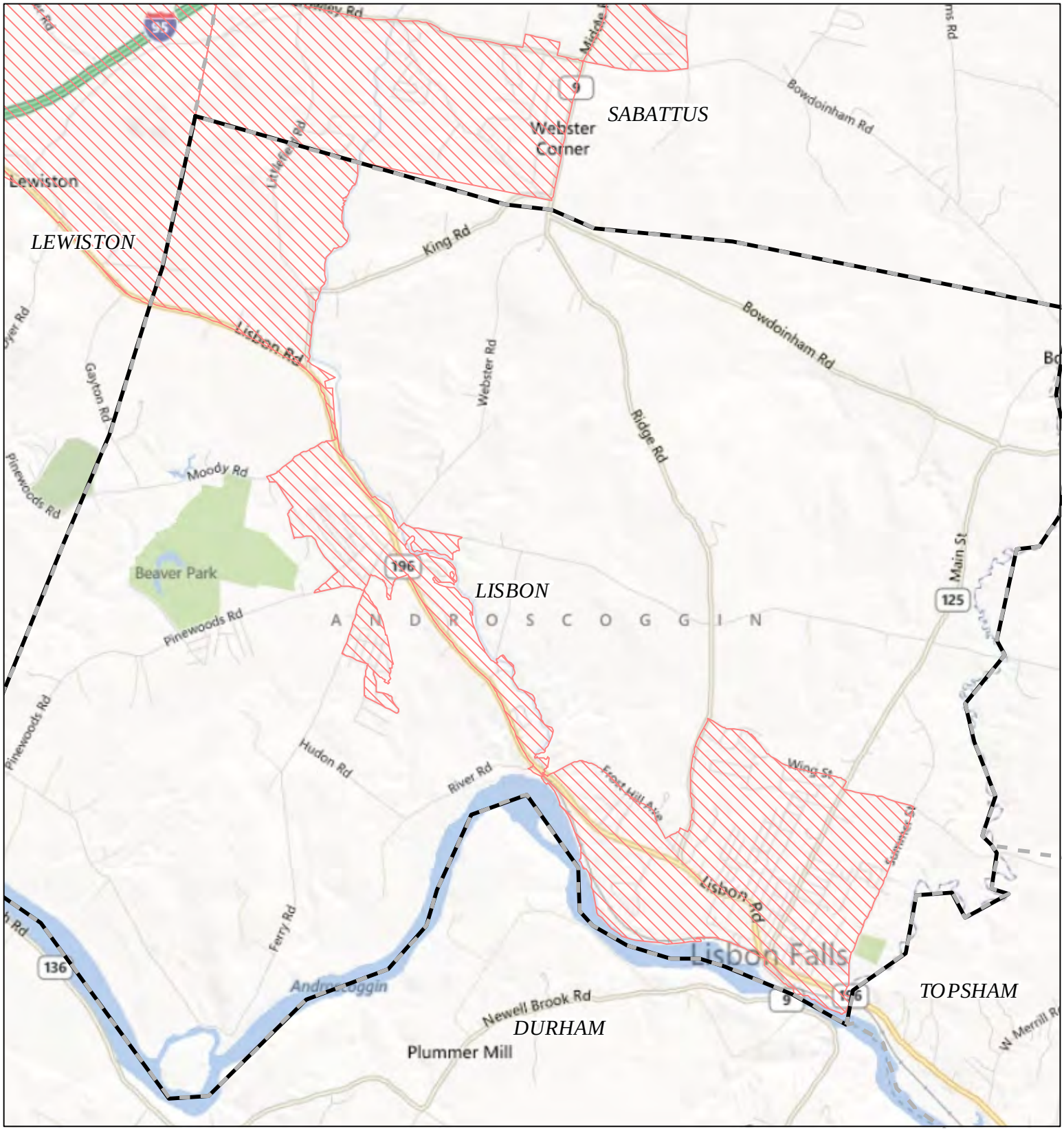
The Stormwater Management Plan and documents will be kept on file at the the Town Office and posted on the Town website, with a backup copy located at SEE, Inc. in Orono, Maine. Copies and review of documents will be made available when requested by appropriate government agencies and public safety groups.

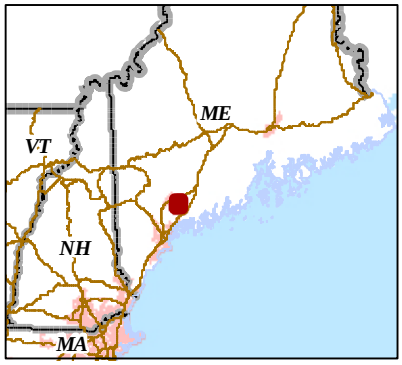
5 References

Portions of the Introduction and select areas of this document were adapted from a SMP Template prepared by Integrated Environmental Solutions for the Interlocal Stormwater Working Group (ISWG).

Attachments

A Urbanized Area Map





NPDES Phase II Stormwater Program
Automatically Designated MS4 Areas

Lisbon ME

Regulated Area (2000 + 2010 Urbanized Area)

0 1 2 3 Kilometers

0 1 2 3 Miles

Town Population: 14333

Regulated Population: 5528

(Populations estimated from 2010 Census)

N W E S

EPA

Urbanized Areas, Town Boundaries:
US Census (2000, 2010)

Base map © 2010 Microsoft Corporation and its data suppliers

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

B Education and Outreach Tools, Levels of Effort, and Effectiveness Benchmarks

B.1 BMP 1A Tools

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

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

B.2 BMP1B Tools

Below is a list of tools with their corresponding minimum level of effort and effectiveness benchmark that will be selected from each year to implement BMP 1B.

Outreach Tool	Minimum Level of Effort	Effectiveness Benchmark
Annual Public Works Staff Chloride Use Training (Fall)	1 hour of training	Total # of people trained Pre and post-training evaluations
Pre and Post Storm Meetings for Public Works	Meetings before and after major storm events	Total # of meetings
Educational Chloride Use Poster	Posted in Public Area at the Public Works Facility	Date of poster(s) distributed
A DEP-approved tool	Minimum level of effort will be determined based on the tool	Effectiveness benchmark will be determined based on the tool

B.3 BMP 1C Tools

Below is a list of tools with their corresponding minimum level of effort and effectiveness benchmark that will be selected from each year to implement BMP 1C.

Outreach Tool	Minimum Level of Effort	Effectiveness Benchmark
Storm Drain Marking	10 Storm Drains	Total # of participants Total # of storm drains marked
Yardscaping Door Hangers	Accompany storm drain marking with informational lawncare door hangers	Total # of door hangers distributed
Educational Yardscaping Poster	Posted in Public Area such as the Town Hall or Library	Date of poster(s) distributed
A DEP-approved tool	Minimum level of effort will be determined based on the tool	Effectiveness benchmark will be determined based on the tool

B.4 BMP1D Tools

Below is a list of tools with their corresponding minimum level of effort and effectiveness benchmark that will be selected from each year to implement BMP 1D.

Outreach Tool	Minimum Level of Effort	Effectiveness Benchmark
Annual Parks and Recreation Staff Yardscaping Training	1 hour of training	Total # of people trained Pre and post-training evaluations
Annual review of spill materials in Parks and Recreation Vehicles	Inspect all vehicles	Inspection Log Records
Educational Yardscaping Poster	Posted in Public Area at the Public Works Facility	Date of poster(s) distributed
A DEP-approved tool	Minimum level of effort will be determined based on the tool	Effectiveness benchmark will be determined based on the tool

C Illicit Discharge Detection and Elimination (IDDE) Plan

STILLWATER ENVIRONMENTAL ENGINEERING, INC. • PO Box 426, ORONO, MAINE 04473

Illicit Discharge Detection and Elimination Program

For

The Town of Lisbon
300 Lisbon Street, Lisbon, ME 04250
(207) 353-3000

Prepared By

Stillwater Environmental Engineering, Inc.

June 2015
Updated: July 12, 2022

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1 Illicit Discharge, Detection, and Elimination (IDDE) Introduction

Due to its population density, the Town of Lisbon is subject to the requirements of the Maine Department of Environmental Protection (MDEP) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4 General Permit).

There are six Minimum Control Measures (MCM's) which the MS4 General Permit requires the Town to address throughout its urbanized area and specifically focused within the Town's priority watershed of Unnamed Stream (Near Route 196). An urbanized area map can be found in **Appendix A**. Infrastructure maps for the Town can be found in the Town's GIS and can be made available upon request. These MCM's include:

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

This Plan, which details the IDDE program for the Town of Lisbon, fulfills the requirements of MCM 3 as specified in Part IV(C)(3)(b) of the 2022 MS4 General Permit. Details concerning measurable goals and deadlines for MCM 3 can be found in the Town's Stormwater Management Plan (SMP).

1.1 IDDE Program Amendments, Updates, and Records

MS4 General Permits are written to provide coverage for five-year periods. The current MS4 General Permit coverage became effective on July 1, 2013 and has been administratively continued beyond five years, to expire on June 30, 2022. At the expiration of the current MS4 permit, the new 2022 MS4 General Permit, issued on October 15, 2020, will be in effect for five years beginning on July 1, 2022. This new permit will continue to provide coverage for the Town of Lisbon for stormwater discharges. This IDDE Plan has been updated to meet the requirements of the 2022 MS4 General Permit. This Plan must be further updated or amended if any of the following occur:

- Changes in requirements associated with a permit re-issuance;
- The Town determines that this Plan is not effective; and/or
- Changes to municipal operations which effect this Plan.

The Town's Public Works Department is responsible for MS4 General Permit compliance. The Public Works Department manager, Randy Cyr, will modify this IDDE Plan as necessary, or utilize an outside consultant for the task.

The Public Works Department or consultant will retain paper or electronic files of inspections and investigations including laboratory reports, for a minimum of three years after expiration of the MS4 General Permit term.

1.2 Typical Illicit Discharges

The MDEP defines an illicit discharge as any discharge to an MS4 which is not:

- Composed entirely of stormwater;
- An allowable non-stormwater discharge (see **Section 3** for a list of allowable non-stormwater discharges); or
- Permitted under another MDEP permit.

The Center for Watershed Protection (CWP) developed a comprehensive IDDE Manual in 2004 (updated in 2011), which classifies illicit discharges based on their characteristics:

- **Discharge Frequency**
  - **Continuous:** Discharges which occur most or all of the time, are usually easier to detect, and typically produce the greatest pollutant load.
  - **Intermittent:** Discharges which occur over a shorter period of time, such as, a few hours per day or a few days per year. Due to their infrequency, intermittent discharges are hard to detect, but can still represent a serious water quality problem, depending on their flow type. (See below)
  - **Transitory:** Discharges which occur rarely, usually in response to a singular event such as an industrial spill, ruptured tank, sewer break, transport accident or illegal dumping episode. These discharges are extremely hard to detect with routine monitoring, but under the right conditions, can exert severe water quality problems on downstream receiving waters.
- **Discharge Flow Type**
  - **Sewage and Septage:** Flows produced from sewer pipes and septic systems.
  - **Wash water:** Flows composed of:
    - Gray water (laundry) from homes;
    - Commercial carwash wash water;
    - Fleet wash water;
    - Commercial laundry wastewater; and
    - Floor washing shop drain wastewater.
  - **Liquid Wastes:** Flows containing contaminants such as:
    - Oil;
    - Paint;
    - Process water (radiator flushing water, plating bath wastewater, boiler blowdown, etc.); and
    - Any other potentially hazardous chemicals.
  - **Tap Water**
  - **Landscape Irrigation**
  - **Groundwater and Spring water**
- **Mode of Entry**
  - **Direct:** The discharge is directly connected to the storm drain pipe through:
    - Sewage pipes; and
    - Shop drains or other kinds of pipes.
  - **Indirect:** Flows which enter through stormdrain inlets or by infiltration through joints or breaks in a stormdrain pipe.

Illicit discharges may be detected by various means such as:

- The Town's illicit discharge hotline;
- Town staff during normal daily activities;
- Through annual inspections; and
- During infrastructure maintenance and repair.

