



## SMSWG MEETING NOTES

Wednesday July 31, 2019 12:30 pm  
Kittery Town Hall – 200 Rogers Road, Kittery Maine

### **Attendance:**

SMPDC: Abbie Sherwin

Integrated Environmental: Kristie Rabasca, Mary Wicklund

Kittery: Jessa Kellogg, Dave Rich

Eliot: Jess McQuade

South Berwick: Jon St. Pierre

GZA/MTA: Aimee Mountain

York: Leslie Hinz,

Portsmouth Naval Shipyard: Jay Flagg

### **Agenda**

1. Introductions

2. DEP/Permit Renewal Update

- a. 7<sup>th</sup> draft ISWG provided comments to the DEP on 7/19/2019. Significant comments included:
  - i. ISWG communities did not want to see a September/August Permit year because of conflicts with the fiscal year. This may require a Permit Year 8 to this permit cycle if the DEP cannot issue the final permit quickly.
  - ii. Dry weather definition change – The DEP had changed the time requirement for dry weather flow to be 72 hours (was 48 hours in 6<sup>th</sup> draft). Comments identified that it's okay to have 72 hours of dry flow, but suggested text to solidify that it is okay to call an inspection a dry weather inspection if there is no flow at the outfall. (A. Mountain had an informal conversation with DEP about this and it appears this is fine).
  - iii. The DEP clarified via emails that their intent on the 7<sup>th</sup> draft was to require one behavior change with two audiences. ISWG provided comments clarifying this.
  - iv. The 7<sup>th</sup> draft included new language identifying when a catch basin with “excess sediment” could be returned to regular inspections, but the language was unclear – and seemed to indicate that annual inspections would be required. ISWG provided comments trying to clarify that after two years the catch basin could be returned to an inspection frequency of every other year. (rather than every year).
  - v. The DEP embedded the specific requirements for SWPPPS directly from the 2016 MSGP, but omitted specific requirements for monitoring, some of the language was very “industrially” oriented, and there were no requirements to address the non-numeric effluent requirements (sediment erosion control, good housekeeping, preventive maintenance. The ISWG comments removed the “industrial” references, added in suggested monitoring language from the 2016 MSGP, and added in an appendix with the non-numeric effluent

requirements. As a result, the permit reads much better, and is more municipally oriented. Two areas to watch out for in the next draft:

1. ISWG asked if tanks that hold de-icing fluids will require secondary containment under these new requirements, and requested that additional time be allotted to provide the containment because this will be a capital expenditure for most municipalities.
2. ISWG removed text about dumpsters requiring containment if they are not closed and leak-proof. Maintaining covers on roll-offs that have bulky material has been very problematic and difficult to achieve.

vi. Other typos were fixed

3. Legislative updates were provided at the ISWG meeting from Rebecca Graham, MMA.

Bills passed and signed into Law were reviewed briefly at the meeting:

- a. 39 MRSA 419-E – Coal Tar Sealant products – October 1, 2023 cannot sell, October 1, 2024 cannot apply. ISWG and SMSWG will be assisting DEP in publicizing this by preparing a fact sheet for distribution by DEP. J. Kellogg asked how this will be enforced. K. Rabasca stated it will be enforced by DEP. No municipal ordinances required.
- b. 10 MRSA 9723 Sub § 2 – Public Safety Fire Marshall will conduct training of Code Officers (instead of Community Development).
- c. 30-A MRSA 4451 Sub §3 – Improve Shoreland Zoning Rules and Enforcement to Support Municipalities – allows MORE training for shoreland zone rules, and requires a photographic record within 20 days of completion of project (municipal ordinances need to be modified).
- d. 30-A MRSA 4126 Sub §2 – this section previously said that for coastal shoreland areas with septic systems – for any property transfers, purchaser must have system inspected before purchase (or within 9 months if bad weather). Waivers if system is < 3years old, or if seller had inspection done 3 years prior, can waive, or if certify they will replace within 1 year. Now it applies to all shoreland areas (coastal and freshwater).

4. Stream Crossings Grant Update –

- a. York received \$95,000 in funding for a culvert crossing. 29 of 40 applicants received funding. No match is required, but it does help in scoring if you have some match funding.
- b. DEP announced the 2<sup>nd</sup> round opens 9/9/2019 – applications due 11/11/2019, and John Maclaine can answer questions and discussion applications freely before the round opens.
- c. DEP stated there will be additional rounds in 2020
- d. Kittery stated they want to apply again – but they did put a top coat of asphalt on Payne road. A. Sherwin stated her discussions with John about the last application were inconclusive as to why they did not receive initial funding.
- e. Workshops scheduled for 8/27/2019 (Portland DEP offices) or 8/29/2019 (Augusta)

5. Annual Reporting update PY6:

- a. Annual Reports to Rhonda Poirier via email

## SMSWG Notes – 7/31/2019

- b. Due Monday 9/16.2019
  - c. Will need certifications from Town Manager
  - d. Provide updated status handout
6. PY7 Activities – same as PY6 with a one adjustment, and one notation:
- a. Coal Tar Education – will help with a fact sheet for applicators
  - b. For ditch inspections, BMP states we will inspect all ditches once per permit cycle. Since we have completed this, we are reporting for PY6 and 7 that any additional ditch inspections are opportunistic (as other work is being done in ditches). Towns do need to still complete ditch inspection documentation (GIS or paper) for back up if inspections are done. Note this affects all towns except York, which inspects all ditches every year.
7. Next Permit Planning?
- i. ISWG Public Education Straw Poll Results (From March)
    1. Think Blue Maine revamp (possible new ads from Think Blue MA)
    2. Awareness 2<sup>nd</sup> audience: Green Sno Pro (Commercial applicators), or Sediment/erosion control (Contractors)
    3. Behavior Change (Bacteria)
    4. Public Participation (Urban Runoff)
  - ii. ISWG discussions in May: Behavior change – keep Yardscaping, and add Pet Waste if Second Audience is needed.
  - iii. SMSWG:
    1. March and May 2019 SMSWG discussions and Votes for awareness and behavior change resulted in:
      - a. Awareness:
        - i. General Public Audience: Team with ISWG
        - ii. Extra Awareness audience: continue with municipal awareness.
      - b. Behavior Change:
        - i. Primary Behavior Change: General Public reduce Littering
        - ii. Secondary Behavior Change: Contractors reduce erosion: (though we will need to confirm this is acceptable with DEP before proceeding).
    2. KLR is going to wait until General Permit goes to public comment before beginning on plans.
8. Important dates:
- a. 8/25/2019 – Wells Reserve Yardscaping (Allan Amioka)
  - b. 9/18/2019 – Meeting with EPA Chelmsford on IDDE
  - c. 10/10/2019 – Eliot Garden Club Yardscaping (Mary Wicklund)
  - d. 10/10/2019 – Noble Adult Ed (Berwick) Yardscaping (Mary Wicklund)
  - e. 10/17/2019 – Dry Weather Monitoring Workshop for ISWG/SMSWG

