2005

Maine Stormwater Management Law 2005 Summary of its New Requirements

Maine Department of Environmental Protection

2005 MAINE STORMWATER MANAGEMENT LAW SUMMARY OF ITS NEW REQUIREMENTS

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

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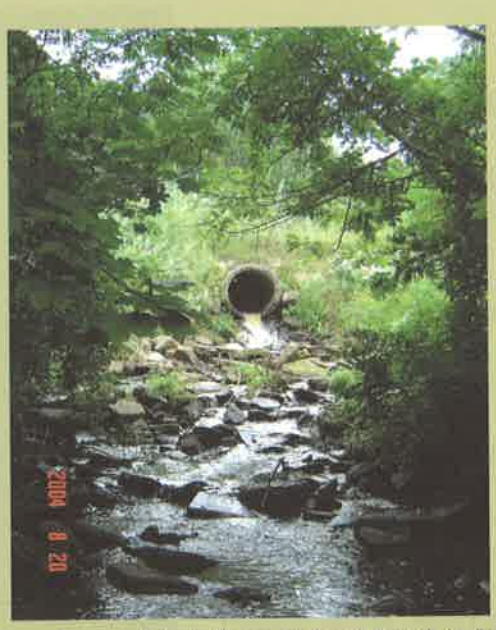

Low and high flows of Trout Brook in South Portland. The Maine DEP is now monitoring the water quality and quantity impact from urban runoff. In 2003, the Urban Stream report was prepared on these results and may be available from DEP's website at: http://www.maine.gov/dep/blwq/docmonitoring/stream/urban/

PREVIOUS REQUIREMENTS OF THE STORMWATER MANAGEMENT RULES

Maine's original Stormwater Management Law created "most-at-risk" and "sensitive or threatened" watershed categories and had multiple review thresholds. Under the 1997 rules, quantity standards were applied everywhere; quality standards were required only in most-at-risk & sensitive and threatened watersheds.

The rules did not address standards for impaired streams and most-at-risk streams; and no maintenance of Best Management Practices (BMPs) was required. The rules did not coordinate with requirements of federal (NPDES) stormwater program and did not incorporate the Construction General Permit which required a permit for the disturbances of 1 acre or more that result in a discharge.

The new Chapter 500 rules are intended to:

Be understandable, comprehensive and easily implemented, and

Allow equally effective alternative designs.

Not foster sprawl as an unintended consequence,

Not conflict with other major environmental initiatives,

Problems with the Previous Rules

Stormwater quality standards were very limited and most stream and coastal waters were not protected. Stormwater quantity standards were limited to flood control peak attenuation during large, infrequent storms and did not address the increase in runoff volume from small storms, which can cause excessive erosion of stream banks.

Because the many current BMP designs inadequately cooled the stormwater discharge, the warming of streams and ponds resulted from reduced shading and from heated runoff over hot roofs and pavements. Pipes and ponds reduced the recharge to groundwater as runoff was collected, channeled and discharged directly to lakes, major rivers or tidal waters. And toxics and nutrients were also inadequately addressed.

For more Information
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Division of Watershed Management: 287-7725
E-mail: donald.t.witherill@maine.gov

MAINE'S NEW STORMWATER RULES

Effective October 31, 2005, the new rules require one set of standards to replace previous quantity and quality treatment standards. The "sensitive or threatened" designation has been dropped. The same standards apply in nearly all watersheds. Stronger emphasis is also placed on erosion and sedimentation control during construction; in long-term, inspection & maintenance; and good housekeeping. A flow chart on how to implement these rules is found in Appendix A.

STORMWATER MANAGEMENT PERMIT THRESHOLDS

A Full Permit is required for:

- projects consisting of 20,000 sq ft or more of impervious area or 5 acres or more of developed area in urban impaired stream watersheds or most-at-risk lake watersheds and
- project with 1 acre or more of impervious area or 5 acres or more of developed area in any other stream, coastal or wetland watershed.