By analyzing the different types of discharges and the means by which they may be discovered or reported, the Town has developed a comprehensive IDDE program that will enable the Town to identify and eliminate illicit discharges as quickly as possible. A table listing typical illicit discharges and their characteristics can be found on the next page. This table is not an exhaustive list of illicit discharges, but a list of typical discharges which may be found in the Town.

Table 1: Typical Illicit Discharge Characteristics

Discharge	Flow Type	Frequency*			Mode of Entry		Detection Method
		Cont	Inter	Trans	Direct	Indirect	
Spills/Leaks	Liquid Wastes			X		X	Hotline & MDEP
Swimming Pool Discharges	Highly Chlorinated Water		X			X	Hotline
Sanitary Sewer Connections	Sewage	X	X		X		Outfall Inspections
Waste Dumping	Liquid Wastes			X		X	Hotline & Inspections
Floor Drain Connections	Liquid Wastes		X		X		Inspections
Failing Septic Systems	Septage	X	X			X	Inspections & Sampling
Sewer Line Leaks	Sewage	X	X			X	Inspections & Sampling
Contaminated Groundwater	Groundwater	X	X	X		X	Sampling
Industrial Materials/ Stockpiles	Liquid Wastes/ Sediment		X	X		X	Hotline & Inspections
Irrigation & Lawn Watering	Tap Water		X			X	Inspections & Sampling
Commercial/Industrial Washdowns	Wash Water		X			X	Hotline & Inspections
Sanitary Sewer Overflows	Sewage			X		X	Hotline & Sewer Dept.

*Frequency types: Cont = Continuous; Inter = Intermittent; Trans = Transitory

1.3 Overview of IDDE Program Components

In order to be compliant with the MS4 General Permit an IDDE program must be developed, implemented, and contain the following components:

1. Development/maintenance of a Watershed-Based Storm Sewer Map;
2. Development/maintenance of a Non-Stormwater Discharge Ordinance;
3. Identification of High Priority Areas for Inspections;
4. Procedures to Locate Illicit Discharges;
5. Procedures to Investigate and Remove Illicit Discharges; and
6. Procedures to Document Illicit Discharges.

The following sections offer detailed information concerning each component of the Town's IDDE program.

2 Watershed-Based Storm Sewer Map

The first component of the Town's IDDE program is the mapping of the Town's storm sewer system. These maps enable the Town to accurately track and locate the source of illicit discharges. The Town's infrastructure maps contain features that meet or exceed the minimum requirements of the MS4 General Permit such as:

- The locations of all:
  - Catch basins;
  - Connecting surface and subsurface stormwater infrastructure;
  - Outfalls; and
  - Ditches.
- A unique identifier for all outfalls and catch basins; and
- The direction of in-flow and out-flow of all storm sewer connections;

For each outfall the following information is collected:

- Type;
- Material;
- Size; and
- Name and location of the nearest receiving waterbody.

An outfall is the location where concentrated stormwater discharges from an MS4 community enter Waters of the State or leave the MS4. Items that are not considered outfalls include:

- Driveway culverts connecting ditch segments;
- Stormdrains which convey streams/rivers under roadways; and
- Pipes that discharge to other stormwater infrastructure.

Information that the Town plans to add to, or maintain within, their watershed-based storm sewer maps includes:

- Topography;
- Tax parcels;
- Zoning districts; and
- Locations of sanitary sewer lines.

The Town of Lisbon maintains electronic copies of its existing watershed-based storm sewer maps. These maps were created using GPS data, transportation infrastructure maps, and existing stormwater infrastructure information. When possible, field verification of stormwater infrastructure is conducted in order to ensure accurate mapping.

2.1 Infrastructure Naming Protocols

Infrastructure in the Town's GIS are assigned unique alpha-numeric tags that, which aid in identification for illicit discharge investigations and infrastructure maintenance.

Catch basins and outfalls in the Town are each identified by a unique identifier according to a list maintained by Town staff.

2.2 Procedures to Update Infrastructure Map

Infrastructure maps are updated, as necessary, when new or previously unmapped infrastructure is located. The Town updates the maps based on annual stormwater inspections, in addition to as-built drawings from new development. This information is used to update the stormwater infrastructure maps, as necessary. The Town's Stormwater Coordinator is responsible for ensuring accurate data are being collected and that the infrastructure maps are updated when necessary.

3 Non-Stormwater Discharge Ordinance

The Town's authority to prohibit illicit discharges became effective July, 2015, when the Town passed their Non-Stormwater Discharge Ordinance (see **Appendix H**). The MS4 Stormwater Coordinator is authorized as an Enforcement Authority to administer, implement, and enforce the provisions of the Ordinance.

The Ordinance allows the following non-stormwater discharges to the storm drain system, as long as they do not cause or contribute to violations of water quality standards:

- Landscape irrigation;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- Uncontaminated pumped ground water;
- Uncontaminated flows from foundation drains;
- Air conditioning and compressor condensate;
- Irrigation water;
- Flows from uncontaminated springs;
- Uncontaminated water from crawl space pumps;
- Uncontaminated flows from footing drains;
- Lawn watering runoff;
- Flows from riparian habitats and wetlands;
- Residual street wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material has been removed and detergents are not used);
- Hydrant flushing* and firefighting activity runoff;
- Water line flushing* and discharges from potable water sources;
- Individual residential car washing;
- Dechlorinated swimming pool discharges;
- Discharges specified in writing by the enforcement authority as being necessary to protect public health and safety; and
- Dye testing, with verbal notification to the enforcement authority prior to the time of the test.

*Discharges of hydrant and water line flushing are required to be dechlorinated if they are to be discharged to a portion of the MS4 system which discharges to a small stream. In accordance with the MDEP 11/18/2016 Issue Profile for Drinking Water System Discharges to Regulated Small MS4s, the Lisbon Water District either aerates or dechlorinates during flushing to meet Total Residual Chlorine (TRC) acute water quality criteria. For fresh water this value is 19 ug/L TRC (adjusted to 50 ug/L, per the MDEP as the reporting limit for available reliable and consistent test methods).

The Lisbon Water District flushes the system every year and provides an annual report to the Town describing water dechlorination methods in use and testing results for any flushing conducted. The Hydrant Flushing SOP, developed during the previous permit cycle, is attached as **Appendix G**.

4 Identification of Priority Areas

Prior MS4 General Permits required that permittees identify areas that may need special protection from illicit discharges. The Town of Lisbon has identified Unnamed Stream (Near Route 196) as the watershed area within its MS4 that has the highest potential for illicit discharge(s) to occur. The Town will prioritize illicit discharge inspections in this priority area if limited municipal resources prevent the Town from conducting its typical annual inspection schedule, which is more frequent than the schedule required by the 2022 MS4 permit. The Town may also use this prioritization for illicit discharge investigations, in the event there are insufficient resources to address all potential illicit discharges simultaneously.

5 Procedures to Locate Potential Illicit Discharges

The Town utilizes the following methods to detect illicit discharges:

- Observations during catch basin inspections and cleaning;
- Citizen reports of illicit discharge issues;
- Dry weather outfall inspections and monitoring;
- Opportunistic open ditch inspections; and
- Aging septic system evaluations.

The below sections provide more detailed information concerning the above listed items.

5.1 Catch Basin Inspections and Cleaning

Inspections are conducted during catch basin cleaning, which is completed at least annually in the spring as soon as possible after snow melt. All catch basins are inspected at least every other year. Any basin that requires cleaning for two consecutive inspections in inspected annually. These inspections are conducted using an inspection form. These data are then integrated with the Town's GIS system. During the inspections the amount of accumulated sediment and the general structural condition of the catch basin is noted along with the presence of:

- Debris
- Oil sheen
- Odors
- Other evidence of an illicit discharge.

5.2 Citizen Reports of Illicit Discharges

The Town has established a "hotline" to handle possible illicit discharge reports. Residents, field staff, and outside agencies that suspect an illicit discharge, connection, or illegal dumping incident can call (207) 344-1411 to report the incident.

Any illicit discharge incidents that are reported by phone are handled by the Public Works Department. These calls are documented using an electronic form that can be accessed by computer or on a mobile device. Incident report data are then used to help Town staff locate and eliminate the potential illicit discharge as quickly as possible.

5.2.1 Public Awareness

The Town understands that public awareness is a vital part of a successful IDDE program. The public must be made aware of what does and does not constitute an illicit discharge. The Town conducts education and outreach efforts along with the Androscoggin Valley Stormwater Group (AVSWG) in order to educate the public about stormwater issues including illicit discharges. The Town also conducts an annual catch basin stenciling program, where catch basins are labeled to inform residents that they drain to a waterway.

5.3 Dry Weather Outfall Inspections

Dry weather outfall inspections are conducted annually in the spring Town-wide. The MS4 General Permit requires that 100% of identified outfalls are inspected over the course of the five-year term. The Town attempts to inspect all MS4 outfalls every year, if time and resources allow, in accordance with the following:

- Inspections will be performed during periods of dry weather (less than 1/4 inch of rain in the previous 72 hours) whenever possible;
- Inspections will be performed where they can be done in a safe and efficient manner;
- Inspections will be performed during periods of no or minimal snow cover and prior to the growth of vegetation (or after leaves have fallen) such that outfalls may be easily spotted;
- Observations will include the following, at a minimum: observations of sheen, discoloration, foaming, evidence of sanitary sewage, excessive algal growth and similar visual indicators, and detection of odor;
- Photographs are taken at the time of inspection for either maintenance or illicit discharge documentation;
- MS4 outfalls are inspected where the Town has safe and legal access to the structure to be inspected, otherwise inspection occurs at the next structure upstream from the outfall; and
- When maintenance or potential illicit discharge issues are identified, the Stormwater Coordinator will be informed so that he may prioritize the work with other required work for the Town.

Properly trained municipal staff or consultants conduct these inspections using an electronic inspection form on a mobile device. Data that are documented include:

- Time since last precipitation;
- General condition of the outfall;
- The presence or absence of multiple illicit discharge indicators; and
- If flow is present, any sampling data that was collected. (See QAPP in **Appendix E**).

The Town has developed an SOP document for dry weather outfall inspections, which can be found in **Appendix D.1**.

5.3.1 Outfall Indicator Sampling and Analysis

Outfall sampling and analysis is required under the 2022 MS4 General permit when an outfall is observed to be flowing during dry weather conditions whether or not it has exhibited evidence of an illicit discharge. A sample will be collected by the inspector for either field screening or laboratory analysis, depending on the conditions encountered. Sampling and analysis must include, but is not limited to:

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

*These parameters are analyzed with a field meter that will be calibrated each day to prior to sampling.

A Quality Assurance Project Plan (QAPP) for MS4 Dry Weather Outfall Monitoring has been developed to provide sampling personnel the information that will assist them in collecting samples for field and/or laboratory analysis, using field equipment and test kits, and documenting results. The QAPP (**Appendix E**) describes the sampling procedures as well as the appropriate analytical methods and field equipment to be used for investigating potential illicit discharges and flowing outfalls. The QAPP also provides guidance on interpretation of the results obtained so that investigators can make informed decisions about whether to continue investigating a potential source, or whether the results indicate a flowing outfall might be from a natural source.

5.4 Open Ditch Inspections

The 2022 MS4 General Permit does not require ditch inspections be completed. However, Town Public Works staff will conduct opportunistic inspections of ditches for potential illicit discharges whenever maintenance work on ditches is being completed. If any potential illicit discharges are identified, they will be reported to the Stormwater Coordinator, who will determine next steps. Staff will be trained to evaluate the following items during these opportunistic inspections:

- Any unmapped possible illicit connections;
- Oil sheen;
- Odors; and
- Other evidence of possible illicit discharges.

6 Procedures to Investigate and Remove Illicit Discharges

6.1 Illicit Discharge Investigation

Investigations of illicit discharges are conducted by the Public Works Department. The Town relies on visual observations of the location where the illicit discharge was reported as a first step in identifying the source of the illicit discharge (see Illicit Discharge Tracing SOP in **Appendix D.1**. If the evidence of the illicit discharge is still present in the initial structure or location where it was reported, Town staff or contracted personnel use their knowledge of the Town's infrastructure to systematically inspect other structures upstream of the initial location until either the evidence of the illicit discharge is no longer present, or until they locate the source of the illicit discharge.

