

EXHIBIT #6

Part IV. Requirements (cont'd)

- v. Documentation of construction activity that disturbs one or more acres within the urbanized area including.
 - a. Written (hardcopy or electronic) procedures for site inspections and enforcement of erosion and sediment control measures. Inspections are to be conducted by the permittee or third-party inspector. The procedures must clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. The program must provide that the permittee may, to the extent authorized by law, impose sanctions to ensure compliance with the local program.
 - b. Inspections of construction sites to ensure erosion and sediment controls are in place and sediment is contained within the project site. Inspections must be completed as follows:
 - i. A minimum of three inspections must be completed during the active earth-moving phase of construction.
 - ii. A minimum of one inspection must be completed annually until a project reaches substantial completion, as defined by the MS4 permittee (i.e., municipality).
 - iii. One of the three inspections must be conducted at project completion to ensure that the site reached permanent stabilization and all temporary erosion and sediment controls have been removed.
 - iv. Documentation of construction inspections, enforcement action and corrective actions taken.

5. MCM5 – Post-Construction Stormwater Management in New Development and Redevelopment.

Each permittee must implement and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4.

- a. The permittee must promote strategies which include a combination of structural and/or non-structural BMPs appropriate to prevent or minimize water quality impacts. See Appendix C of this GP for erosion and sediment control measures.

Part IV. Requirements (cont'd)

- b. To ensure adequate long-term operation and maintenance of post construction BMPs, each permittee must have and implement a post construction discharge ordinance, or other regulatory mechanism. This ordinance or other regulatory mechanism must:
 - i. Require that the owner or operator of a post construction BMP provide the permittee with an annual report, completed by a qualified inspector as defined by the permittee, documenting that all on-site BMPs are adequately maintained and functioning as intended.
 - ii. Require that if a post construction BMP requires maintenance, the owner or operator must provide to the permittee, 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 permittee must establish an expeditious schedule to complete the maintenance and establish a record of the deficiency and corrective action(s) taken.

6. MCM6 - 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 UA.

- a. Permittees must maintain an inventory of all municipal operations conducted in, on, or associated with facilities, buildings, golf courses, cemeteries, parks and open space owned or operated by the permittee that have the potential to cause or contribute to stormwater or surface water pollution.
- b. Permittees must implement written (hardcopy or electronic) operation and maintenance (O&M) procedures for all municipal operations identified in (a) above to reduce stormwater pollution to the maximum extent practicable. The O&M plan must address stormwater treatment and controls that are used to achieve compliance with the conditions of this GP.
 - i. The O&M plan must be reviewed annually to iteratively improve strategies and practices to eliminate or better control pollutant discharges.
 - ii. The permittee must conduct annual employee training to prevent and reduce stormwater pollution from the municipal operations and facilities subject to this GP. The permittee must report in each of its Annual Compliance Reports on 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.
 - iii. 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 as soon as possible after snowmelt.

Part IV. Requirements (cont'd)**D. Urban Impaired Streams (UIS) and Total Maximum Daily Load (TMDL).**

1. If the waterbody to which a point source discharge drains is impaired and has an EPA approved TMDL, then the point source discharge must be consistent with the TMDL waste load allocation ("WLA") and any implementation plan. This GP does not authorize a direct discharge that is inconsistent with the WLA of an approved TMDL. EPA approved TMDLs prior to the issuance date of this permit, can be found at <https://www.epa.gov/tmdl/region-1-approved-tmdls-state#tmdl-me>.
2. If a TMDL is approved or modified by EPA subsequent to the issuance date of this GP, the Department will notify the permittee and may:
 - a. Require the permittee to review its permit modification and SWMP for consistency with the TMDL, and propose any necessary changes to the permit modification and SWMP to be submitted to the Department within six months of the receipt of notification concerning the TMDL;
 - b. Issue a watershed-specific general permit for the area draining to the impaired waterbody or
 - c. Require the permittee to apply to the Department for an individual permit.