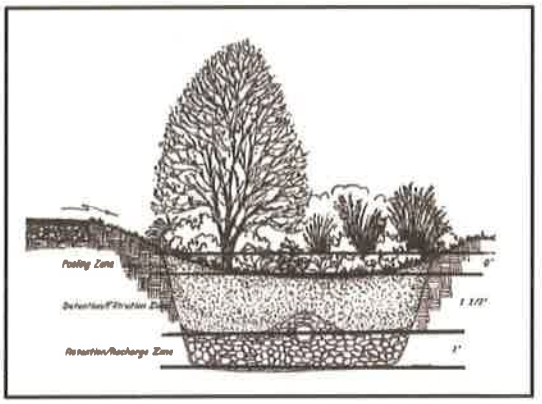
A Permit-by-Rule (PBR) applies to projects with one acre or more of disturbed area but less than 1 acre impervious area (20,000 sq. ft. for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area.

OBJECTIVES OF THE NEW RULES

STREAM CHANNEL PROTECTION must be provided by storage and slow release of relatively frequent, moderate to large size storms or infiltration of these storms. The site should be designed to maximize incidental infiltration and maximize time of concentration.

COOLING of stormwater discharges should be achieved in part by minimizing impervious area, minimizing ponding and maximizing shading. Pond outlets must include underdrained gravel trenches or other means of cooling the discharge.

POLLUTANT REMOVAL must be achieved using BMPs that effectively remove fine particulates, dissolved pollutants and hydrocarbons from the runoff.



FLOOD CONTROL must be provided on larger projects if detention to provide peak flow matching is likely to do more good than harm based on the project's position in the watershed and the timing of peaks from other parts of the watershed.

GROUNDWATER RECHARGE should be encouraged by minimizing impervious area; by taking advantage of every opportunity for incidental infiltration (buffers, and swales instead of pipes) around the site. Minimizing disturbance of natural topography and vegetation is recommended.

LONG TERM MAINTENANCE

A 5 year re-certification requirement has been added to confirm that the stormwater BMPs are still functional and maintained.

PRE- APPLICATION MEETING

A pre-application meeting is required for all projects unless waived by mutual agreement of the department and the applicant.

STANDARDS

GENERAL STANDARDS

BMP Standards must be applied to no less than 95% of the impervious area and 80% of the developed area. For some roads, runoff from only 75% of the road must be treated.

PHOSPHORUS STANDARDS

The list of most-at-risk lakes is found in Appendix B. Some streamlining and minor changes have been incorporated in the new BMP manual. In watersheds of lakes that are not severely blooming, the BMP standards may be applied as an alternative.

URBAN IMPAIRED STREAM STANDARDS

The list of urban impaired streams is found in Appendix C. Projects cannot cause or contribute to the impairment of a waterbody. Projects with ≥ 3 acres of impervious area in the watershed of an urban impaired stream must meet the required BMP standards plus pay a compensation fee to fund a mitigation project or treat, reduce or eliminate an off-site or on-site pre-development stormwater source.

TYPES OF BMPS

Forest and Meadow **Buffers** for which the design criteria and sizing tables can be found Appendix F of the Chapter 500 rules and in the Maine Stormwater Management BMP manual available in December 2005.

Soil Filters and Infiltration must store and teat 1 inch of runoff from impervious areas and 0.4 inches of runoff from landscaped areas. Design criteria can be found in Appendix D and E of the Chapter 500 rules and BMP manual.

Wetponds must have a permanent pool volume equal to 1.5 inches of runoff from impervious areas and 0.6 inches of runoff from landscaped areas and a channel protection volume sized at 1 inch of runoff from impervious areas and 0.4 inches of runoff from landscaped areas. A gravel under-drained trench outlet in a bench at the permanent pool elevation is required for discharge of the channel protection volume for projects within a stream watershed. Design criteria can be found in Appendix E of the Chapter 500 rules and BMP manual.

Low Impact Development measures such as minimizing impervious area and spreading stormwater treatment throughout the site area are encouraged.

Alternative stormwater management systems may be allowed on a case by case basis.

Erosion and Sedimentation Control
(Appendix A of Chapter 500):
An erosion and Sedimentation control plan must be prepared and provided to the contractor. It must include effective means to control erosion and prevent transportation of sediments in stormwater runoff.

Housekeeping *(Appendix C of Chapter 500):*
During construction, attention must be paid to spill prevention, fugitive sediment and dust prevention, the collection of debris and other materials, trench and foundation dewatering and other non-stormwater discharges.