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

In the event visual observations of the structures cannot identify the source of an illicit discharge, Public Works staff may employ televising, systematic dye testing, or smoke testing to identify the source. The Public Works Department could conduct dye testing but would need to hire a third party for smoke testing and camera work. Sampling and analysis may also be conducted as described in **Section 5.3.1** to help trace the source of an illicit discharge.

If no source can be located, the area will be re-inspected to assess if the illicit discharge was a one-time occurrence, or is a repeating occurrence, whereupon additional investigations will be conducted.

6.2 Illicit Discharge Removal

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

If the illicit discharge is caused by a private entity, the Code Enforcement Officer could issue a Notice of Violation as authorized by the Non-Stormwater Discharge Ordinance (**Appendix H**). In the event the illicit discharge is caused by the Town, Public Works would contact the department responsible and work with them to remove or discontinue the illicit discharge. In either case, the Town would require the responsible entity to eliminate the illicit discharge within 60 calendar days of identification of the source or would work with the responsible entity to establish an expeditious schedule to remove the illicit discharge.

The Town has developed an SOP document for illicit discharge source removal, which can be found in **Appendix D.3**. For more in-depth information concerning the investigation and removal of illicit discharges see Chapters 13 and 14 of *Illicit Discharge Detection and Elimination*, Center for Watershed Protection, 2004.

7 Procedures to Document Illicit Discharges

The Town will track the progress of the investigation and removal of illicit discharges using their GIS and electronic data management system. Each year, the Town is required to complete an annual report summarizing the activities completed under the MS4 Program. All illicit discharge incidents will be documented in this report and all illicit discharge reports will be made available upon request. For more detailed information concerning the tracking of illicit discharges see Chapter 10 of *Illicit Discharge Detection and Elimination*, Center for Watershed Protection, 2004.

8 Coordination with Nearby Communities

8.1 Possible inflow and outflow locations

Preventing and responding to possible illicit discharges requires that an MS4 permittee have a thorough understanding of its storm sewer system. An integral part of this understanding involves mapping and inspecting all inflow and outflow locations in the municipality. Locating all possible inflow and outflow locations prepares the permittee to not only prevent a discharge from its regulated area, but to also respond quickly and efficiently to prevent discharges in nearby MS4s from entering its storm sewer system.

During the previous MS4 permit cycle, the Town mapped all possible inflow and outflow locations within its regulated area, and added these locations to its infrastructure maps (see **Appendix B**).

8.2 Communication with Adjacent MS4s

The Town of Lisbon maintains communication with all adjacent, interconnected MS4 communities in order to facilitate a quick and coordinated response to any possible illicit discharges that may leave or enter its storm sewer system either from the Town itself or from a neighboring MS4.

Contact information and documentation of correspondence with interconnected MS4s, including any coordinated responses to illicit discharge events, is contained in **Appendix C** of this IDDE Plan.

9 References

Center for Watershed Protection. 2011, *Illicit Discharge Detection and Tracking Guide.*

City of Bangor, Maine. August 2013, revised March 2014, *Illicit Discharge Detection and Elimination Program*.

CWP and Robert Pitt. October 2004, *Illicit Discharge Detection and Elimination Manual - A Guidance Manual for Program Development and Technical Assessments.* Available at www.cwp.org

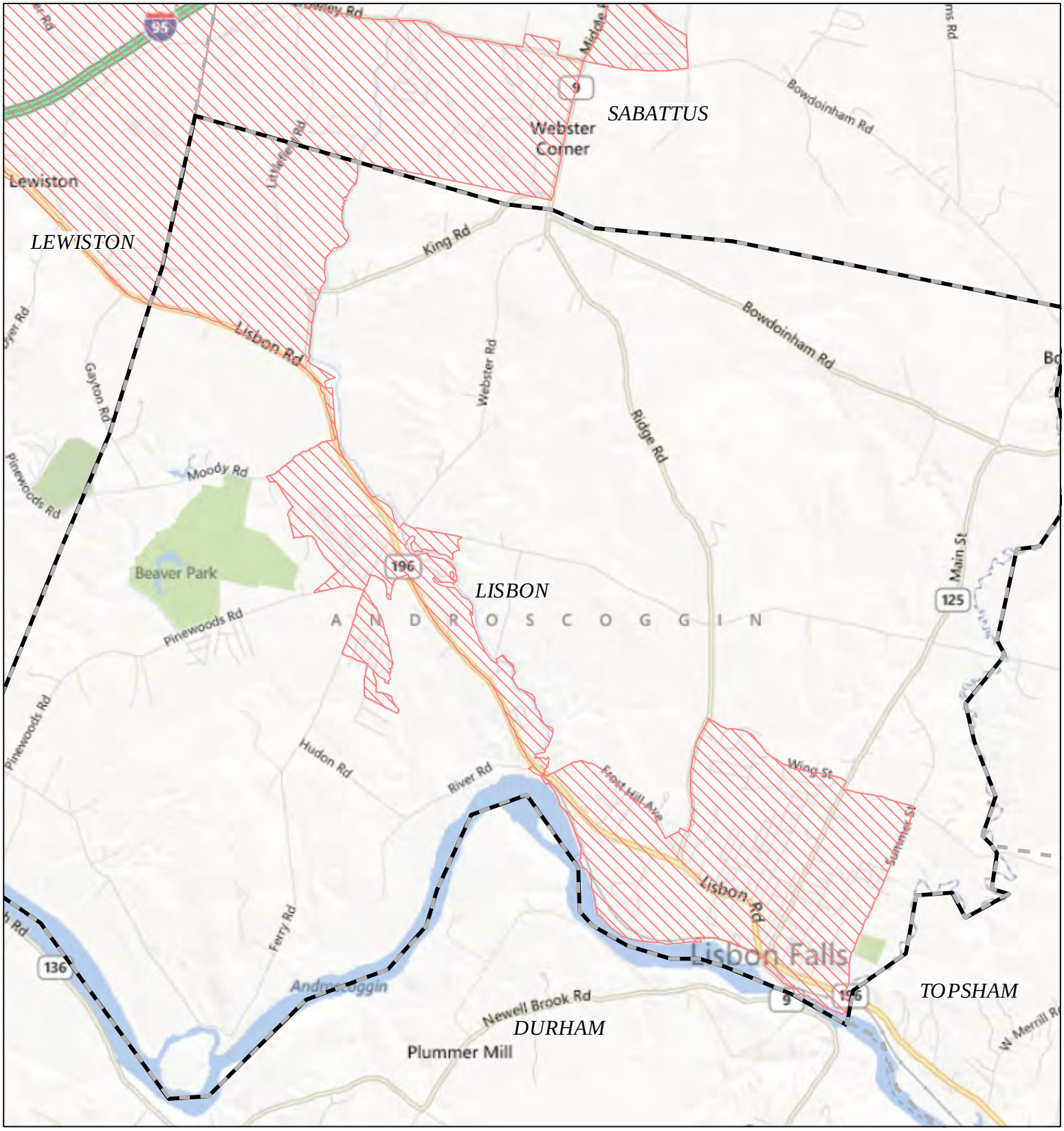
Integrated Environmental Engineering. December 2014, revised February 2021, *Illicit Discharge Detection and Elimination Program, for the Town of Cape Elizabeth, Maine*.

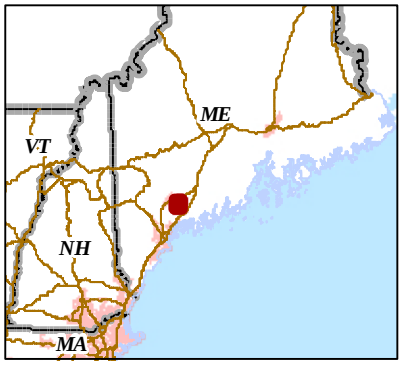
State of Maine, Department of Environmental Protection. 2013, *General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems.*

US Environmental Protection Agency. 2012, *EPA New England Bacterial Source Tracking Protocol - Draft.*

Appendices

A Urbanized Area Map





NPDES Phase II Stormwater Program
Automatically Designated MS4 Areas

Lisbon ME

Regulated Area (2000 + 2010 Urbanized Area)

0 1 2 3 Kilometers

0 1 2 3 Miles

Town Population: 14333

Regulated Population: 5528

(Populations estimated from 2010 Census)

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

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

B Town Stormwater Infrastructure Map

The Town's Stormwater Infrastructure Map can be found in the Town's GIS.

C Interlocal Contacts and Coordinated Response

This Appendix contains correspondence with neighboring MS4s from the 2013 MS4 permit cycle. The Town will reach out again to these communities during PY1 of the 2022 MS4 permit cycle to re-establish IDDE cooperation using updated contact list (see below). All associated correspondence and coordinated IDDE response with neighboring communities will be documented in this Appendix.

The Town of Lisbon's interconnected MS4s and contacts are:

Lewiston:

- Name: John D. Kuchinski, P.E., Project Engineer
- Phone Number:(207) 513-3003 Ext. 3421
- Email:JKuchinski@lewistonmaine.gov

MaineDOT:

- Name: Kerem Gungor
- Phone Number: (207) 592-3489
- Email: Kerem.Gungor@maine.gov

Sabattus:

- Name: Anthony Ward, Town Manager
- Phone Number: (207) 375-4331
- Email: award@sabattus.org

Town of Lisbon

Diane Barnes
Town Manager

Town Council
Allen Ward, Chair
Don Fellows, Vice Chair
Norm Albert
Jeffrey Ganong
Kasie Kolbe
Fern Larochelle
Mark Lunt

March 16, 2021

John D. Kuchninski, P.E.
Public Works Department
103 Adams Ave, Lewiston, ME 04240

Re: Interconnected MS4 Notification and Coordination

Dear John,

The Town of Lisbon is regulated under the Maine Municipal Separate Storm Sewer System (MS4) General Permit for the discharge of stormwater from its urbanized area. Under this permit, the Town is required to coordinate with interconnected and nested MS4 permittees. With the recent reissuance of the new 5-year MS4 General Permit, which takes effect July 1st, 2022, Lisbon has developed and will implement a new Stormwater Management Plan (SMP). Our Notice of Intent (NOI) to comply with the 2022 MS4 permit, accompanied by our SMP, will be filed with the Maine DEP on or before March 31st, 2021 and will also be posted on the City's website.

Because Lewiston's MS4 regulated area interconnects with Lisbon's regulated area, we wanted to make you aware of our compliance efforts and SMP submission, as well as the continued implementation of our Illicit Discharge Detection and Elimination (IDDE) Plan that has been updated for the new permit.

Included in the IDDE Plan is an easy way for Lisbon residents and staff to contact me, the Stormwater Coordinator, in the event of an illicit discharge. Should an illicit discharge occur within Lewiston's infrastructure that has the potential to discharge to Lisbon's MS4, we request that your agency contact me immediately upon discovery of the discharge. Should an illicit discharge occur in the Town of Lisbon that has the potential to affect Lewiston's MS4, I will contact you immediately. Please forward this request to any of your unit staff that might be in a position to coordinate illicit discharge response efforts.

Thank you for your cooperation in this effort to minimize the potential for illicit discharges into our MS4. Feel free to contact me with any questions.