- f. Maine Stormwater Conference – December 2 and 3, 2019  
<http://cumberlandswcd.org/site/maineswc/>

9. Updates from Towns and Partners

- a. Kittery – Televising for IDDE continues, Code is shorthanded and J. Kellogg filling in until they can fill position. Large capital project at Fort Foster being done.
- b. SMPDC – still has funding available for Culvert Crossing Grant support, is filling in as Planner for Eliot. Will be hiring a new position for community resilience.
- c. York – Public works is completing ditching work and L. Hinz is getting a lot of Q-Alerts on stormwater issues as a result.
- d. S. Berwick – J. St. Pierre has assistant part time (who has other planning and assessing duties) – but she helped get catch basin cleaning completed on-time this year.
- e. Portsmouth Naval Shipyard – Dry dock expansion progressing. Other stormwater work being completed as needed.
- f. MTA – S. Donahue on vacation. Coordination on mapping in Portland revealed an illicit discharge associated with former underground storage tank release which was never fully remediated. Re-reported spill and are working to address cooperatively.

7. Next Meetings and Annual Report: (last Wednesday of Jan, Mar, May, July, Sept, Nov)

September 15, 2019 Annual Report Due  
Wednesday September 25, 2019 – Eliot  
Wednesday November 20, 2019 – Berwick



## Southern Maine Stormwater Working Group Meeting

Wednesday ~~5/29/2019~~ 7/31/2019

12:30 pm to 2:00 pm

York Library *Kittery Town Hall*

Printed Name	Affiliation	Signature
Rhonda Poirier	Maine DEP	
Jon St. Pierre	South Berwick Public Works Director	<i>Jon St Pierre</i>
Jess McQuade	Eliot Public Works Admin. Assist	<i>Jess McQuade</i>
Abbie Sherwin	SMPDC	<i>Abbie Sherwin</i>
Jessa Kellogg	Kittery Stormwater Coordinator/ Shoreland/ Environmental Resource Officer	<i>Jessa Kellogg</i>
Dave Rich	Kittery Public Works Commissioner	<i>Dave Rich</i>
Dean Lessard	York Public Works Director	
Leslie Hinz	York Stormwater Manager/ Assistant CEO	<i>Leslie Hinz</i>
Mary Wicklund	Integrated Environmental (Sub)	<i>Mary Wicklund</i>
Melissa Brandt	York County SWCD	
Aimee Mountain	GZA/Maine Turnpike Authority	<i>Aimee Mountain</i>
Sean Donahue	Maine Turnpike Authority	
Taylor LaBrecque	Maine DOT	
Kristie Rabasca	Integrated Environmental Engineering, Inc.	<i>Kristie Rabasca</i>
James Bellissimo	Berwick Planner	
Steve Eldridge	Berwick Town Manager	
Carly Stella	Berwick Administrative Assistant	
Andrew Smith	Portsmouth Naval Shipyard	
Jay Flagg	Portsmouth Naval Shipyard	<i>Jay Flagg</i>
Damon Yakovleff	CCSWCD	
Ali Clift	CCSWCD	

## STATE OF MAINE

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 IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

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 H.P. 179 - L.D. 216

**An Act To Protect Water Quality by Standardizing the Law Concerning  
Septic Inspection in the Shoreland Zone**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 30-A MRSA §4216, sub-§2**, as enacted by PL 2007, c. 568, §2, is amended to read:

**2. Additional requirements; shoreland areas.** In addition to the requirements of subsection 1, the following provisions apply to the transfer of property within a ~~coastal~~ shoreland area as described in Title 38, section 435.

A. A person purchasing property on which a subsurface waste water disposal system is located within a ~~coastal~~ shoreland area, as described in Title 38, section 435, shall prior to purchase have the system inspected by a person certified by the department except that if it is impossible due to weather conditions to perform an inspection of the system prior to the purchase, the inspection must be performed within 9 months after transfer of the property. If the inspection finds that the system is malfunctioning, the system must be repaired or replaced within one year after transfer of the property. For purposes of this paragraph only, indications of a malfunctioning system are limited to the indications specified in the definition of "malfunctioning system" in the department's rules regulating subsurface waste water disposal that are in effect on the effective date of this paragraph.

B. A subsurface waste water disposal system that has been installed pursuant to section 4211 and rules adopted under Title 22, section 42 within 3 years prior to the closing date of the transfer of property is not subject to the inspection requirements of paragraph A.

C. If the seller of the shoreland property has a written inspection report for an inspection of the subsurface waste water disposal system that was performed within 3 years prior to the date of the transfer of property by a person certified by the department, then the seller shall provide the inspection results to the purchaser, and the purchaser is not required to have the system inspected pursuant to paragraph A.

D. The inspection described in paragraph A is not required if the purchaser certifies to the local plumbing inspector that the purchaser will replace the subsurface waste water disposal system within one year of the transfer of property.

