

September 24, 2009

Robert Malley
Director of Public Works
P.O. Box 6260
Cape Elizabeth, ME 04116

Dear Bob,

The Department has reviewed the Town of Cape Elizabeth's permit year ("PY") one annual report. Your General Permit number is MER04103. Barb Welch reviewed minimum control measures ("MCM") one and two and I reviewed the rest. Our comments on your annual report are as follows.

DEP finds that Cape Elizabeth has met and in some cases exceeded the permit requirements for five of the six MCMs and has failed to meet the requirements for the Post Construction MCM.

Minimum Measure	Status
1 - Education & Outreach	*Meets/ Exceeds
2 - Public Participation	*Meets/ Exceeds
3 - Illicit Discharge Detection & Elimination	*Meets
4 - Construction Site Runoff Control	*Meets/Exceeds
5 - Post-Construction Runoff Control	Fails to*Meet
6 - Pollution Prevention/Good Housekeeping	*Meets/Exceeds

* Fails to Meet, Meets, Exceeds

MCM 1. Education & Outreach

Of particular note:

1.1 Continue Awareness efforts: thorough job of continuing efforts

1.3 Develop Awareness Plan: We are very pleased with the Statewide Education Plan that was developed with Tamara and Jami's leadership. Jami's implementation of the plan has been excellent.

1.4 Continue Targeted BMP Plan: An extraordinary level of thoughtful and reflective assessment and tweaking of the existing BMP Adoption Plan to make it more effective.

1.6 School outreach: Well thought out collaborative/partnering

MCM 2. Public Participation

Of particular note:

2.1. Host Public Events: Hosted additional events above requirements (repainting lines for catch basins probably doesn't qualify as did not use Clean Water stencils or use the public). Good diversity of activities and good participation.

MCM 3. Illicit Discharge Detection and Elimination

BMP 3a. Mapping: What type of map has the Town produced; has everything been GPS and is the map in GIS form? Do you have all your direction of flow data and all surface and sub-surface systems mapped? Your description left me guessing of exactly what needs to be completed.

The Town has preformed excellent outreach in both your pump-out program and contacting the auto detailing business.

BMP 3b. Non Stormwater Discharge Ordinance: No actions taken.

BMP 3c. Dry Weather Inspections: Where there any discharges that required follow-up? Appendix C. provided good data.

BMP 3d Open Ditch Inspections: No actions taken in PY one.

MCM 4. Construction Site Runoff Control

BMP 4a. Notification: Fine

BMP 4b. Document Construction Activity: Where there activities that disturbed one or more acres? For this BMP the Town shall provide a number of activities for the given PY. If there are no activities list zero.

BMP 4c. Fine.

MCM 5. Post Construction Runoff Control

The Department has devoted a lot of time and effort assisting municipalities in developing post construction ordinances. Cape Elizabeth has fallen short of meeting the minimum requirements for this MCM. Please notify me via e-mail as soon as the Town passes this ordinance.

MCM 6. Pollution Prevention/Good Housekeeping

BMP 6a. Inventory Municipal Operations and Facilities: Good job.

BMP 6b. Employee Training: Attending regularly scheduled ISWG meetings is a stretch to include them as training. They are better listed as a BMP for collaborative efforts or watershed management coordination.

BMP 6c. Street Sweeping: Excellent job, the effectiveness of this BMP depends on sweeping prior to the spring rains washing material into the storm sewer system -keep up the good work.

BMP 6d. Catch Basin Cleaning. Great job.

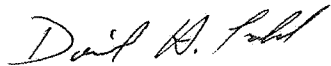
BMP 6e. Infrastructure Maintenance: Fine.

BMP 6f. SWPPPs: Outstanding, you are ahead of the curve here.

Conclusion

The Town of Cape Elizabeth has substantially complied with five of the six MCMs for the first permit year of the MS4 General Permit. The Town must continue to develop and implement a post construction ordinance to meet full compliance. I appreciate your involvement and commitment to Maine's municipal stormwater program. I look forward to the Town's future involvement with the Interlocal Group to foster collaborative efforts to address the upcoming challenges to reduce polluted stormwater runoff from regulated small MS4s. Please keep working towards full compliance and if you have any questions do not hesitate to call me.

Sincerely,



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Think Blue
Clean Water Starts With You!
Cc: File MER04103