Respectfully,

Diane Barnes

Diane Barnes, Town Manager
Town of Lisbon
Phone: 207-353-3000 Ext. 104
Email: dbarnes@lisbonme.org

Town of Lisbon

Diane Barnes
Town Manager

Town Council
Allen Ward, Chair
Don Fellows, Vice Chair
Norm Albert
Jeffrey Ganong
Kasie Kolbe
Fern Larochelle
Mark Lunt

March 16, 2021

Kerem Gungor, Ph.D., P.E
Maine DOT Environmental Office
Surface Water Quality Unit
16 SHS, Augusta, ME 04333-0016

Re: Interconnected MS4 Notification and Coordination

Dear Kerem,

The Town of Lisbon is regulated under the Maine Municipal Separate Storm Sewer System (MS4) General Permit for the discharge of stormwater from its urbanized area. Under this permit, the Town is required to coordinate with interconnected and nested MS4 permittees. With the recent reissuance of the new 5-year MS4 General Permit, which takes effect July 1st, 2022, Lisbon has developed and will implement a new Stormwater Management Plan (SMP). Our Notice of Intent (NOI) to comply with the 2022 MS4 permit, accompanied by our SMP, will be filed with the Maine DEP on or before March 31st, 2021 and will also be posted on the City's website.

Because Maine DOT's MS4 regulated area interconnects with Lisbon's regulated area, we wanted to make you aware of our compliance efforts and SMP submission, as well as the continued implementation of our Illicit Discharge Detection and Elimination (IDDE) Plan that has been updated for the new permit.

Included in the IDDE Plan is an easy way for Lisbon residents and staff to contact me, the Stormwater Coordinator, in the event of an illicit discharge. Should an illicit discharge occur within MDOT's infrastructure that has the potential to discharge to Lisbon's MS4, we request that your agency contact me immediately upon discovery of the discharge. Should an illicit discharge occur in the Town of Lisbon that has the potential to affect MDOT's MS4, I will contact you immediately. Please forward this request to any of your unit staff that might be in a position to coordinate illicit discharge response efforts.

Thank you for your cooperation in this effort to minimize the potential for illicit discharges into our MS4. Feel free to contact me with any questions.

Respectfully,

Diane Barnes, Town Manager
Town of Lisbon
Phone: 207-353-3000 Ext. 104
Email: dbarnes@lisbonme.org

Town of Lisbon

Diane Barnes
Town Manager

Town Council
Allen Ward, Chair
Don Fellows, Vice Chair
Norm Albert
Jeffrey Ganong
Kasie Kolbe
Fern Larochelle
Mark Lunt

March 16, 2021

Anthony Ward
Town of Sabattus
190 Middle Road Sabattus Me, 04280

Re: Interconnected MS4 Notification and Coordination

Dear Anthony,

The Town of Lisbon is regulated under the Maine Municipal Separate Storm Sewer System (MS4) General Permit for the discharge of stormwater from its urbanized area. Under this permit, the Town is required to coordinate with interconnected and nested MS4 permittees. With the recent reissuance of the new 5-year MS4 General Permit, which takes effect July 1st, 2022, Lisbon has developed and will implement a new Stormwater Management Plan (SMP). Our Notice of Intent (NOI) to comply with the 2022 MS4 permit, accompanied by our SMP, will be filed with the Maine DEP on or before March 31st, 2021 and will also be posted on the City's website.

Because Lisbon's MS4 regulated area interconnects with Sabattus's regulated area, we wanted to make you aware of our compliance efforts and SMP submission, as well as the continued implementation of our Illicit Discharge Detection and Elimination (IDDE) Plan that has been updated for the new permit.

Included in the IDDE Plan is an easy way for Lisbon residents and staff to contact me, the Stormwater Coordinator, in the event of an illicit discharge. Should an illicit discharge occur within Sabattus's infrastructure that has the potential to discharge to Lisbon's MS4, we request that your agency contact me immediately upon discovery of the discharge. Should an illicit discharge occur in the Town of Lisbon that has the potential to affect Sabattus's MS4, I will contact you immediately. Please forward this request to any of your unit staff that might be in a position to coordinate illicit discharge response efforts.

Thank you for your cooperation in this effort to minimize the potential for illicit discharges into our MS4. Feel free to contact me with any questions.

Respectfully,

Diane Barnes

Diane Barnes, Town Manager
Town of Lisbon
Phone: 207-353-3000 Ext. 104
Email: dbarnes@lisbonme.org

7017 2400 0000 5226 9669

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Sabattus, ME 04280

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Certified Mail Fee	$3.60
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	$0.00
☐ Return Receipt (electronic)	$0.00
☐ Certified Mail Restricted Delivery	$0.00
☐ Adult Signature Required	$0.00
☐ Adult Signature Restricted Delivery	$
Postage	$0.55
Total Postage and Fees	$4.15

ORONO ME 0473 24
MAR 18 2021
04473 USPS
Postmark Here
03/18/2021

Sent To: Town of Sabattus
Street and Apt. No., or PO Box No.: 190 Middle Road
City, State, ZIP+4®: Sabattus, ME 04280

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 2400 0000 5226 9775

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Lewiston, ME 04240

OFFICIAL USE

Certified Mail Fee	$3.60
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	$0.00
☐ Return Receipt (electronic)	$0.00
☐ Certified Mail Restricted Delivery	$0.00
☐ Adult Signature Required	$0.00
☐ Adult Signature Restricted Delivery	$
Postage	$0.55
Total Postage and Fees	$4.15

ORONO ME 0473 24
MAR 18 2021
04473 USPS
Postmark Here
03/18/2021

Sent To: Lewiston Public Works Department
Street and Apt. No., or PO Box No.: 103 Adams Ave
City, State, ZIP+4®: Lewiston, ME 04240

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7017 2400 0000 5226 9676

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Augusta, ME 04333

OFFICIAL USE

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Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	$0.00
☐ Return Receipt (electronic)	$0.00
☐ Certified Mail Restricted Delivery	$0.00
☐ Adult Signature Required	$0.00
☐ Adult Signature Restricted Delivery	$
Postage	$0.55
Total Postage and Fees	$4.15

ORONO ME 0473 24
MAR 18 2021
04473 USPS
Postmark Here
03/18/2021

Sent To: Maine DOT Environmental office
Street and Apt. No., or PO Box No.: 16 SHS
City, State, ZIP+4®: Augusta, ME 04333-0016

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

D Illicit Discharge Detection and Elimination Standard Operating Procedures

The following pages contain the Standard Operating Procedures (SOPs) followed by the Town of Lisbon for:

- Detecting illicit discharges via Outfall Inspections (**Appendix D.1**);
- Tracing illicit discharge sources (**Appendix D.2**); and
- Removing illicit discharge sources (**Appendix D.3**).

D.1 Outfall Inspection SOP

Standard Operation Procedure	
SOP-1 IDDE: Outfall Screening	
Purpose of the SOP:	This SOP provides a basic checklist for managers and field crews conducting illicit discharge inspections of storm drainage system outfalls

Reference: Brown et al., *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments,* Center for Watershed Protection, Ellicott City, 2004.

Planning Considerations:

- ❑ Employees should have reviewed and understand the information in the QAPP
- ❑ Inspections are to occur during dry weather (less than ¼" precipitation in previous 72 hours)
- ❑ Conduct inspections with at least two staff per crew if possible
- ❑ Conduct inspections during low groundwater and leaf off conditions if possible

Field Methods:

- ❑ Ensure outfall is accessible – contact Public Works if overgrown
- ❑ Inspect outfall only if safe to do so
- ❑ Visually inspect general area for possible sources
- ❑ Estimate flow
- ❑ Use electronic Outfall Inspection Form to document observations
- ❑ If dry weather flow is present, attempt to identify the source of the flow for future comparison
- ❑ If dry weather flow is present, conduct field screening (multi-meter parameters and ammonia/chlorine test strips), followed by the collection of samples for lab parameters (*E. coli* and Surfactant testing)
- ❑ If an illicit discharge is suspected follow procedures outlined in **SOP-2 IDDE: Tracing Illicit Discharges**
- ❑ Do not enter private property without permission
- ❑ Take a photo of the outfall using the mobile collection device.

Equipment List:

1. Mobile data collection device
2. Cell phone
3. Flashlight (spare batteries)
4. Disposable gloves
5. Folding wood ruler
6. Multi-parameter probe
7. Ammonia test strips
8. Chlorine test strips
9. Sample bottles
10. Timer
11. Hand sanitizer
12. Safety vests
13. First aid kit
14. Cooler
15. Permanent marker

D.2 Illicit Discharge Tracing SOP

Standard Operation Procedure	
SOP-2 IDDE: Tracing Illicit Discharges	
Purpose of the SOP:	To provide a quick reference list of items to keep in mind during investigation activities to efficiently and systematically identify the source of an illicit discharge

Reference: Brown et al., *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments,* Center for Watershed Protection, Ellicott City, 2004.

Planning Considerations:

- ❑ Employees should have reviewed and understand the information in the QAPP
- ❑ Review / consider information collected when illicit discharge was initially identified (Outfall Inspection Form)
- ❑ Consider storm drainage basin and land uses
- ❑ Conduct investigation with at least two staff per crew
- ❑ Manholes may only be entered by properly trained and equipped personnel with authorization by an confined space entry supervisor
- ❑ Never put yourself in danger

Equipment List:

1. Mobile data collection device
2. Cell phone
3. Flashlight (spare batteries)
4. Disposable gloves
5. Hand sanitizer
6. Safety vests
7. Manhole hook
8. Safety cones
9. Sledgehammer
10. Equipment for outfall sampling and monitoring

Field Methods:

- ❑ Revisit outfall to verify reported discharge is still present
- ❑ Conduct field screening and collect applicable samples, as necessary, depending on previous findings and as per **SOP-1** and the QAPP located in Appendix E
- ❑ Survey the general area / surrounding properties to identify potential sources of the illicit discharge as a first step
- ❑ Investigate illicit discharges using visual inspections of upstream points as a second step
- ❑ Utilize O&M resources as required (traffic control, video truck, additional staff)
- ❑ Document investigation results for future reference
- ❑ Do not enter private property without permission (See the Non-Stormwater Discharge Ordinance for access and inspection permissions)
- ❑ If source cannot be found, add the location to a future inspection program
- ❑ If a source is found contact the Stormwater Coordinator and proceed to **SOP-3** procedures.
- ❑ Take a photo of the outfall using the mobile collection device

D.3 Illicit Discharge Source Removal SOP

Standard Operation Procedure	
SOP-3 IDDE: Illicit Discharge Source Removal	
Purpose of the SOP:	This SOP provides basic information for managers and inspection / enforcement staff to assist with illicit discharge source removal utilizing escalating compliance actions

Reference: Brown et al., Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments, Center for Watershed Protection, Ellicott City, 2004.

Planning Considerations:

- Employees should have reviewed and understand the information presented in Chapter 14 of the reference manual
- Employees should understand the Town's Non-Stormwater Discharge Ordinance

Field Methods:

- Upon identification of an illicit discharge to the MS4 the Stormwater Coordinator will be notified
- Upon identification of an illicit discharge to the MS4 the owner of the property, where the illicit connection is located will be notified and informed of their obligation to immediately stop the illicit discharge and begin corrective measures
- Town employees will provide technical assistance for eliminating the discharge and ensuring appropriate discharge of waste materials
- Follow-up inspections will be performed by municipal staff or consultants to verify that the illicit discharge is eliminated, and any corrective measures are installed in accordance with Town design standards
- Escalating enforcement and legal actions in accordance with Town Code will be utilized if the discharge is not eliminated

E Quality Assurance Project Plan for MS4 Dry Weather Outfall Monitoring

Quality Assurance Project Plan for MS4 Dry Weather Outfall Monitoring

1 Overview

The purpose of this Quality Assurance Project Plan (hereafter referred to as the QAPP) is to describe the actions that the MS4 permittee will undertake in order to comply with requirements of the Maine Pollutant Discharge Elimination System (MEPDES) Municipal Separate Storm Sewer System (MS4) General Permit. Data generated by this plan will be included, as required by the General Permit, in the MS4 Annual Report to the Maine DEP.

1.1 Acknowledgement

This QAPP is based on a Stormwater Monitoring QAPP developed by Integrated Environmental Engineering, Inc. for municipalities in Maine. Permission to use content from Integrated Environmental's QAPP was granted by Kristie L. Rabasca, P.E.

