

**BRING A PADDLE:  
MAINE'S EMERGING STORMWATER  
MANAGEMENT POLICY**

NNECAPA Annual Conference  
Portsmouth, New Hampshire  
October 7, 2010

Helen L. Edmonds  
William E. Taylor

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**LONG CREEK WATERSHED  
RESTORATION PROJECT**

William Taylor  
wtaylor@pierceatwood.com

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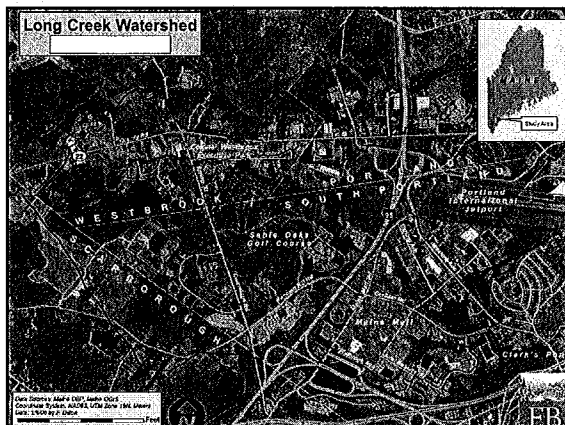
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### Long Creek Watershed

- Long Creek is 1 of 31 urban impaired streams in Maine
- Impairment due to:
  - High water temperatures
  - High pollutant loads (toxics, PAH, chlorides)
  - Stream channel instability and sedimentation
  - Stressed/degraded habitats

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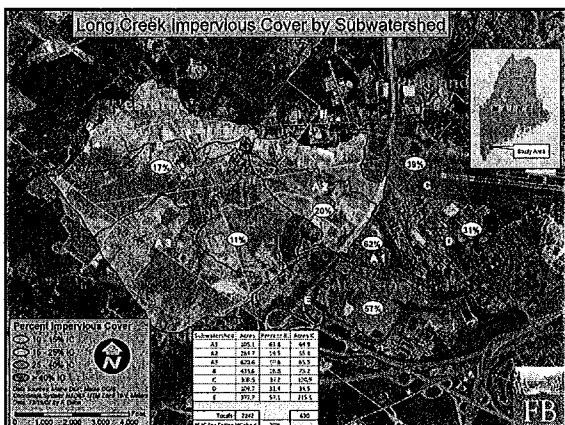
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### Section 303(d) List -- 2000

- TMDL Deferred
- Community-Based Restoration Project Convened
- US EPA Grant to Establish Watershed Group and Begin Development of Management Plan
- Management Plan Completed 2009

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**Residual Designation Authority Petition**

- CLF Filed Petition with EPA in March 2008
- Requested a Determination That:
  - Certain unpermitted stormwater discharges are contributing to violations of water quality standards in Long Creek.
  - Therefore, these "Contributing Discharges" require a NPDES permit in order to restore and protect water quality of Long Creek.

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**Other RDA Petitions**

- Lake Champlain – Burlington
- Charles River
- Subdivision in Rhode Island

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**EPA's Designation Decision**

- Final decision to designate published on 10/28/09
- Requires permits for discharges from property with at least 1 acre of impervious surface
- Maine DEP to administer permit program

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**Permitting Requirements Under RDA**

About 120 parcels with more than 1 acre of impervious surface – pavement, rooftops, etc.

- Commercial and Municipal Properties

Owners of parcels less than 1 acre are not currently required to obtain a permit

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**Options for Landowners**

- Challenge RDA Decision
  - No Precedent
  - Forum
  - Costs
  - No Permit Shield – No TMDL
  - DEP Authority to Regulate Existing Sources – 38 MRSA, § 420-D(13).
- Basis for Appeal? – Arbitrary 1 Acre Threshold – Already Permitted

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**Options for Landowners**

- Proceed with Permit Development Under RDA and Obtain Permit Shield, and
- Continue Implementing Management Plan and Restore Long Creek

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**Permitting Options**

**Long Creek General Permit**

- Must Participate in and Comply with Long Creek Watershed Management Plan
  - Enter into Agreement with Management District
  - Make Payments, Grant Easements, Comply with Monitoring and Housekeeping Requirements
- Five Year Permit
- Application by June 2010

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**Individual Permit  
Chapter 521**