**Sec. 2. Effective date.** This Act takes effect January 1, 2020.

## STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 406 - L.D. 562

**An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 30-A MRSA §4451, sub-§3**, as amended by PL 2011, c. 655, Pt. FF, §8 and affected by §16, is further amended to read:

**3. Training and certification of code enforcement officers.** In cooperation with code enforcement officer professional associations, the Maine Community College System, the Department of Environmental Protection, the Department of Health and Human Services and the Department of Public Safety, except as otherwise provided in paragraph H, the Department of Economic and Community Development, Office of Community Development shall establish a continuing education program for individuals engaged in code enforcement. This program must provide basic training in the technical and legal aspects of code enforcement necessary for certification. The basic training program must include training to provide familiarity with the laws and ordinances related to the structure and practice of the municipal code enforcement office, municipal planning board and appeals board procedures, application review and permitting procedures, inspection procedures and enforcement techniques.

H. If funding is not available to support the training and certification program authorized under this subsection, the Department of Economic and Community Development, Office of Community Development shall discontinue training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs A and B and shall adopt by routine technical rules under Title 5, chapter 375, subchapter 2-A a program to register code enforcement officers that meet training and education qualifications. The Department of Economic and Community Development, Office of Community Development shall publish the list of persons registered for code enforcement who have submitted evidence of required qualifications. Persons registered under this paragraph must meet the requirements for training and certification under this subchapter. The Department of Economic and Community Development, Office of Community Development shall consult with the Department of Health and Human Services for the purposes of carrying out

training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs C and D. Within one month of discontinuation of training and certification under this paragraph, the Department of Economic and Community Development, Office of Community Development shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over state and local government matters a recommendation for funding the training and certification program or for further changes in program requirements.

**Sec. 2. 30-A MRSA §4452, sub-§3, ¶B**, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

B. The minimum penalty for a specific violation is \$100, and the maximum penalty is ~~\$2,500~~ \$5,000.

**Sec. 3. 30-A MRSA §4452, sub-§3, ¶B-1**, as enacted by PL 1999, c. 370, §1, is amended to read:

B-1. Notwithstanding paragraph B, the maximum penalty is ~~\$5,000~~ \$10,000 for any violation of a law or an ordinance set forth in subsection 5, paragraph Q, if the violation occurs within an area zoned for resource protection.

**Sec. 4. 30-A MRSA §4452, sub-§3, ¶F**, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

F. The maximum penalty may exceed ~~\$2,500~~ the amounts set forth in paragraphs B and B-1, but may not exceed \$25,000, when it is shown that there has been a previous conviction of the same party within the past 2 years for a violation of the same law or ordinance.

**Sec. 5. 38 MRSA §439-A, sub-§10** is enacted to read:

**10. Photographic record required.** A municipal ordinance adopted pursuant to this article must require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority preconstruction photographs and, no later than 20 days after completion of the development, postconstruction photographs of the shoreline vegetation and development site.

## STATE OF MAINE

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 IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

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 H.P. 629 - L.D. 855
**An Act To Strengthen the Maine Uniform Building and Energy Code****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 10 MRSA §9723, sub-§2**, as repealed and replaced by PL 2013, c. 424, Pt. A, §3, is amended to read:

**2. Training program standards; implementation.** The committee shall direct the training coordinator of the Division of Building Codes and Standards, established in Title 25, section 2372, to develop a training program for municipal building officials, local code enforcement officers and 3rd-party inspectors. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal, pursuant to Title 30-A, section 4451, subsection 3-A, shall implement the training and certification program established under this chapter.

**Sec. 2. 25 MRSA §2372, sub-§2**, as amended by PL 2011, c. 633, §9, is further amended to read:

**2. Staff.** The commissioner may appoint ~~or~~ and may remove for cause staff of the division, including:

A. A technical codes coordinator certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E, who serves as the division director and principal administrative and supervisory employee of the board. The technical codes coordinator shall attend meetings of the board, keep records of the proceedings of the board and direct and supervise the personnel employed to carry out the duties of the board, including but not limited to providing technical support and public outreach for the adoption of the code, amendments, conflict resolutions and interpretations. Technical support and public outreach must include, but may not be limited to:

(1) Providing nonbinding interpretation of the code for professionals and the general public; and

(2) Establishing and maintaining a publicly accessible website to publish general technical assistance, code updates and interpretations and post-training course schedules; and

B. An office specialist to provide administrative support to the division and the board.

**Sec. 3. 25 MRSA §2374**, as repealed and replaced by PL 2013, c. 424, Pt. A, §12, is amended to read:

**§2374. Uniform Building Codes and Standards Fund**

The Uniform Building Codes and Standards Fund, referred to in this section as "the fund," is established within the Department of Public Safety to fund the activities of the division under this chapter and the activities of the board under Title 10, chapter 1103 and ~~the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A.~~ Revenue for this fund is provided by the surcharge established by section 2450-A. The Department of Public Safety and ~~the Department of Economic and Community Development, Office of Community Development~~ shall together determine an amount to be transferred annually from the fund for training and certification under Title 30-A, section 4451, subsection 3-A to the Maine Code Enforcement Training and Certification Fund established in Title 30-A, section 4451, subsection 3-B. Any balance of the fund may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal year.

**Sec. 4. 30-A MRSA §4221, sub-§1**, as amended by PL 2011, c. 655, Pt. FF, §6 and affected by §16, is further amended to read:

**1. Appointment; compensation; removal.** In every municipality, the municipal officers shall appoint one or more inspectors of plumbing, who need not be residents of the municipality for which they are appointed. Plumbing inspectors are appointed for a term of one year or more and must be sworn and the appointment recorded as provided in section 2526, subsection 9. An individual properly appointed as plumbing inspector and satisfactorily performing the duties may continue in that capacity after the term has expired until replaced. The municipal officers shall notify the department and ~~the Department of Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal of the appointment of a plumbing inspector in writing within 30 days of the appointment.

Compensation of plumbing inspectors is determined by the municipal officers and paid by the respective municipalities.

The municipal officers may remove a plumbing inspector for cause, after notice and hearing.