2 Background and Scope

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

2.1 Requirements for Outfall Monitoring

Under most conditions, if an outfall is observed to have dry weather flow, monitoring must be conducted to assess whether there is an *illicit discharge* associated with the flow. An illicit discharge is any discharge to a regulated MS4 system that is not composed entirely of stormwater other than:

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

Exempt conditions for dry weather outfall sampling and monitoring are described in Part IV(C)(3)(e)(vi) of the 2022 MS4 General Permit.

Monitoring must be conducted whether or not the outfall's dry weather flow exhibits evidence of an illicit discharge. Where dry weather flow is present at an outfall, the permittee must sample the

discharge and analyze for the following parameters:

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

Data from sampling and analysis can be used to determine if there is an illicit discharge present in the flow and can help to identify potential sources of the illicit discharge.

2.2 QAPP Purpose

The purpose of this Quality Assurance Project Plan (QAPP) is to provide sampling personnel information that will assist them in collecting samples and analyzing them using field equipment/test kit(s) and/or laboratories in a manner that ensures sufficient accuracy and precision for identifying or ruling out the presence of illicit discharges in dry weather outfalls. This QAPP provides information on various field equipment/test kit(s) and analytical methods available to permittees that can be used to comply with the MS4 permit requirements for dry weather outfall monitoring.

This QAPP has been developed to accompany a municipality's Illicit Discharge Detection and Elimination (IDDE) Plan, which is required by the MS4 General Permit. The QAPP itself does not contain all the IDDE requirements associated with the MS4 permit, so the municipality's IDDE Plan should be consulted to determine the specific monitoring requirements and schedules. In addition, if an inspection finds evidence of an illicit discharge, the municipality must investigate to identify the source and work with responsible parties to remove the source. The IDDE Plan describes the processes and procedures specific to a municipality for such follow-up investigations.

3 Sampling Procedures

3.1 Sample Collection

Samples are required to be collected at outfalls that exhibit dry weather flow (defined as flow after there has been no precipitation greater than ¼ inch for 72 hours, and there is no melt water from snow or ice). Because dry weather flow can be intermittent and/or highly variable in short periods of time, personnel should be prepared to collect samples during any outfall inspection.

Samples are collected only from a flowing source, and where the pipe outlet has at least 1 or 2 inches of free-flowing drop before any standing water or pool below it (as in Fig. 1, below). Outfalls may not offer a clean catch of discharge (as in Fig. 2, below), and when this is the case, an alternative sampling

option should be considered, such as sampling upstream structures or using sand bags around the outfall to prevent contamination from backflow. Stagnant water should not be sampled unless the municipality deems it necessary.

Fig. 1. This outfall provides a good opportunity for a clean catch of its discharge.

Fig. 2. This outfall is partially submerged and a clean catch of its discharge is not possible.

3.2 Sampling equipment

If dry weather flow is present, the outfall is safely accessible, and a clean catch can be made, then monitoring should be conducted. **Table 1** provides a list of equipment that should be gathered and available for outfall monitoring. All samplers should be trained on the proper use and basic maintenance of field equipment prior to employing field methods. This includes training on calibration of analytical equipment used in the field, handling and disposal of field test kit components, and methods to minimize cross-contamination between samples.

After sampling events, any reusable sample collection containers are cleaned with soap and tap water. Cleaning is completed in a location where wash water can be discharged to a licensed wastewater treatment plant, sanitary sewer, or septic system.

Table 1. Field Equipment for Monitoring

1 Gallon of Distilled or de-ionized water for rinsing, and squirt bottle
1 Roll Paper towels
3-5 clean plastic 250 ml beakers for water sample collection in plastic bag marked “Clean” or disposable whirl-pak bags.
Garbage bags
1 long sampling pole and/or sampling pump and tubing
Equipment to remove and access catch basin covers if needed (hook/magnet, hammer, crowbar, etc.)
Field equipment/test kits (see Table 2) and bottles for any laboratory samples or off-site field test kits. • Ensure field test kits have not expired • Typically keep bottles available for 5-10 samples
Non-latex gloves
Box of 1-gallon plastic bags
Cooler with ice
Camera or phone
Safety Vest
Scissors
Sunscreen and bug spray
Clip board
3-5 Field Data Sheets (See Addendum 1)
Mobile device with application for digital data collection (e.g. Fulcrum)
Chain of Custody (See Addendum 2)
Sharpies and water-proof pens
Packing tape and Duct tape
Sheet of blank labels for bottles
First aid kit

3.3 Sample documentation

For each outfall sampled, a device with a mobile inspection data collection application (e.g. Fulcrum app), or a paper form as a backup, is used to document the date, time, and location of sample(s) collected, weather conditions, any general observations related to the tests being performed, and results of any parameters analyzed using field equipment or test kits. Note that the data collection form has a place to document sample observations including odor, color, turbidity, presence of algae, etc. These observations will be documented in addition to the observations made during the normal outfall inspection (which should be conducted in accordance with the MS4's IDDE Plan or SOP).

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

When using a third-party laboratory for any off-site analysis, sample bottles should be obtained before the sampling event. Coordination with the laboratory is also recommended to ensure that sample hold times and preservation requirements are being met. If samples are being collected on a Friday, the laboratory may need prior notice to meet short hold times. Analytical methods, hold times, and other pertinent information is described in Section 4 of this QAPP.

4 Analysis methods

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

A list of commercial certified laboratories is available on the Maine DEP website at: https://www.maine.gov/dhhs/mecdc/environmental-health/dwp/professionals/labCert.shtml.

Note also that many Wastewater Treatment Plants conduct bacteria analysis for operational purposes. If there is a Wastewater Treatment Plant in the area, it can also be used for the bacteria screening. This QAPP does not specify CWA methods or Maine DEP certification for use of field equipment/test kit(s) or *E. coli* testing.

Table 2 provides information related to sampling parameters, analysis methods, and sample preservation and hold times that may be used during dry weather outfall monitoring. Analysis methods specified in **Table 2** include CWA methods, field equipment, and test kits, where applicable. **Table 2** also provides information on when a particular analysis method might be preferable if there are

multiple options for a given parameter. Prior to sampling, the sampler and Stormwater Coordinator will determine what analysis method (CWA Method, field equipment, or test kit) will be used.

Test kit components that have expired will not be used and test kits will be replaced if/when they reach the end of their useful lives.

Dissolved oxygen, pH and conductivity meters are calibrated each day prior to use. The calibrations are documented electronically in a spreadsheet. Probes that have useful life limits are replaced following the manufacturers recommended schedule.

User manual(s) and safety data sheets (SDS) for field equipment and/or test kit(s) that will be utilized for dry weather monitoring are maintained electronically or in paper form, easily accessible to the field personnel who will be conducting the monitoring.

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

Bacteria - select one or more based on discharge environment	CWA Method, Field Equipment, or Test Kit	Preservation	Holding time	Bottle needed	Notes on Use
Bacteria - E. coli	SM 9223 B (IDEXX Colilert Quanti-Tray) EPA 1603 (membrane filtration, MF) Or SM 9221 B (Most probable number, MPN)	Ice	To lab within 6 hours Analyze within 2 hours of receipt	120 ml or 250 ml plastic sterile bottle with lid from lab	Use for discharges to freshwater (with ammonia and either optical enhancers or surfactants)
Bacteria - enterococcus	SM 9230 B, C or D, (MPN including IDEXX Enterolert, or MF) EPA 1600 (MF)	Ice	To lab within 6 hours Analyze within 2 hours of receipt	120 ml or 250 ml plastic sterile bottle with lid from lab	Use for discharges to salt water (with ammonia and either optical enhancers or surfactants)
Bacteria – Fecal Coliform	SM 9222 D (MF CFU/100ml) Or SM 9221 C, E (Multitube MPN/100ml)	Ice	To lab within 6 hours Analyze within 2 hours of receipt	120 ml or 250 ml plastic sterile bottle with lid from lab	Use for discharges to salt or freshwater (with ammonia and either optical enhancers or surfactants)
Bacteria – Human Bacteroides	Labs: EMSL (NJ), Microbial Insights (TN) or Source Molecular (FL)	Ice	To lab within 24 hours Analyze within 48 hours	1000 ml plastic bottle with sodium thiosulfate from lab (with insulated shipping box)	Use for discharges to salt or freshwater (with ammonia and either optical enhancers or surfactants). Not a CWA method, so Maine Laboratory certification not required.

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

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

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

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

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

Other Optional Parameters	CWA Method, Field Equipment, or Test Kit	Preservation	Holding time	Bottle needed	Notes on Use
Dissolved Oxygen	Hach DO Test kit Model OX-2P DO Probe	None	Immediate (w/in 15 minutes) in Field	Field jar or beaker	Waters of the state have Dissolved Oxygen standards. This test can show whether outfall contributions are affecting Dissolved Oxygen content of receiving waters.
pH	EPA method 4500-H+B pH Probe	None	Immediate (w/in 15 minutes) in Field	Field jar or beaker	Waters of the state have pH standards. This measurement can show whether outfall contributions are affecting the pH of receiving waters.
Total Phosphorus	EPA 365.3	Sulfuric Acid (pH <2) + Ice (4^oC)	28 days	250 ml glass bottle from lab.	Provides data regarding nutrient contributions to receiving waters which can originate from paved surfaces, fertilizers, and eroding soils.
Personal Care Products	EPA 1694	Sulfuric Acid (pH <2) + Ice (4^oC)	7 days to extraction 40 days after extraction	1000 ml amber jar	EPA Lab Chelmsford can run if capacity. Contact Todd Borci. Otherwise need to use a commercial laboratory. EPA recommends analyzing only for following subset: Caffeine, 1,7-DMX (metabolite of caffeine), Acetominophen, Carbamazepine (anti-depressant), Primidone (anti-epilepsy drug), Atenolol (high Blood pressure med), Cotinine (metabolite of nicotine), urobilin (by product of hemoglobin breakdowns), Azithromycin (antibiotic)

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

Other Optional Parameters	CWA Method, Field Equipment, or Test Kit	Preservation	Holding time	Bottle needed	Notes on Use
Total Suspended Solids	EPA 160.2 or SM2549D	Ice	7 days	1000 ml plastic bottle from lab	
Biochemical Oxygen Demand	EPA 405.1 or SM5210B	Ice	To lab within 24 hours, analyze within 48 hours	300 mL BOD bottle	Provides general water quality information.
Total Petroleum Hydrocarbons DRO and GRO	SW 8015C	Ice	7 days to extraction 40 days after extraction	500 ml amber glass jar and 3 40 ml VOA containers from lab with sulfuric acid	DRO is Diesel Range Organics (C10 to C28) GRO is Gasoline Range Organics (C5 to C10)
Nitrate + Nitrite	SM 4500 or EPA 300	Sulfuric Acid (pH <2) + Ice (4^oC)	28 days	125 ml plastic bottle from lab	Provides data regarding nutrient contributions to receiving waters which can originate from paved surfaces, fertilizers, eroding soils or wastewaters.
Total Kjeldahl Nitrogen	SM 4500 or EPA 300	Sulfuric Acid (pH <2) + Ice (4^oC)	28 days	1000 ml amber glass bottle from lab	Provides data regarding nutrient contributions to receiving waters which can originate from paved surfaces, fertilizers, eroding soils or wastewaters.

5 Quality Control

5.1 Reporting Limits

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

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

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

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

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

5.2 Equipment or Rinsate Blanks

For most instances, dedicated equipment and containers are used to collect samples, so that equipment and rinsate blanks are not required to be collected and analyzed. However, if equipment or collection containers are being used multiple times in the field for different sample locations, they should be rinsed with distilled water in between samples, and the rinsate disposed of away from the collection site. The USEPA Volunteer Monitor's Guide to Quality Assurance Project Plans has additional information on how to complete these tasks.

6 Field Data Sheets and Chain of Custody

As described in Section 3.3, a mobile inspection application will be used to digitally document sample collection. The application will document the type of field equipment or test kit(s) used and results of any field analysis. A list of parameters documented are provided in **Addendum 1** to this QAPP.

Whenever samples will be sent to a laboratory or transported for off-site analysis, a Chain of Custody will be used to document sample collection dates, times, analytical methods requested, and custody of the sample from the time it was collected, until the time it was analyzed. Example Chains of Custody are provided in **Addendum 2** to this QAPP.