- Comply with Chapter 500 Stormwater Requirements
- On-going Monitoring Required
- Application Must be Filed Within 180 Days of Notice – June 2010

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For More Information  
[www.restorelongcreek.org](http://www.restorelongcreek.org)

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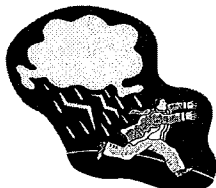
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## Maine's Stormwater Management Act: Evolving Rules

Helen L. Edmonds  
[hedmonds@pierceatwood.com](mailto:hedmonds@pierceatwood.com)



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## Historical Perspective

- 1970: Site Location of Development Act
  - Erosion & sedimentation control
  - Primarily quantity-based stormwater controls



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## Historical Perspective, cont'd

- 1996: Stormwater Management Act
  - More focus on *quality*
  - "Most at risk," "sensitive and threatened" watersheds
- Continuing developments
  - 1996 – Erosion and Sedimentation Control Law
  - 2001 – NRPA (Vegetative Buffers)
  - 2003 – NPDES Phase 2 (Maine administers)

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**1996 Stormwater Management Act Regime**

- C. 500 - effective 9/19/97 in organized areas of the State
- Confusing, three-prong permit trigger
  1. 20,000 sf or more impervious – direct watershed of waterbody "most at risk"
  2. 1 acre impervious -- all other areas
  3. 5 acres disturbed -- all areas
- Problems with interpretation and administration

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**2006 Revised Regime**

- Stakeholder process lead to complete repeal and replacement
- One-prong permit trigger -- > 1 acre "disturbed" area
  - Same as Maine Construction General Permit

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**2006 Revised Regime (cont'd.)**

- Regulatory "hierarchy" based on location and size
  - Basic, General, Phosphorus, Flooding, Urban Impaired Streams
- Problems??

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**2010 Proposals – c. 500 amendments**

- New and amended definitions
- Restructured and new standards
- Amended Technical Appendices

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**2010 Proposals (cont'd)**

- Basic
- General- emphasis on LID principles
  - Treatment requirements
  - Dispersed treatment option
  - “Impact ranking” for redevelopment
  - “Low density subdivisions”
- Phosphorus
- Urban Impaired Streams
- Flooding Standard – exemption for dispersed treatment

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**2010 Proposals (cont'd)**

- “Natural hydrology” – **NEW**
- Limitations on impervious area – **NEW**
- Discharges to public storm sewers – **NEW**

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**2010 Changes to c. 500**



- Third set of amendments in 5 years
- "Cutting edge," or just "staying current"?

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**Climate Change –  
What Does It Mean for  
Stormwater**

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**Climate Change Mitigation  
(1<sup>st</sup> Step)**

- Focus on how to reduce the amount of emissions
- Maine Mitigation Plan developed in 2004
- Periodic evaluations of progress, including whether to increase or decrease emission amounts

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**Focus on Adaptation  
(2<sup>nd</sup> Step)**

- Climate change adaptation focus on how to cope with changes to the natural environment due to climate change
- Maine DEP convened stakeholders to start discussions regarding adaptation
- Discussions focused on early planning to determine most effective adaptive actions
- Legislative Report presented February 2010

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**Anticipated Trends**

- Stakeholders discussed a recurring theme - storms will be more frequent and more intense
- Saturating soils, producing septic system failures

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**Infrastructure Risks and Challenges**

- Outdated Stormwater Management and Wastewater Infrastructure
- Carrying capacity during heavy rain events specifically of concern to Stakeholders

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**Engineering to Lessen Stormwater and Wastewater Nutrient Effects on Ecosystems**

- Stakeholders recommended improving design standards for the engineering of stormwater runoff and wastewater treatment systems
- Account for higher antecedent moisture conditions
- Application of current standards should rely on updated storm intensity models and rain tables
- Recommended LiDAR (light detection and ranging) technology for more accurate high-tide and 100-year flood plain models

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**Next Steps?**

- Focus on adaptation may continue with additional stakeholder meetings and eventual creation of an official "Plan".
- Questions?

Pattie Aho, Esq.  
Pierce Atwood LLP  
paho@pierceatwood.com

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**Summary**

- Coming to a watershed near you?  
☞ Already has!
- Renewed focus on quantity *as well as* quality
- Expect continued evolution and resulting regulatory uncertainty

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