**Sec. 5. 30-A MRSA §4451**, as amended by PL 2019, c. 40, §1, is further amended to read:

**§4451. Training and certification for code enforcement officers**

**1. Certification required; exceptions.** A municipality may not employ any individual to perform the duties of a code enforcement officer who is not certified by the former State Planning Office ~~or~~ the Department of Economic and Community Development, Office of Community Development or the Department of Public Safety, Office of the State Fire Marshal, except that:

A. An individual other than an individual appointed as a plumbing inspector has 12 months after beginning employment to be trained and certified as provided in this section;

B. Whether or not any extension is available under paragraph A, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal may waive this requirement for up to one year if the certification requirements cannot be met without imposing a hardship on the municipality employing the individual;

C. An individual may be temporarily authorized in writing by the Department of Health and Human Services, Division of Health Engineering to be employed as a plumbing inspector for a period not to exceed 12 months; and

D. An individual whose certification has expired or is about to expire may be temporarily authorized in writing by the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal to extend that individual's certification for a period not to exceed 12 months in cases where the necessary training or examination is suspended under subsection 3-B, paragraph E.

**2. Penalty.** Any municipality that violates this section commits a civil violation for which a ~~forfeiture~~ fine of not more than \$100 may be adjudged. Each day in violation constitutes a separate offense.

**2-A. Code enforcement officer; definition and duties.** As used in this subchapter, "code enforcement officer" means a person certified under this section and employed by a municipality to enforce all applicable laws and ordinances in the following areas:

A. Shoreland zoning under Title 38, chapter 3, subchapter 1, article 2-B;

B. Comprehensive planning and land use under Part 2, Subpart 6-A;

C. Internal plumbing under chapter 185, subchapter 3;

D. Subsurface wastewater disposal under chapter 185, subchapter 3; and

E. Building standards under chapter 141; chapter 185, subchapter 1; Title 5, sections 4582-B, 4582-C and 4594-F; ~~beginning June 1, 2010,~~ Title 10, chapter 1103; and Title 25, chapter 313.

**3. Training and certification of code enforcement officers.** In cooperation with code enforcement officer professional associations, the Maine Community College System, the Department of Environmental Protection, and the Department of Health and Human Services ~~and the Department of Public Safety~~, except as otherwise provided in

paragraph H, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall establish a continuing education program for individuals engaged in code enforcement. This program must provide training in the technical and legal aspects of code enforcement necessary for certification. The training program must include training to provide familiarity with the laws and ordinances related to the structure and practice of the municipal code enforcement office, municipal planning board and appeals board procedures, application review and permitting procedures, inspection procedures and enforcement techniques.

H. If funding is not available to support the training and certification program authorized under this subsection, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall discontinue training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs A and B and shall adopt by routine technical rules under Title 5, chapter 375, subchapter 2-A a program to register code enforcement officers that meet training and education qualifications. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall publish the list of persons registered for code enforcement who have submitted evidence of required qualifications. Persons registered under this paragraph must meet the requirements for training and certification under this subchapter. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall consult with the Department of Health and Human Services for the purposes of carrying out training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs C and D. Within one month of discontinuation of training and certification under this paragraph, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over state and local government matters a recommendation for funding the training and certification program or for further changes in program requirements.

**3-A. Training and certification of inspectors in the Maine Uniform Building and Energy Code.** In accordance with the training and certification requirements developed pursuant to Title 10, section 9723, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall provide the training necessary to certify municipal building officials, local code enforcement officers and 3rd-party inspectors.

**3-B. Maine Code Enforcement Training and Certification Fund.** The Maine Code Enforcement Training and Certification Fund, referred to in this section as "the fund," is established as a nonlapsing fund to support training and certification programs administered by the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal for code

enforcement officers, local plumbing inspectors, municipal building officials and 3rd-party inspectors in accordance with this subchapter.

A. ~~Beginning July 1, 2009, and each year thereafter on~~ On July 1st of each year, the funds identified in section 4215, subsection 4 for training and certifying local plumbing inspectors must be transferred to the fund.

B. ~~Beginning July 1, 2009, and each year thereafter on~~ On July 1st of each year, the funds identified in Title 25, section 2374 for training and certifying municipal building officials, local code enforcement officers and 3rd-party inspectors must be transferred to the fund.

C. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall place in the fund any money it receives from grants to support the requirements of this subchapter.

D. Funds related to code enforcement training and certification may be expended only in accordance with allocations approved by the Legislature and solely for the administration of this subchapter. Any balance remaining in the fund at the end of any fiscal year may not lapse but must be carried forward to the next fiscal year.

E. If the fund does not contain sufficient money to support the costs of the training and certification provided for in this subchapter, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal may suspend all or reduce the level of training and certification activities.

**4. Examination.** The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall conduct at least one examination each year to examine candidates for certification at a time and place designated by it. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal may conduct additional examinations to carry out the purposes of this subchapter.

**5. Certification standards.** The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall adopt routine technical rules under Title 5, chapter 375, subchapter 2-A to establish the qualifications, conditions and licensing standards and procedures for the certification and recertification of individuals as code enforcement officers. A code enforcement officer need only be certified in the areas of actual job responsibilities. The rules established under this subsection must identify standards for each of the areas of training under subsection 2-A, in addition to general standards that apply to all code enforcement officers.

**6. Certification; terms; revocation.** The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall certify individuals as to their competency to successfully enforce ordinances and other land use regulations and permits granted under those ordinances and regulations and shall issue certificates attesting to the competency of those individuals to

act as code enforcement officers. Certificates issued by the former State Planning Office or the Department of Economic and Community Development, Office of Community Development or the Department of Public Safety, Office of the State Fire Marshal are valid for 6 years unless revoked by the District Court. An examination is not required for recertification of code enforcement officers. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall recertify a code enforcement officer if the code enforcement officer successfully completes at least 12 hours of approved training in each area of job responsibility during the 6-year certification period.

A. The District Court may revoke the certificate of a code enforcement officer, in accordance with Title 4, chapter 5, when it finds that:

- (1) The code enforcement officer has practiced fraud or deception;
- (2) Reasonable care, judgment or the application of a duly trained and knowledgeable code enforcement officer's ability was not used in the performance of the duties of the office; or
- (3) The code enforcement officer is incompetent or unable to perform properly the duties of the office.