7 Data Reports

Information and monitoring data collected on the mobile inspection application shall constitute data reports for analyses using field equipment or test kits.

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

8 Data Review and Follow up

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

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

Table 3. Thresholds for Additional Investigation

Parameter	Threshold Level for Additional Investigation	Notes/Discussion
E. coli	236 cfu/100 ml – discharges into freshwater rivers or streams	All classifications of flowing fresh surface water in Maine (AA, A, B and C) have a standard that no more than 10% of the samples may exceed this concentration in any 90 day interval. A fresh surface water is at risk of impairment if it is receiving significant discharges from human sources above this concentration.
E. coli	194 cfu/100 ml – discharges into freshwater ponds	Great Ponds and lakes less than 10 acres have a standard that no more than 10% of the samples may exceed this concentration in any 90 day interval. A water of this type is at risk of impairment if it is receiving significant discharges from human sources above this concentration.
Enterococci	54 CFU/100 ml – discharges into saline/estuarine Class SA or SB	These waters have a standard that no more than 10% of the samples may exceed this concentration in any 90 day interval. A water is at risk of impairment if it is receiving significant discharges from human sources above this concentration. (Note Maine Healthy Beaches threshold is 104 MPN/100 ml)
Enterococci	94 CFU/100 ml – discharges into saline/estuarine Class SC	These waters have a standard that no more than 10% of the samples may exceed this concentration in any 90 day interval. A water is at risk of impairment if it is receiving significant discharges from human sources above this concentration. (Note Maine Healthy Beaches threshold is 104 MPN/100 ml)

Parameter	Threshold Level for Additional Investigation	Notes/Discussion
Fecal Coliform	61 cfu/100 ml (2 times 31 cfu/100 ml for MF) to 100 cfu/100ml	The low end of this threshold is two times the 90th percentile standards that DMR applies for approved (open) shellfish harvesting areas and is very conservative (90% of the samples collected from the area must be above these concentrations for the harvesting area to remain open and completely unrestricted for shellfish harvesting.)
Human Bacteroides	Any concentration may be indicative of human sewage.	Any concentration of human source of sewage should be investigated.
Ammonia	≥ 0.50 mg/L	This is the effective reporting limit of the Ammonia test strips and was taken from USEPA Draft 2012 Bacteria Source Tracking Protocol.
Chlorine	≥ 0.05 mg/L	Limit of test kit and was taken from USEPA Draft 2012 Bacteria Source Tracking Protocol.
Surfactants	≥ 0.25 mg/L	Taken from USEPA Draft 2012 Bacteria Source Tracking Protocol.
Optical Brighteners	≥ 100 ug/L) (≥ 0.10 mg/L)	This is used by Maine Healthy Beaches as an actionable threshold. If using a handheld fluorometer, conduct further investigation if presence of optical brighteners is detected.

MS4s should use the thresholds listed above to make determinations whether an outfall requires additional investigation for illicit discharges. Outfalls that exceed at least one of the above thresholds should be investigated further using techniques described in the MS4s IDDE Plan.

As described in Section 2 of this QAPP, if the above thresholds are not exceeded, the MS4 may make the determination that the flow is from uncontaminated groundwater, water from a natural resource, or an allowable non-stormwater discharge.

9 List of Addenda

1. Example Data Collection Form and labels
2. Example Chains of Custody

10 References

Integrated Environmental Engineering. February 2021, *ISWG and SMSWG Stormwater Monitoring Program QAPP*, Revision 1.

U.S. EPA. September 1996, *The Volunteer Monitor's Guide to Quality Assurance Project Plans*, Document Number: 841-B-96-003.

Addendum 1

Example Field Data Collection and labels

SEE

STILLWATER ENVIRONMENTAL ENGINEERING, INC • PO Box 426, ORONO, ME 04473

MS4 Outfall Inspection Form

Outfall ID: **Date:** **Location (Lat./Long.):**

Inspector: **Time:**

Time/ Quantity of Last Precipitation (must be < .25" in preceding 72hrs):

Current Air Temperature/Weather Conditions:

Able to Inspect?

◯ Yes ◯ No (Unable to locate) ◯ No (Unable to access, fencing, etc.)

◯ No (Safety) ◯ No (Other – Describe)

Outfall Type:

◯ RCP ◯ PVC ◯ Iron ◯ CMP ◯ HDPE ◯ Ditch

◯ Other (Describe)

Outfall Diameter (If applicable): **Receiving Water:** **Flowing (Yes/No):**

Flow Quantity:

◯ Trickle ◯ Minor Flow ◯ Quarter Pipe ◯ ≥ Half Pipe
◯ N/A

Sampling Conducted:

◯ Yes ◯ No (Describe why not) ◯ N/A – No Flow

SEE

Documented Field Parameters:

Barometric Pressure_____mm/Hg Water Temperature_____°C

pH_____ Chlorine_____mg/L Ammonia_____mg/L

Conductivity_____µS/cm Dissolved Oxygen_____mg/L

Analytic Samples Collected:

◯ E. Coli ◯ Surfactants ◯ Other (Describe)

Illicit Discharge Indicators Present:

◯ Foam ◯ Discolored Discharge (Describe) ◯ Excess Algae/Vegetation

◯ Trash/Floatables ◯ Sanitary Sewer Solids ◯ Unusual Odor (Describe)

◯ Oil Sheen/Staining ◯ None ◯ Other (Describe)

General Condition of Outfall:

◯ Good ◯ Fair ◯ Poor

Identified Defects:

◯ Erosion ◯ Excess Sediment Accumulation ◯ Excess Vegetation

◯ Trash/Debris Accumulation ◯ Other (Describe) ◯ None

Maintenance Follow-Up:

◯ Yes (Describe) ◯ No

SEE

Maintenance Follow-Up Priority:

◯ High ◯ Medium ◯ Low ◯ N/A

Photo Collected:

◯ Yes ◯ No (Describe)

Comments:

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

Sampler: ____________ Date: ____________
Time: ________ Field ID: ________________

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Addendum 2

Example Chains of Custody

Laboratory Sample Chain of Custody

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

LAB USE ONLY Work Order #:

Remarks:

Shipping Info: FEDEX UPS CLIENT
Airbill No:
Temp C Temp Blank Intact Not Intact

*	Sample Description	Date/Time Collected	Matrix water/soil /other	No. of Containers	Analysis and Container Type Preservatives									
					Filt. Y / N	Filt. Y / N	Filt. Y / N	Filt. Y / N	Filt. Y / N	Filt. Y / N	Filt. Y / N	Filt. Y / N	Filt. Y / N	Filt. Y / N

COMMENTS:

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

EMSL ANALYTICAL, INC.
LABORATORY • PRODUCTS • TRAINING

EMSL ANALYTICAL, INC.
200 ROUTE 130 NORTH
CINNAMINSON, NJ 08077
PHONE: (800) 220-3675
FAX:(856) 786-0262

EMSL Order Number (*Lab Use Only*):

Company :		**EMSL-Bill to:** ☐ Same ☐ Different **If Bill to is Different please note in Comments**** *Third Party Billing requires written authorization from third party*	
Street:			
City:	**State/Province:**	**Zip/Postal Code:**	**Country:**
Report To (Name):		**Fax #:**	
Telephone #:		**E-mail Address:**	
Project Name/ Number:			
Please Provide Results: ☐ **Fax** ☐ **E-mail**	**PO#**	**State Samples Taken:**	

Turnaround Time (TAT) Options* - Please Check

☐ **3 Hour**	☐ **6 Hour**	☐ **24 Hour**	☐ **48 Hour**	☐ **72 Hour**	☐ **96 Hour**	☐ **1 Week**	☐ **2 Week**

**Analysis completed in accordance with EMSL's Terms and Conditions located in the Analytical Price Guide. TATs are subject to methodology requirements.*

Fungi	**Bacteria**	**Insects**
☐ **ERMI Panel (M180)** *Dust Only*	☐ **Human *Bacteroides* (M199)**	☐ **Bed Bug (*Cimex lectularius*) (M146)**
☐ **EPA 36 Panel (M233)** *Air, Swab*	☐ **Total *Bacteroides* (M095)**	☐ **Tick - *Anaplasma phagocytophilum* Anaplasmosis (M261)**
☐ **Water Damage 20 Panel (M181)**	☐ ***E. coli* O157:H7 (M140)**	☐ **Tick - *Babesia microti* Babesiosis (M260)**
☐ **Wood Rot Fungi 10 Panel (M232)**	☐ ***E. coli* (M200)**	☐ **Tick - *Borrelia burgdorferi* Lyme disease (M196)**
☐ ***Aspergillus* 15 Panel (M186)**	☐ **Total *Enterococcus* (M096)**	**Other**
☐ ***Aspergillus* 6 Panel (M188)**	☐ ***Helicobacter pylori* (M207)**	☐ ***Acanthamoeba* spp. (M147)**
☐ ***Penicillium* 13 Panel (M189)**	☐ ***Legionella pneumophila* (M103)**	☐ ***Cryptosporidium* spp. (M237)**
☐ **Customized Fungi Panel (M100)**	☐ ***Legionella* 4 species-EPA (M162)**	☐ ***Giardia* spp. (M149)**
☐ ***Penicillium* Mycotoxin 9 Panel (M190)**	☐ ***Legionella* Broad Screen (M163)**	☐ **Enterovirus RT-PCR (M142)**
Birds, Animal Droppings	☐ **MRSA (M203)**	☐ **Food Authentication (F130)**
☐ ***Chlamydophila psittaci* (M234)**	☐ ***Mycobacterium avium* (M144)**	☐ **GMO Analysis (F131)**
☐ ***Cryptococcus neoformans* (M143)**	☐ ***Mycobacterium tuberculosis* (M159)**	☐ **DNA Barcode Analysis (M195)**
☐ ***Histoplasma capsulatum* (M208)**	☐ ***Pseudomonas aeruginosa***	☐ **DNA Sequencing Fungi/Bacteria Isolates (M192)**
☐ **Raccoon Roundworm (M236)**	☐ ***Salmonella* spp. (M141)**	☐ **Special Request:**
☐ **Rodent (Mouse, Rat) Dropping (M271)**	☐ ***Shigella* spp. (F122)**	

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

Client Sample # (s): -	**Total # of Samples:**	
Relinquished (Client):	**Date:**	**Time:**
Received (Lab):	**Date:**	**Time:**
Comments:		

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

EMSL ANALYTICAL, INC.
LABORATORY • PRODUCTS • TRAINING

EMSL Order Number (*Lab Use Only*):

EMSL ANALYTICAL, INC.
200 ROUTE 130 NORTH
CINNAMINSON, NJ 08077
PHONE: (800) 220-3675
FAX:(856) 786-0262

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

****Comments/Special Instructions**

F Potential Illicit Discharge Response Procedures

In the case of a potential illicit discharge reported via the “hotline” or other means, follow the below procedures.

1. **Process**

   (a) Use the electronic complaint reporting form to collect the appropriate information from the caller. Then, transfer the information to the Stormwater Coordinator.

   (b) Promptly investigate all reported potential illicit discharges.

   (c) If an illicit discharge of unknown source is confirmed, follow the procedure in SOP-2 IDDE: Tracing Illicit Discharges (which can be found in **Appendix D.2** of this Plan).

   (d) If an illicit discharge known source is confirmed, follow the procedure in SOP-3 IDDE - Illicit Discharge Source Removal (which can be found in **Appendix D.3** of this Plan.

2. **Clean- up**

   (a) Clean or cause to be cleaned the catch basin, storm drain, outfall, or other storm sewer conveyance or initiate the appropriate spill response as needed.

3. **Documentation**

   (a) File all completed electronic forms (ie. Call log, catch basins cleaning, storm drain cleaning) in the IDDE folder located in the Town’s electronic database.

   (b) Document any further action taken.

4. **Review**

   - Review incidents reported by citizens or municipal employees on an annual basis to look for patterns of illicit discharges and to evaluate the call-in inspection program.