This GP will not be reopened for modification to address a TMDL that is approved or modified by EPA subsequent to the issuance date of this GP. The Department may however, after proper notice to the permittee, modify the terms and conditions of the permit modification to be consistent with the newly approved or modified TMDL.

3. If the waterbody to which a point source covered by this GP discharges is an UIS (Appendix B of this permit) the permittee must propose and fully implement at least three structural or non-structural BMPs to be considered for inclusion in the permit modification, unless the Department has determined the MS4 discharge is not causing or contributing to the impairment. The BMPs must address a specific impairment from the MS4 discharge within the UA. Structural or nonstructural BMPs may selected from a) MCMs 1-6, 2) an existing Department approved Watershed Management Plan, or c) BMPs in Appendix D, *BMPs for Discharges to Urban Impaired Streams*, of this GP or more specifically developed by the permittee. For receiving waters impaired in whole or in part by nutrient loading, including UISs covered by the Impervious Cover TMDL, permittees may propose measures designed to reduce loads into the MS4 system. The permit modification will set forth those measures the permittee must take, and may include, in whole or in part, the measures proposed by the permittee.

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

Part IV. Requirements (cont'd)

- v. Documentation of construction activity that disturbs one or more acres within the urbanized area including:
 - a. Written (hardcopy or electronic) procedures for site inspections and enforcement of erosion and sediment control measures. Inspections are to be conducted by the permittee or third-party inspector. The procedures must clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. The program must provide that the permittee may, to the extent authorized by law, impose sanctions to ensure compliance with the local program.
 - b. Inspections of construction sites to ensure erosion and sediment controls are in place and sediment is contained within the project site. Inspections must be completed as follows:
 - i. A minimum of three inspections must be completed during the active earth-moving phase of construction.
 - ii. A minimum of one inspection must be completed annually until a project reaches substantial completion, as defined by the MS4 permittee (i.e., municipality).
 - iii. One of the three inspections must be conducted at project completion to ensure that the site reached permanent stabilization and all temporary erosion and sediment controls have been removed.
 - iv. Documentation of construction inspections, enforcement action and corrective actions taken.

5. MCM5 – Post-Construction Stormwater Management in 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.

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

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Part IV. Requirements (cont'd)

- b. To ensure adequate long-term operation and maintenance of post construction BMPs, each permittee must have and implement a post construction discharge ordinance, or other regulatory mechanism. This ordinance or other regulatory mechanism must contain provisions as follows:
 - i. Low Impact Development site planning and design strategies must be used to the maximum extent feasible.
 - ii. Require that the owner or operator of a post construction BMP provide the permittee with an annual report, completed by a qualified inspector as defined by the permittee, documenting that all on-site BMPs are adequately maintained and functioning as intended.
 - iii. Require that if a post construction BMP requires maintenance, the owner or operator must provide to the permittee, 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 permittee must establish an expeditious schedule to complete the maintenance and establish a record of the deficiency and corrective action(s) taken.

6. MCM6 - 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 UA.

- a. Permittees must maintain an inventory of all municipal operations conducted in, on, or associated with facilities, buildings, golf courses, cemeteries, parks and open space owned or operated by the permittee that have the potential to cause or contribute to stormwater or surface water pollution.
- b. Permittees must implement written (hardcopy or electronic) operation and maintenance (O&M) procedures for all municipal operations identified in (a) above to reduce stormwater pollution to the maximum extent practicable. The O&M plan must address stormwater treatment and controls that are used to achieve compliance with the conditions of this GP.
 - i. The O&M plan must be up-to-date prior to the effective date of this GP and The O&M plan must be reviewed annually to iteratively improve strategies and practices to eliminate or better control pollutant discharges.
 - ii. The permittee must conduct annual employee training to prevent and reduce stormwater pollution from the municipal operations and facilities subject to this GP. The permittee must report in each of its Annual Compliance Reports on 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.