Inspection and Maintenance *(Appendix B of Chapter 500):*
Regular inspection and maintenance is required during construction for the proper operation of stormwater management systems and for the prevention of erosion.

BASIC STANDARDS

Basic Standards apply to all projects disturbing one acre or more. They require an erosion and sedimentation control plan that must be implemented, complete with inspection and maintenance as well as good housekeeping during construction. They are the only standards required of projects with less than 1 acre impervious area and 5 acres of developed area (20,000 sq. ft. of impervious area for most at risk lakes and urban impaired streams). The proposed activities cannot impede or alter any drainage way.

FLOODING STANDARD

The flooding standard applies only to large projects subject to the Site Location Law and requires peak flows to be kept at or below the pre-project levels for the 2-year, 10-year, and 25-year storms. The channel protection provided by the general BMP standards will usually provide sufficient flood control on smaller projects. In situations where flooding issues have been identified at the local level, municipal review may still require flood control on these smaller projects. The flooding standards is waived for projects discharging to the ocean, a major river, or a great pond via man-made channels.

DISCHARGE TO A WETLAND

The general, Phosphorus, Urban Impaired Stream, and Flooding standards must be met before stormwater runoff enters a wetland. Runoff may not increase the peak storage depth in a wetland more than two inches due to runoff from the 2-year storm and must return to the pre-development elevation within 24 hours of the storm's end. If these requirements are not met, the project may also require approval under the Natural Resources Protection Act.

LONG-TERM MAINTENANCE

All projects must have an inspection and maintenance plan for permanent erosion and sediment control and stormwater management.

Every five years, the Permit holder is responsible for re-certification that the site is stable and the BMPs have been maintained.

RECERTIFICATION

Recertification of a project must consist of a notice certifying that all areas have been inspected for erosion and repairs made; that all stormwater systems have been inspected, cleaned and repaired from damage; that the project's erosion and stormwater maintenance plan is being implemented as written; and that the maintenance log is being kept up to date. Municipalities or associations assuming responsibility for maintenance do not assume responsibility for recertification unless approved by the department.

Inspect all measures in the EARLY SPRING to clean out winter sediment and plan repairs for spring/summer, in the LATE FALL to remove leaves and debris, and check for erosion AFTER HEAVY RAINS and quarterly.

WHAT THE NEW RULES DO NOT DO

Do not change the "most at risk" lakes list (except to correct the listed location for one lake). Certain standards specific to lake watersheds, such as the phosphorus standard, continue to apply.

Do not make Chapter 500 shorter, however there was a concerted effort to make the chapter easier to follow, and to include material to make the process more predictable for applicants. Chapter 502 is shorter.

Do not keep the "sliding scale TSS" or "80% TSS" standards. TSS can be a poor indicator of the pollutants of concern in stormwater runoff, and the ability to predict exact TSS removals under various conditions in Maine is not adequate. Better approaches have been developing since the first rules were adopted in the 1990s.

Do not make the Maine Construction General Permit (MCGP) definitions and the Stormwater Management Law requirements completely consistent, although consistency and coordination is improved. Combining the programs would have required changes such as (a) making a Maine Stormwater Management Law permit a 5-year limited-life permit, requiring re-issuance every 5 years; and (b) requiring conformance with certain requirements of Maine's Waste Discharge Law. However, consistency in basic definitions is improved, so that DEP will be able to combine applications for a Maine Stormwater Management Law permit and MCGP notification in most cases. A separate MCGP notification may still be required when only a MCGP notification, but not an approval under the Stormwater Management Law permit, is needed.

Do not ensure that water resources in organized areas will be protected from *all* the potential quantity and quality impacts of stormwater pollution, but they dramatically reduce potential impacts. Additional work needs to occur through other programs as well. For example, the lake standards in the current and provisionally adopted rules do not prevent degradation of lakes, they merely slow it down and allow more time for other necessary mechanisms to be put in place that are also needed. Prevention of stormwater pollution is a collaborative effort at the federal, state, and local levels and depends upon both regulatory and voluntary measures.

HOW TO APPLY FOR A PERMIT?

To apply for a permit, obtain an application or more information from the Department of Environmental Protection, you may phone or write to any of the department's offices and have the forms sent directly to you. The following is a list of the offices and their phone numbers.