G Hydrant Flushing SOP

Lisbon Water Department

Hydrant Flushing

Standard Operating Procedure (SOP)

The purpose of the Hydrant Flushing SOP is to reduce or eliminate the release of potential pollutants (chlorine, sediment, and soil erosion) from waterline and hydrant flushing activities by using best management practices (BMP) techniques. If followed, this SOP will help Lisbon avoid enforcement actions from EPA and MDEP, eliminate the need to obtain a waste discharge permit for these discharges and prevent impairment of the Town's Priority Watersheds (Impairment means: to lessen in quality, damage or make worse).

The Lisbon Water Department performs hydrant flushing activities in their entire water distribution system two times per year, once in the Spring and once in the Fall. Due to the addition of Sodium Hypochlorite at the Moody well, dechlorination will be implemented before chlorinated water enters the receiving waters of the Town.

System flushing will be accomplished by using hydrants that do not discharge chlorinated water to a water body. In the event that this is not feasible due to operational requirements the water will be dechlorinated to a residual of 0.019 ppm or less. Dechlorination will be accomplished by use of dechlorination mats and the Water Departments hydrant mounted dechlor units with the correct amount of dechlorination product. All hydrants flowed during flushing will document the volume of water used, duration of flush and Chlorine residual pre and post dechlorination throughout flushing period.

Highly chlorinated water found during disinfection of water infrastructure projects will be dechlorinated regardless of discharge location,

The high velocities of water experienced during flushing have a great potential for eroding soil. To prevent erosion of soil, flushing mats, hay bales, sand bags, catch basin socks, filter socks or dewatering bags will be used. The discharged water must be under continued observation and followed to its ultimate destination to avoid any environmental impacts.

SEE H Non-Stormwater Discharge Ordinance

ARTICLE III. - NON-STORMWATER DISCHARGE

Sec. 42-81. - Purpose/objectives.

(a) *Purpose*. The purpose of this non-stormwater discharge ordinance (the "ordinance") is to provide for the health, safety, and general welfare of the citizens of the Town of Lisbon through the regulation of non-stormwater discharges to the municipality's storm drainage system as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the town's storm drainage system in order to comply with requirements of the federal Clean Water Act and state law.

(b) *Objectives*. The objectives of this ordinance are:

(1) To prohibit un-permitted or un-allowed non-stormwater discharges to the storm drainage system; and

(2) To set forth the legal authority and procedures to carry out all inspection, monitoring and enforcement activities necessary to ensure compliance with this ordinance.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-70)

Sec. 42-82. - Definitions.

For the purposes of this ordinance, the terms listed below are defined as follows:

Best management practices ("BMP") 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.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq., also known as the "Clean Water Act"), and any subsequent amendments thereto.

Discharge means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to "waters of the state." "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.

Enforcement authority means the person(s) or department authorized under section 42-84 of this ordinance to administer and enforce this ordinance.

Exempt person or discharge means any person who is subject to a multi-sector general permit for industrial activities, a general permit for construction activity, a general permit for the discharge of stormwater from the Maine Department of Transportation and the Maine Turnpike Authority Municipal separate storm sewer systems, or a general permit for the discharge of stormwater from state or federally owned authority municipal separate storm sewer system facilities; and any non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge license or order issued to the discharger and administered under the authority of the U.S. Environmental Protection Agency ("EPA") or the Maine Department of Environmental Protection ("DEP").

Industrial activity means activity or activities subject to NPDES industrial permits as defined in 40 CFR, section 122.26 (b)(14).

Municipality means the Town of Lisbon.

Municipal separate storm sewer system or *MS4,* means conveyances for stormwater, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined

sewers) owned or operated by any municipality, sewer or sewage district, fire district, state agency or federal agency or other public entity that discharges directly to surface waters of the state.

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit means a permit issued by the EPA or by the DEP that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge means any discharge to an MS4 that is not composed entirely of stormwater.

Person means any individual, firm, corporation, municipality, quasi-municipal corporation, state agency or federal agency or other legal entity which creates, initiates, originates or maintains a discharge of stormwater or a non-stormwater discharge.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Premises means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the municipality from which discharges into the storm drainage system are or may be created, initiated, originated or maintained.

Regulated small MS4 means any small MS4 regulated by the State of Maine "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems" effective July 1, 2013 ("general permit"), including all those located partially or entirely within an urbanized area (UA) and those additional small MS4s located outside a UA that as of the issuance of the general permit have been designated by the DEP as regulated small MS4s.

Small municipal separate storm sewer system, or *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, Maine Department of Transportation and Maine Turnpike Authority road systems and facilities, and military bases and facilities.

Storm drainage system means the municipality's regulated small MS4.

Stormwater means any stormwater runoff, snowmelt runoff, and surface runoff and drainage; "stormwater" has the same meaning as "storm water."

Urbanized area or *UA* means the areas of the State of Maine so defined by the latest decennial census by the U.S. Bureau of the Census.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-70)

Sec. 42-83. - Applicability.

This ordinance shall apply to all persons discharging stormwater and/or non-stormwater discharges from any premises into the storm drainage system.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-70)

Sec. 42-84. - Responsibility for administration.

The MS4 stormwater coordinator is the enforcement authority who shall administer, implement, and enforce the provisions of this ordinance.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-70)

Sec. 42-85. - Prohibition of non-stormwater discharges.

(a) *General prohibition.* Except as allowed or exempted herein, no person shall create, initiate, originate or maintain a non-stormwater discharge to the storm drainage system. Such non-stormwater discharges are prohibited notwithstanding the fact that the municipality may have approved the connections, drains or conveyances by which a person discharges unallowed non-stormwater discharges to the storm drainage system.

(b) *Allowed non-stormwater discharges.* The creation, initiation, origination and maintenance of the following non-stormwater discharges to the storm drainage system is allowed:

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

(2) Discharges specified in writing by the enforcement authority as being necessary to protect public health and safety; and

(3) Dye testing, with verbal notification to the enforcement authority prior to the time of the test.

(c) *Exempt person or discharge.* This ordinance shall not apply to an exempt person or discharge, except that the enforcement authority may request from exempt persons and persons with exempt discharges copies of permits, notices of intent, licenses and orders from the EPA or DEP that authorize the discharge(s).

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-70)

Sec. 42-86. - Suspension of access to the municipality's small MS4.

The enforcement authority may, without prior notice, physically suspend discharge access to the storm drainage system to a person when such suspension is necessary to stop an actual or threatened non-stormwater discharge to the storm drainage system which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drainage system, or which may cause the municipality to violate the terms of its environmental permits. Such suspension may include, but is not limited to, blocking pipes, constructing dams or taking other measures, on public ways or public property, to physically block the discharge to prevent or minimize a non-stormwater discharges to the storm drainage system. If the person fails to comply with a suspension order issued in an emergency, the enforcement authority may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system, or to minimize danger to persons, provided, however, that in taking such steps the enforcement authority may enter upon the premises that are the source of the actual or threatened non-stormwater discharge to the storm drainage system only with the consent of the premises' owner, occupant or agent.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-70)

Sec. 42-87. - Monitoring of discharges.

In order to determine compliance with this ordinance, the enforcement authority may enter upon and inspect premises subject to this ordinance at reasonable hours with the consent of the premises' owner,

occupant or agent: to inspect the premises and connections thereon to the storm drainage system; and to conduct monitoring, sampling and testing of the discharge to the storm drainage system.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-70)

Sec. 42-88. - Enforcement.

It shall be unlawful for any Person to violate any provision of or to fail to comply with any of the requirements of this ordinance. Whenever the enforcement authority believes that a person has violated this ordinance, the enforcement authority may enforce this ordinance in accordance with 30-A M.R.S. § 4452.

(a) *Notice of violation*. Whenever the enforcement authority believes that a person has violated this ordinance, the enforcement authority may order compliance with this ordinance by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

(1) The elimination of non-stormwater discharges to the storm drainage system, including, but not limited to, disconnection of the premises from the MS4;

(2) The cessation of discharges, practices, or operations in violation of this ordinance;

(3) At the person's expense, the abatement or remediation (in accordance with best management practices in DEP rules and regulations) of non-stormwater discharges to the storm drainage system and the restoration of any affected property; and/or

(4) The payment of fines, of the municipality's remediation costs and of the municipality's reasonable administrative costs and attorneys' fees and costs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or restoration must be completed.

(b) *Penalties/fines/injunctive relief.* Any person who violates this ordinance shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the municipality's attorney's fees and costs, all in accordance with 30-A M.R.S. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this ordinance also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the municipality for violation of federal and state environmental laws and regulations caused by or related to that person's violation of this ordinance; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this section.

(c) *Consent agreement.* The enforcement authority may, with the approval of the municipal officers, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this ordinance for the purposes of eliminating violations of this ordinance and of recovering fines, costs and fees without court action.

(d) *Appeal of notice of violation.* Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the zoning board of appeals in accordance with: Chapter 70, Article II. Division 4, section 70-120 of the municipality's zoning ordinance. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The board of appeals shall hold a de novo hearing on the appeal within 30 days from the date of receipt of the notice of appeal. The board of appeals may affirm, reverse or modify the decision of the enforcement authority. A suspension under section 42-86 of this ordinance remains in place unless or until lifted by the board of appeals or by a reviewing court. A party aggrieved by the decision of the board of appeals may appeal that decision to the Maine Superior Court within 45 days of the date of the board of appeals decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(e) *Enforcement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal to the zoning board of appeals, within 30 days of a decision of the board of appeals affirming the enforcement authority's decision, then the

enforcement authority may recommend to the municipal officers that the municipality's attorney file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

(f) *Ultimate responsibility of discharger.* The standards set forth herein are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants into waters of the U.S. caused by said person. This ordinance shall not create liability on the part of the municipality, or any officer agent or employee thereof for any damages that result from any person's reliance on this ordinance or any administrative decision lawfully made hereunder.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-70)

Sec. 42-89. - Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this ordinance.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-70)

Sec. 42-90. - Basis.

The Town of Lisbon enacts this non-stormwater discharge ordinance (the "ordinance") pursuant to 30-A M.R.S. § 3001 (municipal home rule ordinance authority), 38 M.R.S. § 413 (the "Wastewater Discharge Law"), 33 U.S.C. § 1251 et seq. (the "Clean Water Act"), and 40 CFR Part 122 (U.S. Environmental Protection Agency's regulations governing the National Pollutant Discharge Elimination System ("NPDES")). The Maine Department of Environmental Protection, through its promulgation of the "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems" effective July 1, 2013, has listed the Town of Lisbon as having a regulated small municipal separate storm sewer system ("small MS4"); under this general permit, listing as a regulated small MS4 necessitates enactment of this ordinance as part of the municipality's stormwater management program.

(C.M. of 3-3-2015, V. 2015-57; C.M. of 3-17-2015, V. 2015-70)

Secs. 42-91—42-100. - Reserved.

D Construction Inspection Form

Town of Lisbon Construction Site Inspection Form		
Permit Number:	Site Contractor:	
Site Name:	Date/Time:	Inspected By:
Address/Watershed:		
Last Rain Date/Quantity:		Area Disturbed:
Reason for Inspection: ☐ Initial ☐ Routine ☐ Final ☐ Rain Event ☐ Complaint		
Project Description:		

	YES/NO/NA	COMMENTS
1. Is an Erosion and Sediment Control Plan available and being followed?		
2. Is a weekly inspection log available and up to date (if required)?		
3. Are all erosion control practices installed properly, maintained, and functioning?		
Areas at finished grade are properly stabilized		
Concentrated flow inlet/outlet protection installed		
Disturbed dormant areas stabilized		
Entrance/exits properly stabilized		
Slopes and stockpiles properly stabilized/protected		
Other		

	YES/NO/NA	COMMENTS
4. Are all sedimentation control practices installed properly, maintained, and functioning?		
Construction entrance		
Dust control practices		
Sedimentation basins/traps/diversions		
Perimeter controls		
Check dams		
Other		
5. Are ESC measures, construction activities, and housekeeping adequately maintained?		
Sedimentation/erosion in ditches		
Tracked sediment or dust at exits		
Hazardous material storage and spill control practices adequate		
Waste management (concrete/paint washout, solid waste, sanitary waste, hazardous waste, etc.) adequate		
Other		

	YES/NO/NA	COMMENTS
6. Violation, Corrective Actions, Recommendations		
Sediment/pollutants discharged from site		
Natural resource impacts		
Corrective action required		
Site compliant with all permits		
Notice of violation or stop work order issued		
Comments/Corrective Actions (complete corrective actions before the next rain event and within 7 days)		

Attach any photos taken at the time of inspection to this document.