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

Part IV. Requirements (cont'd)

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

E. Discharges To Impaired Waters Urban Impaired Streams (UIS) and Total Maximum Daily Load (TMDL).

1. If the waterbody to which a point source discharge drains is impaired and has an EPA approved total maximum daily load (TMDL), then the SWMP must propose clear, specific and measurable actions point source discharge must be to comply with consistent with the TMDL waste load allocation ("WLA") and any implementation plan. This GP does not authorize a direct discharge that is inconsistent with the WLA of an approved TMDL. EPA approved TMDLs prior to the issuance date of this permit, can be found at <https://www.epa.gov/tmdl/region-1-approved-tmdls-state#tmdl-me>. This GP does not authorize a new or increased discharge of storm water to an impaired waterbody that contributes to the impairment at a detectable level.
2. If a TMDL is approved or modified by EPA subsequent to the issuance date of this GP, the Department will notify the permittee and may:
 - a. Require the permittee to review its permittee specific DEP Order permit modification and SWMP for consistency with the TMDL, and propose any necessary changes to the permittee specific DEP Order permit modification and SWMP to be submitted to the Department within six months of the receipt of notification concerning the TMDL;
 - b. Issue a watershed-specific general permit for the area draining to the impaired waterbody or
 - c. Require the permittee to apply to the Department for an individual permit.

This GP will not be reopened for modification to address a TMDL that is approved or modified by EPA subsequent to the issuance date of this GP. The Department may however, after proper notice to the permittee, modify the terms and conditions of the permittee specific DEP Order permit modification to be consistent with the newly approved or modified TMDL. Modification of the permittee specific DEP Order will be subject to public process as described in Part III A(1).

Part IV. Requirements (cont'd)

- v. Documentation of construction activity that disturbs one or more acres within the urbanized area including:
 - a. Written (hardcopy or electronic) procedures for site inspections and enforcement of erosion and sediment control measures. Inspections are to be conducted by the permittee or third-party inspector. The procedures must clearly define who is responsible for site inspections as well as who has authority to implement enforcement procedures. The program must provide that the permittee may, to the extent authorized by law, impose sanctions to ensure compliance with the local program.
 - b. Inspections of construction sites to ensure erosion and sediment controls are in place and sediment is contained within the project site. Inspections must be completed as follows:
 - i. A minimum of three inspections must be completed during the active earth-moving phase of construction.
 - ii. A minimum of one inspection must be completed annually until a project reaches substantial completion, as defined by the MS4 permittee (i.e., municipality).
 - iii. One of the three inspections must be conducted at project completion to ensure that the site reached permanent stabilization and all temporary erosion and sediment controls have been removed.
 - iv. Documentation of construction inspections, enforcement action and corrective actions taken.

5. MCM5 – Post-Construction Stormwater Management in 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.

- a. The permittee must promote strategies which include a combination of structural and/or non-structural BMPs appropriate to prevent or minimize water quality impacts.
 - i. The permittee must implement a procedure for notifying site developers to consider Low Impact Development techniques.

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

Part IV. Requirements (cont'd)

- b. To ensure adequate long-term operation and maintenance of post construction BMPs, each permittee must have and implement a post construction discharge ordinance, or other regulatory mechanism. This ordinance or other regulatory mechanism must contain provisions as follows:
 - i. Require that the owner or operator of a post construction BMP provide the permittee with an annual report, completed by a qualified inspector documenting that all on-site BMPs are adequately maintained and functioning as intended, and
 - ii. Require that if a post construction BMP requires maintenance, the owner or operator must provide to the permittee, 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 permittee must establish an expeditious schedule to complete the maintenance and establish a record of the deficiency and corrective action(s) taken.