B. Code enforcement officers whose certificates are invalidated under this subsection may be issued new certificates provided that they are newly certified as provided in this section.

**7. Other professions unaffected.** This subchapter may not be construed to affect or prevent the practice of any other profession.

**Sec. 6. 30-A MRSA §4452, sub-§7,** as amended by PL 2011, c. 655, Pt. FF, §9 and affected by §16, is further amended to read:

**7. Natural resources protection laws.** A code enforcement officer, authorized by a municipality to represent that municipality in District Court and certified by the former State Planning Office or the Department of Economic and Community Development, Office of Community Development or the Department of Public Safety, Office of the State Fire Marshal under section 4453 as familiar with court procedures, may enforce the provisions of Title 38, section 420-C, Title 38, chapter 3, subchapter 1, article 5-A and Title 38, chapter 13-D by instituting injunctive proceedings or by seeking civil penalties in accordance with Title 38, section 349, subsection 2.

**Sec. 7. 30-A MRSA §4453, first ¶,** as amended by PL 2011, c. 655, Pt. FF, §10 and affected by §16, is further amended to read:

The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall establish certification standards and a program to certify familiarity with court procedures for the following individuals:

**Sec. 8. Appropriations and allocations.** The following appropriations and allocations are made.

**ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF  
Community Development Block Grant Program 0587**

Initiative: Deallocates funds due to the responsibility for the training and certification of code enforcement officers being transferred to the Department of Public Safety.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$30,000)	(\$30,000)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$30,000)</b>	<b>(\$30,000)</b>



## ISWG Permit Renewal Committee

### **Proposed Comments on 7<sup>th</sup> draft (to be sent via email, no letterhead)**

Dear Gregg and Rhonda,

Thanks for providing the opportunity to comment on the 7<sup>th</sup> draft of the MS4 General Permit. On behalf of ISWG, we are providing the following comments:

1. Page 2 of 43: We believe the following is a typographic error: The number on the left side of the header: *W009170-5Y-C-R* does not match the number in the text: *W009170-5Y-A-N*.
2. Pages 4, 5, 15 and 19: Changing the effective date of the Permit to be September to August will significantly complicate the municipalities' budgeting processes for MS4 services because they will need to split the requirements for a single permit year across multiple fiscal years. All of the ISWG communities run on a fiscal year that begins on July 1, and most of the other regulated communities do also. We considered multiple alternative options, but discarded them including:
  - a. Changing to a calendar year (which would provide some benefit in that catch basin and outfall inspections and construction seasons wrap up for winter, and would be easier to track, and annual reporting could be completed Jan-March, which is a slower time for municipalities, but the negative impact of budgeting complications outweighed the benefit).
  - b. Keeping the July 1, 2020 effective date, but we feel we will not be able to complete the SWMP and public education plans that need to be updated by the time that NOI is due.

We are asking that the Department consider an effective date of 7/1/2021 for the permit, and thus have the permit year run from July 1 to June 30 each year, which would provide the following benefits:

- i. Allow MS4s sufficient time to prepare their plans;
- ii. Align the municipalities' budgeting processes with the increased requirements (and thus the increased needs for funds) of the new general permit;
- iii. Could allow the DEP 120 days to review the plans and provide comments and develop the permit modification with ample time for public notice. (So the NOI would be due March 3, 2021); and
- iv. Could allow alignment of the municipal MS4 permit, State and Federal MS4 permit and Transportation permit.

If the Department agrees to retain the July 1 to June 30 permit year, with an effective date of 7/1/2021, and the NOI due on March 3, 2021 to allow DEP a 120-day review period, you should adjust the text on pages 4, 5, 15 and 19.

3. Page 11 of 43: Dry Weather Inspection Definition - Some outfalls have very small drainage areas, and are dry much sooner than the 72 hours identified in the definition of Dry Weather Flow. To facilitate inspection of outfalls with small drainage areas, please add the following to last sentence of the definition of a Dry Weather Inspection “or when the outfall is not flowing even if it is within 72 hours of precipitation greater than ¼ inch or ice or snow melt”. This addition will allow MS4s more flexibility in completing their outfall inspections.
4. Page 17 of 43: under paragraph 2, replace “regulates” with “regulated” (typo).
5. Page 20 of 43 – To be consistent with the new language in Part IV(D), delete the last part of the sentence after the reference to Part IV(D) so it reads: “b. The SWMP must also address the requirements of Part IV(D).”
6. Page 21 of 43: Last paragraph: Add the word “not” to the newly added sentence so it reads: “If the permittee does not receive written correspondence from the Department within 30 calendar days, the amendment will be automatically accepted by the Department.”
7. Page 23 of 43: We understand from Kathy Hoppe and Marianne Senechal that the Department will be requiring one behavior change with two audiences, and that the second audience can be easily targeted and the effort should not result in an excessive increased cost. We appreciate the Department providing this clarification. Please correct the edits in the second paragraph of item g.2 on this page to say: “The permittee must promote a minimum of one (1) behavior change per permit term directed at two (2) audiences, using a minimum of three (3) different outreach tools per year.”
8. Page 24 of 43: Because of the delays in permit issuance, please delete or update the references to the years associated with previous and current permit cycle.
9. Page 27 of 43: please change the minimum reporting concentration for chlorine to be 0.05 mg/L to be consistent with the Department’s established analytical reporting limit (reference the Final DEP MS4 Drinking Water System Discharge Issue Profile dated 11-16-2018).
10. Page 34 of 43: Add the word “other” to the last newly added sentence on catch basin cleaning, so it reads: “If it is documented during two consecutive years of cleaning of a CB identified as accumulating excess material that there is little to no material in the sump (less than 25% of the sump) then that CB can return to the list of CBs to be inspected at least once every other year....”
11. Pages 34 to 39: We have attached in redline strikeout format, suggested changes to the SWPPP language, which we believe is more in line with the MS4 permit and removes some the references to “process wastewater” etc. that are more applicable to industry. We are also requesting clarification as to whether secondary containment requirements are applicable to exterior and/or interior tanks such as magnesium chloride. These tanks do not have any federal or state requirements for containment, and so installing containment or level sensors and alarms may be capital projects requiring budget line items. If the requirements are applicable to these types of tanks we are requesting the requirement not become effective until the end of Permit Year 2.