E Catch Basin Inspection Form

SEE

STILLWATER ENVIRONMENTAL ENGINEERING, INC • PO Box 426, ORONO, ME 04473

MS4 Catch Basin Inspection Form

Catch basin ID: **Date:** **Location (Lat./Long.):**

Inspector: **Time:**

Able To Inspect?

◯ Yes ◯ No (Unable to locate) ◯ No (Unable to access, fencing, etc.)

◯ No (Safety) ◯ No (Other – Describe)

Condition

◯ Good ◯ Fair ◯ Poor

Defects

◯ Loose Bricks ◯ Cracked Grout ◯ Frame Cracked ◯ Erosion

◯ Pavement Cracked ◯ Severe Structural Cracks ◯ Other (Describe)

◯ None

Sump Depth (Feet): **Silt Depth (Feet):** **≥50% of Sump Depth? (Yes/No):**

Flow Description:

◯ None ◯ Trickle ◯ Moderate ◯ Significant ◯ Intermittent

◯ Flooded ◯ Other (Describe)

Water Condition

◯ Clear ◯ Murky ◯ Litter ◯ Odor (Describe)

◯ Vegetation (Describe) ◯ Oil Sheen

◯ Pet Waste ◯ Foam ◯ Sanitary Sewer Solids

◯ Other (Describe)

SEE

Follow-Up:

◯ Yes (Describe) ◯ No

Follow-Up Priority:

◯ High ◯ Medium ◯ Low ◯ N/A

Photo Collected:

◯ Yes ◯ No (Describe)

Comments:

F Ditch Inspection Form

SEE

STILLWATER ENVIRONMENTAL ENGINEERING, INC • PO Box 426, ORONO, ME 04473

MS4 Ditch Inspection Form

DITCH ID: **Date:** **Location (Lat./Long.):**

Inspector: **Time:**

Able To Inspect?

◯ Yes ◯ No (Unable to locate) ◯ No (Unable to access, fencing, etc.)

◯ No (Safety) ◯ No (Other – Describe)

Condition

◯ Good ◯ Fair ◯ Poor

Defects

◯ Excessive Vegetation ◯ Trash ◯ Excess Accumulated Sediment

◯ Erosion ◯ Mystery Pipes ◯ Other (Describe)

◯ None

Follow-Up:

◯ Yes (Describe) ◯ No

Follow-Up Priority:

◯ High ◯ Medium ◯ Low ◯ N/A

Photo Collected:

◯ Yes ◯ No (Describe)

SEE

Comments:

G 2022 MS4 General Permit

An electronic version of the 2022 MS4 General Permit can be found at the below link. This permit is also available in the Town's electronic data management system.

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

H Notice of Intent

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

PLEASE TYPE OR PRINT IN *BLACK INK ONLY*

PERMITTEE INFORMATION					
MS4 Entity	Town of Lisbon			Permittee ID #	MER041030
Name and title of chief elected official or principal executive officer	Diane Barnes, Town Manager				
Mailing Address	300 Lisbon Street				
Town/City	Lisbon	State	ME	Zip Code	04250
Daytime Phone	(207) 353-3000	Email	dbarnes@lisbonme.org		
PRIMARY CONTACT PERSON FOR OVERALL STORMWATER MANAGEMENT PROGRAM (if different than PEO/CEO)					
Name and Title	Randy Cyr, Public Works Director				
Mailing Address	300 Lisbon Street				
Town/City	Lisbon	State	ME	Zip Code	04250
Daytime Phone	(207) 353-3000 Ext. 116	Email	rcyr@lisbonme.org		
STORMWATER MANAGEMENT PLAN (SWMP)					
Urbanized Area (sq. mi.)	4				

I have attached our updated SWMP with ordinances, SOPs, forms. ■

Name of streams, wetlands, or waterbodies to which the regulated small MS4 discharges (*attach additional sheets as necessary*):

Androscoggin River, Sabattus River (Non-UIS), Unnamed Impaired Stream (Near Route 196), Unnamed Streams, Unnamed Wetlands

List of impaired waterbodies that receive stormwater from the regulated small MS4 (*attach additional sheets as necessary*):

Sabattus River (Non-UIS), Unnamed Impaired Stream (Near Route 196)

CERTIFICATION

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

Signature of Permittee	Diane Barnes	Date	3-16-2021

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

Stormwater Program Manager
Maine Department of Environmental Protection
Bureau of Water Quality
17 State House Station
Augusta ME 04333-0017
Rhonda.Poirier@maine.gov

OFFICE USE ONLY							
Date Recieved		Staff		Date Accepted		Date Not Accepted	

H.1 Newspaper Public Notice

PUBLIC NOTICE

The Municipality of Lisbon will file a Notice of Intent (NOI) to comply with the Maine General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems issued 10/15/2020 (MER041000 W009170-5Y-C-R) and an associated Stormwater Management Plan (SWMP) with the Maine Department of Environmental Protection. The NOI and SWMP will be filed on or about March 31, 2021. A copy may also be seen at the Lisbon municipal offices and on the municipal website: URL: https://www.lisbonme.org/.

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

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

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

May 23, 2022

Mr. Ryan McGee
Interim Town Manager
300 Lisbon Street
Lisbon, Maine 04250
e-mail: rmcgee@lisbonme.gov

RE: Municipal Separate Storm Sewer System (MS4) General Permit #MER041000
Final - MER401030

Dear Mr. McGee:

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

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

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

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

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Stacia Hoover, DEP/CMRO
Irene Saumur, DEP/CMRO
Richard Carvalho, USEPA
Lori Mitchell, DEP/CMRO
Damien Houlihan, USEPA
Newton Tedder, USEPA
Holliday Keen, DEP/CMRO
Nathan Chien, USEPA

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

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

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

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

website: www.maine.gov/dep

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

DEPARTMENT ORDER
IN THE MATTER OF

TOWN OF LISBON	)	MUNICIPAL SEPARATE STORM
LISBON, ANDROSCOGGIN COUNTY, MAINE	)	SEWER SYSTEM
MER041030	)	MER041000
	)	**GENERAL PERMIT COVERAGE**
APPROVAL	)	**RENEWAL**

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

The permittee submitted a Notice of Intent (NOI) with an initial Stormwater Management Plan (SWMP) to the Department on March 25, 2021 that were made available for a 30-day public comment period on the Department's website at https://www.maine.gov/dep/comment/comment.html?id=4463193. No public comments were received on the NOI or the initial SWMP. The Department has reviewed the initial SWMP document and made the determination that the document is consistent with and fully articulates what is required to meet the MS4 GP standard. Pursuant to Part IV(B) of MS4 GP issued by the Department on October 15, 2020 and revised on November 23, 2021, the permittee must update the initial SWMP within 60 days of the effective date of this DEP permittee specific order or within 60 days of the final resolution to an appeal of this DEP permittee specific order. The final plan must be submitted to the Department and will be posted on the Department's website.

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

MCM1 BMP1A, BMP1B, BMP1C, & BMP1D
MCM2 BMP2A & BMP2B
MCM3 BMP3A, BMP3B, BMP3C, BMP3D: Measurable Goal(MG) 1,
BMP3E, & BMP 3F
MCM4 BMP4A, BMP4B, BMP4C, & BMP4D
MCM5 BMP5A, & BMP5B
MCM6 BMP6A, BMP6B, BMP6C, BMP6D: MG 1, 2, & 3, BMP 6E, &
BMP 6F

Impaired Waters

The Town of Lisbon's MS4 includes point source discharges to the unnamed stream (also referred to as Alder Brook near Route 196), which is classified as an Urban Impaired Stream in Maine DEP Rule Chapter 500, and has an Impervious Cover TMDL dated September 27, 2012. Progress has been made on identifying and addressing impairments through assessment, best management practices, and/or public education. To meet the standards of the MS4 GP for impaired waters, the permittee must also fully implement the following Best Management Practices in accordance with their associated schedules of compliance, as established in the Modified Stormwater Management Plan that is in effect at the time any schedule for compliance is due:

– IWBMP1;
– IWBMP2; and
– IWBMP3.

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

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

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

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

DONE AND DATED AT AUGUSTA, MAINE, THIS 23 DAY OF May, 2022.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
for Melanie Loyzim, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

The Notice of Intent was received by the Department on March 25 2021.

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

FILED

MAY 23, 2022

State of Maine
Board of Environmental Protection

Date filed with Board of Environmental Protection: ____

This Order prepared by GREGG WOOD, BUREAU OF WATER QUALITY

MER041030 5/23/2022

RESPONSE TO COMMENTS

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

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

> *"The permittee must fully implement all actions, schedules and milestones established in the March 31, 2021 initial SWMP and any revisions to the initial SWMP reflected in the final plan."*

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

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

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

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

Comment #2: We recommend clarifying this provision to eliminate any potential confusion. This will, in turn, promote compliance and lead to better water quality. To accomplish that, we note that our SWMP, has Best Management Practices with Measurable Goals, and believe the second step order would be more clear if it references that we will fully implement those BMPs. This approach is consistent with Part III.A.8 of the GP which provides: "Following the public comment period on the NOI, the Department will issue a permittee specific DEP Order that establishes additional terms and conditions, including but not limited to, a list of required actions and corresponding schedules of compliance for a limited number of BMPs associated with the implementation of this GP." Thus, we suggest the following changes:

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

Minimum Control Measure (MCM) Enforceable BMP(s)

MCM1 BMP1A, BMP1B, BMP1C, & BMP1D
MCM2 BMP2A & BMP2B
MCM3 BMP3A, BMP3B, BMP3C, BMP3D: Measurable Goal(MG) 1,
BMP3E, & BMP 3F
MCM4 BMP4A, BMP4B, BMP4C, & BMP4D
MCM5 BMP5A, & BMP5B
MCM6 BMP6A, BMP6B, BMP6C, BMP6D: MG 1, 2, & 3, BMP 6E, &
BMP 6F

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

In addition, and for similar reasons, we recommend that the Department strike all of the language in the draft order regarding "Impaired Waters," with the exception of the last two paragraphs (addressing budgeting and documentation, which we agree are helpful). Although this language does not utilize the "actions, schedules and milestones" phrase, it does paraphrase from the SWMP in ways that could similarly cause confusion in the case of a conflict between the language of the SWMP and the paraphrased summary of that language in the Order. Accordingly, we recommend the following be inserted in its place:

To meet the standards of the MS4 GP for impaired waters, the permittee must also fully implement the following Best Management Practices in accordance with their associated schedules of compliance, as established in the Modified Stormwater Management Plan that is in effect at the time any schedule for compliance is due:

– IWBMP1;
– IWBMP2; and
– IWBMP3.

Response #3: The revisions cited above are acceptable to the Department and are consistent with Remand Rule in that "the permitting authority has discretion to determine what elements, if any, of the SWMP are to be made enforceable, but in order to do so it must follow the procedural requirements for the second step under Sec. 122.28(d)(2)."

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

The final DEP permittee specific order has been modified accordingly.

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: August 2021 **Contact: (207) 314-1458**

SUMMARY

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

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

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

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

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

REQUIRED APPEAL CONTENTS

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

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

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

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

2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing the appeal.* DEP staff will provide this information upon request and answer general questions regarding the appeal process.

3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a licensee may proceed with a project pending the outcome of an appeal, but the licensee runs the risk of the decision being reversed or modified as a result of the appeal.

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

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

II. JUDICIAL APPEALS

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

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

ADDITIONAL INFORMATION

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

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