



**United States Environmental Protection Agency  
Region 1**

**5 Post Office Square, Suite 100  
Boston, MA 02109-3912**

**APR 23 2014**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Robert Yandow, Town Manager  
Town of York  
186 York St  
York ME 03909

Re: March 18, 2014 MS4 Audit, Town of York

Dear Mr. Yandow:

I am writing regarding the findings of my recent U.S. Environmental Protection Agency ("EPA") audit of the Town of York storm water program. I met with Leslie Hinz and Dean Lessard of your staff on March 18, 2014 to conduct a Municipal Separate Storm Sewer System ("MS4") compliance audit of the Town of York's 2013 General MS4 permit #MER041029 (the "Permit"). The audit assessed the Town of York's storm water program management and compliance with four of the six Minimum Control Measures ("MCMs") that are requirements within the MS4 permit. In addition, we discussed EPA sampling data that indicated the presence of illicit discharges and was documented in EPA's York Water Quality Data letter dated February 4, 2014. Based on the sampling data and the March 18 audit, EPA's primary concern is that the Town of York needs to implement required MCMs and associated Best Management Practices ("BMPs") within the entire Urbanized Area (UA) of the Town of York, and not just in limited watersheds within that area.

During the audit, Town of York staff said the Cape Neddick River Watershed is the Town's priority watershed for purposes of planning and implementing permit requirements including the Illicit Discharge Detection and Elimination ("IDDE") program. However, under the heading "Priority Watershed" on Page 11 of the Stormwater Program Management Plan for York County MS4s dated December 2013 ("SWPMP") it states that the entire Urbanized Area ("UA") is contained within the watershed called *Frontal Drainages of Southern York County Watershed* (HUC: 0106000311), and is therefore the priority watershed of the Town. Table 2 on Page 13 of the SWPMP states that, "York has designated Cape Neddick River as a priority water, hence the sub-watershed [HUC: 0106000311-02] **and watershed** [the entire *Frontal Drainages of Southern York County Watershed*] associated with this are priority for the town."

The procedures for defining a priority water for the purposes of implementing Section H.3.a.iii. (MCM3 – IDDE program) of the permit are outlined in the Guidelines and

Standard Operating Procedures for Stormwater Phase II Communities in Maine Volume 1 (Section 2.2). This document states that available information, including the Maine Department of Environmental Protection (“DEP”) 303(d) list of impaired waters, approximate density of known outfalls per stream mile, locations that drain to public beaches, and location of septic systems should be used to identify and prioritize watershed’s potential for illicit discharges.

Appendix C of the Town’s SWPMP lists multiple impaired streams within York’s UA including the York River, Little River, and Cape Neddick River. These waters are subject to an EPA approved Total Maximum Daily Load allocation (“TMDL”) set out in the 2012 state-wide bacteria TMDL. Appendix C of the SWPMP prescribes that measurable goals: 3.3.1 (develop and implement a dry weather outfall inspection plan), 3.4.1 (develop and implement open ditch IDDE program), 3.5.1 & 3.5.2 (document and evaluate aging septic systems), and 3.7.1 (work with Department of Marine resources (“DMR”) to address bacteria impairments) will be implemented for **all waters affected by the state-wide bacteria TMDL**. The sub-watersheds of these TMDL listed waters encompass a majority of the *Frontal Drainages of Southern York County Watershed*. Furthermore, results of the two sampling events conducted by EPA and documented in the York Water Quality Data letter dated February 4, 2014 indicate the presence of illicit discharges within the *Frontal Drainages of Southern York County Watershed*.

Accordingly, EPA recommends the Town’s staff organize the planning and implementation of permit required MCMs and the associated Best Management Practices (“BMPs”) be carried out to ensure that compliance within the entire UA is achieved.

In the next couple of months, EPA plans to perform a compliance sampling investigation with the Town of York to aid with illicit discharge detection within multiple sub-watersheds including the York River, Little River and Cape Neddick River. Erin Trainor, of the Region 1 EPA Laboratory will coordinate this sampling investigation with Leslie Hinz.

If you or your staff have any questions regarding these findings, please contact me by phone at 617-918-1709 or by email at [rosenberg.alex@epa.gov](mailto:rosenberg.alex@epa.gov). Please thank your staff for accommodating us during the audit.

Sincerely,



Alex Rosenberg, Compliance and Enforcement Officer  
Office of Environmental Stewardship

cc: Dean Lessard, Town of York, Director of Public Works  
Leslie Hinz, Town of York, MS4 Manager  
David Ladd, MEDEP  
Erin Trainor, EPA  
Denny Dart, EPA