12. page 41 of 43: Add the phrase: “may be specifically approved by DEP”, and the word “Urban” to the last sentence of paragraph 3 so it reads: “Structural or nonstructural BMPs may be found in MCMs 1-6 or as otherwise approved by DEP, an existing Department approved Watershed Management Plan, or in Appendix D, BMPs for Discharges to Urban Impaired Streams, of this GP.”
13. page 41 of 43: No change needed to this section if the permit years continue to be July 1 to June 30.

Thank you again for incorporating our prior comments. We look forward to a draft for public comment.

Warm Regards,

Integrated Environmental Engineering, Inc. Kristie Rabasca, on behalf of ISWG



ISWG Changes to SWPPP requirements for MS4 General Permit – 7/17/2019

**1. SWPPP preparation.** The SWPPP must be prepared in accordance with good engineering practices and to industry standards. The SWPPP may be developed by either a person on the facility’s staff or a third party, but it must be developed by a “qualified person” and must be certified in accordance with the signatory requirements of 06-096 CMR 521(5). A “qualified person” is a person knowledgeable in the principles and practices of stormwater controls and pollution prevention and possesses the education and ability to assess conditions at the facility that could impact stormwater quality, and the education and ability to assess the effectiveness of stormwater controls selected and installed to meet the requirements of the permit. A qualified person may include facility staff that is familiar with the facility’s activities and control measures necessary to reduce or eliminate the discharge of pollutants associated with the activity.



#### Part IV. Requirements (cont'd)

2. **SWPPP Contents:** This subsection describes the minimum requirements that must be addressed or contained within an acceptable SWPPP.

a. Stormwater Pollution Prevention Team. The SWPPP must identify the individuals (by name or title) who comprise the facility's Stormwater Pollution Prevention Team. The Stormwater Pollution Prevention Team is responsible for assisting the facility manager in developing, implementing, maintaining and revising the facility's SWPPP. Responsibilities of each team member must be listed.

b. Nature of activities. The SWPPP must provide a description of the nature of the activities at the facility.

c. Maps. The SWPPP must contain a general location map with sufficient detail to identify the location of the facility and all receiving waters for all stormwater discharges. A site map depicting the following features must also be included with the SWPPP.

i. Boundaries of the property and the size of the property in acres;

ii. Location and extent of significant structures and impervious surfaces;

iii. Directions of stormwater flow (use arrows);

iv. Locations of all stormwater control measures;

v. Locations of all receiving waters, including wetlands, in the immediate vicinity of the facility;

vi. Locations of all stormwater conveyances including catch basins, ditches, pipes, and swales;

vii. Locations of potential pollutant sources;

viii. The location of all above ground ~~wastewater or process water containment~~ tanks;

ix. For the purposes of the site map, identify areas of frequent spills (greater than three occurrences per year) and large spills (greater than 10 gallons) that have occurred in the last three years. All locations of fuel frequent/large spills must be documented within the SWPPP or applicable Spill Prevention Control & Counter Measure (SPCC) Plan;

x. Locations of all stormwater monitoring points;

#### Part IV. Requirements (cont'd)

- xi. Locations of stormwater inlets, outlets, and outfalls, with a unique identification code for each outfall (e.g., Outfall 001, 002) and an approximate outline of the areas draining to each outfall;
- xii. Locations of the following activities where such activities are exposed to precipitation:
  - fueling stations;
  - vehicle and equipment maintenance and/or cleaning areas;
  - loading/unloading areas;
  - locations used for the treatment, storage, or disposal of wastes;
  - liquid storage tanks;
  - processing and storage areas;
  - immediate access roads and rail lines used ~~or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility to carry materials into, through, or out of the facility;~~
  - transfer areas for substances in bulk;
  - machinery; and
  - locations and sources of run-on to the site from adjacent property that contains significant quantities of pollutants.

**3. d. Summary of potential pollutant sources.** The SWPPP must provide a description of the areas at the facility where materials or activities are exposed to stormwater or from which allowable non-stormwater discharges originate. Materials or activities include, but are not limited to: material handling equipment or activities; machinery; ~~raw materials storage piles; production and processes; and intermediate products, by-products, final products, and waste products.~~ Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any ~~raw material, intermediate product, final product or waste product.~~ Structures located in areas of activity are potential sources of pollutants.

For each separate area identified, the description must include the following.

**a.i.** Activities in the area. A list of the activities exposed to stormwater and the predicted direction of flow of stormwater from each activity and outfall.

**b.ii.** Pollutants. A list of pollutants associated with each identified activity, which could be exposed to rainfall or snowmelt and could be discharged from the facility. The pollutant list must include all significant materials that have been handled, treated, stored or disposed, and that have been exposed to stormwater in the three years prior to the date you prepare or amend your SWPPP.

#### Part IV. Requirements (cont'd)

e.iii. Spills and leaks. The permittee must document where potential spills and leaks could occur that could contribute pollutants to stormwater discharges, and the corresponding outfalls that would be affected by such spills and leaks. The permittee must document all frequent or large spills and leaks of oil or toxic or hazardous substances that actually occurred at exposed areas, or that drained to a stormwater conveyance, in the three years prior to the date the SWPPP was prepared or last amended. The permittee must document the circumstances leading to the release and actions taken in response to the release and the measures taken to prevent the recurrence of such releases.

d.iv. Wastewater or process water containment. By the end of Permit Year 2, Any stationary above ground tank, container, or container storage area used for the storage of wastewater or process water that has the potential to discharge to surface waters or a stormwater conveyance during a malfunction must be held in a secondary containment device capable of containing 100% of the contents of the tank, plus precipitation. The containment devices must meet all Federal and State rules for primary and secondary containment. Secondary containment requirements are waived if the tank is equipped with a level sensor and alarm to signal an overflow or leak and the facility has a contingency plan in place to remove excess liquid to a second containment structure or off-site treatment facility to prevent exposure to stormwater. The containment structures must be visually inspected for signs of deterioration at least once per year. The contingency plan and tank inspection procedure must be documented in the SWPPP.

e.v. Non-stormwater discharges – The permittee must document that it has evaluated its site for the presence of non-stormwater discharges not listed in Part IV(B)(3)(h.) of this GP. Documentation must include the following.