6. MCM6 - 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 UA.

- a. Permittees must maintain an inventory of all municipal operations conducted in, on, or associated with facilities, buildings, golf courses, cemeteries, parks and open space owned or operated by the permittee that have the potential to cause or contribute to stormwater or surface water pollution.
- b. Permittees must implement written (hardcopy or electronic) operation and maintenance (O&M) procedures for all municipal operations identified in (a) above to reduce stormwater pollution to the maximum extent practicable. The O&M plan must address stormwater treatment and controls that are used to achieve compliance with the conditions of this GP.
 - i. The O&M plan must be up-to-date prior to the effective date of this GP and must be reviewed annually to iteratively improve strategies and practices to eliminate or better control pollutant discharges.
 - ii. The permittee must conduct annual employee training to prevent and reduce stormwater pollution from the municipal operations and facilities subject to this GP. The permittee must report in each of its Annual Compliance Reports on 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.

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

Part IV. Requirements (cont'd)

In the case of a permitted municipal industrial activity, such as a publicly owned treatment works covered by the Multi Sector General Permit For The Discharge of Stormwater Associated With An Industrial Activity (MSGP), the permittee may reference the industrial activity's SWPPP to address a portion of the permittee's SWMP.

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

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

E. Discharges To Impaired Waters

1. If the waterbody to which a point source discharge drains is impaired and has an EPA approved total maximum daily load (TMDL), then the SWMP must address compliance with the TMDL waste load allocation ("WLA") and any implementation plan. This GP does not authorize a direct discharge that is inconsistent with the WLA of an approved TMDL. EPA approved TMDLs prior to the issuance date of this permit, can be found at <https://www.epa.gov/tmdl/region-1-approved-tmdls-state#tmdl-me>. This GP does not authorize a new or increased discharge of storm water to an impaired waterbody that contributes to the impairment at a detectable level.
2. If a TMDL is approved or modified by EPA subsequent to the issuance date of this GP, the Department will notify the permittee and may:
 - a. Require the permittee to review its permittee specific DEP Order and SWMP for consistency with the TMDL, and propose any necessary changes to the permittee specific DEP Order and SWMP to be submitted to the Department within six months of the receipt of notification concerning the TMDL;
 - b. Issue a watershed-specific general permit for the area draining to the impaired waterbody or
 - c. Require the permittee to apply to the Department for an individual permit.

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

Part IV. Requirements (cont'd)

This GP will not be reopened for modification to address a TMDL that is approved or modified by EPA subsequent to the issuance date of this GP. The Department may however, after proper notice to the permittee, modify the terms and conditions of the permittee specific DEP Order to be consistent with the newly approved or modified TMDL. Modification of the permittee specific DEP Order will be subject to public process as described in Part III A(1).

3. If the waterbody to which a point source covered by this GP discharges is an Urban Impaired Stream (UIS) (Appendix B of this permit) the permittee must propose and fully implement at least three structural or non-structural BMPs to be considered for inclusion in the permittee specific DEP Order, unless the Department has determined the MS4 discharge is not causing or contributing to the impairment. The BMPs must address a specific impairment from the MS4 discharge within the UA, be clear, specific and measurable. Structural or nonstructural BMPs may selected from a) MCMs 1-6, b) an existing Department approved Watershed Management Plan, or c) BMPs in Appendix D, *BMPs for Discharges to Urban Impaired Streams*, of this GP or more specifically developed by the permittee. For receiving waters impaired in whole or in part by nutrient loading, including UISs covered by the Impervious Cover TMDL, permittees may propose measures designed to reduce loads into the MS4 system. The permittee specific DEP Order will set forth those measures the permittee must take, and may include, in whole or in part, the measures proposed by the permittee.

F. Record Keeping

The permittee must keep all records required by this GP for at least three (3) years following its expiration or longer if requested by the Department or the USEPA. The permittee must make records, including its SWMP, available to the public during regular business hours.

G. Annual Compliance Report

By September 15 of each year, the permittee must electronically submit an Annual Compliance Report to the Department for review. Standardized Annual Compliance Report forms are to be provided by the Department or the permittee may submit an alternative form to the Department for review and approval.

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