- i. The date of the evaluation;
- ii A description of the evaluation criteria used;
- iii A list of the outfalls or onsite drainage points that were directly observed during the evaluation; and
- iv. The action(s) taken, such as a list of control measures used to eliminate unauthorized discharge(s), or documentation that a separate MEPDES permit was obtained.

f.vi. Salt storage. The permittee must document the location of any storage piles containing salt used for deicing or other commercial or industrial purposes.

#### Part IV. Requirements (cont'd)

g.vii. Sampling data. Existing dischargers must summarize all stormwater discharge sampling data collected at the facility during the previous permit term. The summary must include a narrative description (and may include data tables/figures) that adequately summarizes the collected sampling data to support identification of potential pollution sources at the facility. New dischargers and new sources must provide a summary of any available stormwater runoff data they may have.

h.viii. Method of on-site storage or disposal. A storage practice or disposal method must be detailed for all raw materials, intermediate materials, final products and waste materials. Waste materials must be handled in accordance with applicable federal and State waste management rules and regulations.

4 e. **Procedures for conducting monitoring.** The SWPPP must document the procedures ~~and frequencies for~~ for conducting ~~routine-quarterly~~ facility inspections and ~~quarterly~~ Visual Monitoring ~~where applicable. SWPPP documentation must include the following as described below.~~

- i. Location of sample collection (outfall designation);
- ii. Monitoring schedule including monitoring exceptions, adverse weather conditions, and waivers.

**f. BMPs to address activities and materials that might pollute stormwater.** The permittee must select, design, and implement Best Management Practices (BMPs) and identify them in the SWPPP and implement Best Management Practices consistent with the Non-Numeric Technology Based Effluent Limitations listed in Appendix E in order to minimize pollutant discharges for the materials and activities listed in the Summary of Potential Pollutant Sources. The SWPPP must include an implementation schedule for all proposed BMPs. The BMPs must be capable of meeting the applicable non-numeric technology-based effluent limitations listed in Appendix E. The permittee must consider, at a minimum, the following in selection of appropriate BMPs:

- i. The quantity and nature of the pollutants, and their potential to impact the water quality of receiving waters;
- ii. Preventing stormwater from coming into contact with polluting materials;
- iii. Using control measures BMPs in combination to minimize pollutants in stormwater discharges;
- iv. Opportunities to offset stormwater and temperature impacts from impervious areas on dry weather flows and low flow situations to streams;

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v. Minimizing impervious areas at the facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches);

vi. Attenuating flow using open vegetated swales and natural depressions; and

vii. Use of treatment interceptors (e.g., swirl separators, sand filters, catch basin inserts/filters) to minimize the discharge of pollutants.

~~g. Control Measures Non-Numeric Technology Based Effluent Limitations for SWPPPs Appendix E contains the Non-Numeric Technology Based Effluent Limitations for SWPPPs. The permittee must review all control measures at least quarterly and complete corrective actions to modify any control measures that are not achieving the intended effect of minimizing pollutant discharges. The SWPPP must document the type and location of all control measures selected to ensure compliance with technology based and water quality based effluent limitations.~~

~~a.~~

~~5.~~ **3. Amended SWPPP.** The permittee must amend the SWPPP within thirty (30) calendar days of completion of any of the following:

i. A change in design, construction, operation, or maintenance at the facility that may have a significant effect on the discharge or potential for discharge of pollutants from the facility including the addition or reduction of industrial activity;

ii. Monitoring, inspections, or investigations by the permittee or by local, State, or Federal officials which determine the SWPPP is ineffective in eliminating or significantly minimizing the intended pollutants;

iii. A discharge under this GP that is determined by Department to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard.

~~6.1. Control Measures The permittee must review all control measures at least quarterly and complete corrective actions to modify any control measures that are not achieving the intended effect of minimizing pollutant discharges. The SWPPP must document the type and location of all control measures selected to ensure compliance with technology based and water quality based effluent limitations.~~

**Part IV. Requirements (cont'd)**

~~7.1. Best management practices (BMPs) considerations. Best management practices must be applied to all areas described in the summary of potential pollutant sources documented in the SWPPP. The SWPPP must include an implementation schedule for all proposed BMPs. The permittee must consider, at a minimum, the following in selection of BMPs:~~

~~1.~~

~~a.1. The quantity and nature of the pollutants, and their potential to impact the water quality of receiving waters;~~

~~1.~~

~~b.1. Preventing stormwater from coming into contact with polluting materials;~~

~~1.~~

~~e.1. Using control measures in combination to minimize pollutants in stormwater discharges;~~

~~1.~~

~~d.1. Opportunities to offset stormwater and temperature impacts from impervious areas on dry weather flows and low flow situations to streams;~~

~~e. Minimizing impervious areas at the facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches);~~

~~1.~~

~~1.~~

~~f.1. Attenuating flow using open vegetated swales and natural depressions; and~~

~~1.~~

~~g.1. Use of treatment interceptors (e.g., swirl separators, sand filters, catch basin inserts/filters) to minimize the discharge of pollutants.~~

**Appendix E - Non-Numeric Technology Based Effluent Limitations for MS4 SWPPPs (taken from pages 14 - 17 of the 2016 MSGP.**

1. **Minimize exposure.** The permittee must minimize the exposure of activities and materials (including, but not limited to, loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff in order to minimize pollutant discharges. Unless impractical, the permittee must also:
  - a. Use grading, berming or curbing to prevent runoff of contaminated flows and divert run-on away from these areas;
  - b. Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge;
  - c. Clean up spills and leaks promptly using dry methods (*e.g.*, absorbents) to prevent the discharge of pollutants;

- d. Properly dispose of materials used for spill or leak clean up to prevent used clean up materials from being a source of pollutants in stormwater;
- e. Store leaky vehicles and equipment indoors or, if stored outdoors, use drip pans and absorbents;
- f. Use spill/overflow protection equipment;
- g. The washing of new or used vehicles or equipment is allowed with the following prohibitions and recommended best management practices:
  - 1. Engine, undercarriage and transmission washing is prohibited. Cleaning operations should minimize the detachment of paint residues, heavy metals or any other potentially hazardous materials from surfaces. Information on temporary berms and magnetic storm drain covers is attached to this guidance.
  - 2. Vehicle and equipment washing should occur, where possible, on an impermeable surface (i.e., concrete, asphalt, plastic or other) and utilize an area that extends to a minimum of four (4) feet on all sides of the vehicle or equipment so that wash water and overspray falls initially on the impermeable surface. From the impermeable surface, wash water should then be directed to a vegetated area. Information on temporary berms and magnetic storm drain covers and suppliers is attached to this guidance.
  - 3. Vehicles and equipment should not be washed near uncovered repair areas or chemical storage areas such that chemicals can be transported in wash water runoff. All wash water runoff should drain away from a shop repair or chemical storage area.
  - 4. Wash water from cleaning the interior of truck trailers and other large commodity carrying containers must be collected and discharged to a POTW or treated in a closed-loop, wash water recycling system.
- h. Drain fluids from equipment and vehicles that will be decommissioned, and, for any equipment and vehicles that will remain unused for extended periods of time, inspect at least quarterly for leaks.
- i. locate industrial materials and activities inside or protecting them with storm resistant coverings where practical to do so.

**H. Good housekeeping.** The permittee must keep clean all exposed areas that are potential sources of pollutants. The permittee must perform good housekeeping measures in order to minimize pollutant discharges, including but not limited to, the following:

- a. Sweep or vacuum at regular intervals as a primary measure or, alternatively, wash down the area as a secondary measure and collect and/or treat, and properly dispose of the washdown water;
- b. Store materials in appropriate containers that are labeled to specify contents;
- c. Keep all dumpster lids closed when not in use, or provide secondary containment to ensure that discharges have a control. For dumpsters, waste bins and roll-off containers that do not have lids and could leak, ensure that discharges have a control (e.g. secondary containment, treatment). Dumpsters and roll-off containers should only be used to hold solid waste materials and never used to hold liquid wastes. This permit does not authorize any dry weather discharges from dumpsters or roll-off containers;

- d. Minimize the potential for waste, garbage and floatable debris to be discharged by keeping exposed areas free of such materials, or by intercepting them before they are discharged;
- e. For facilities that handle pre-production plastic, implement best management practices to eliminate discharges of plastic in stormwater; and
- f. Site and operate snow storage and disposal areas to prevent or minimize discharges of pollutants from snow maintenance activities.

**H. Maintenance.** The permittee must maintain all control measures that are used to achieve the effluent limits in this General Permit in effective operating condition, as well as all industrial equipment and systems, in order to minimize pollutant discharges. This includes:

- a. Performing and documenting inspections and preventive maintenance of stormwater drainage, source controls, treatment systems, and plant equipment and systems that could fail and result in contamination of stormwater;
- b. Diligently maintaining non-structural control measures (*e.g.*, keep spill response supplies available, personnel appropriately trained);
- c. Inspecting and maintaining baghouses at least quarterly to prevent the escape of dust from the system and immediately removing any accumulated dust at the base of the exterior baghouse; and
- d. Cleaning catch basins when the depth of sediment or debris reaches 2/3rds of the sump depth and keeping the sediment and debris surface at least six inches below the lowest outlet pipe or alternatively, establish a routine maintenance schedule such each catch basin is cleaned out at least once per year.

**I. Spill prevention and response.** The permittee must minimize the potential for leaks, spills and other releases that may be exposed to stormwater and develop plans for effective response to such spills if or when they occur in order to minimize pollutant discharges. The permittee must conduct spill prevention and response measures, including but not limited to, the following:

- a. Plainly label containers 55 gallons or greater (*e.g.*, “Used Oil,” “Spent Solvents,” “Fertilizers and Pesticides”) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur;
- b. Implement procedures for material storage and handling, including the use of secondary containment and barriers between material storage and traffic areas, or a similarly effective means designed to prevent the discharge of pollutants from these areas;
- c. Develop training on spill response procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases. As appropriate, execute such procedures as soon as possible;
- d. Keep adequate and accessible spill kits on-site, located near areas where spills may occur or where a rapid response can be made; and
- e. Notify appropriate facility personnel when a leak, spill, or other release occurs.

**J. Erosion and sediment controls.** The permittee must minimize erosion by stabilizing exposed soils at the facility in order to minimize pollutant discharges and by placing flow velocity dissipation devices in stormwater swales and ditches at discharge locations, as necessary, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points. The permittee must also use structural and non-structural control measures, as necessary, to minimize the discharge of sediment.

6. **Management of runoff.** The permittee must divert, infiltrate, reuse, contain, or otherwise manage stormwater runoff to minimize pollutants in the discharges.
7. **Salt storage piles or piles containing salt.** Unless otherwise authorized by variance pursuant to *Siting and Operation of Road Salt and Sand-Salt Storage Areas*, 06-096 C.M.R. 574 (effective December 3, 2001), the permittee must enclose or cover storage piles of salt, or piles containing salt, used for deicing or other commercial or industrial purposes, including maintenance of paved surfaces, in order to minimize pollutant discharges. This includes preventing stormwater runoff from coming into contact with covered piles. The permittee must implement appropriate measures (*e.g.*, good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile.
8. **Employee training.** KR says to delete because it is already required in MCM6 of permit.

8. **Dust generation and vehicle tracking of industrial materials.** The permittee must utilize control measures to minimize generation of dust and off-site tracking of raw, final, or waste materials. Discharges of pollutants associated with an industrial activity as the result of off-site tracking are not authorized by this General Permit.