If you are in need of assistance in determining what type of permit(s) you may need, the department has staff available to help you.

Forms, rules, and other materials are also available through the DEP website.
Go http://www.maine.gov/dep/blwq/docstand/stormwater/index.htm

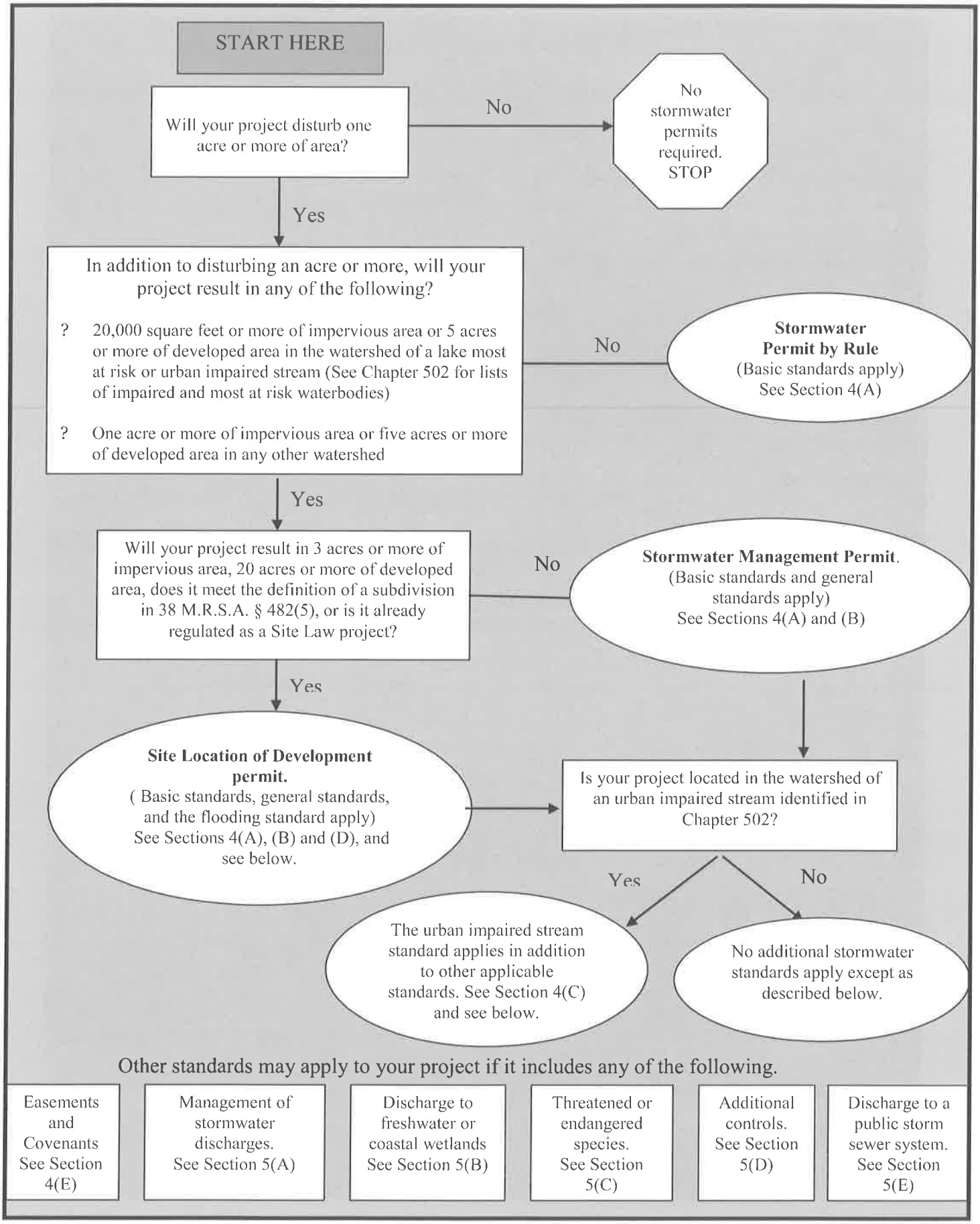
Central Maine Regional Office
17 State House Station
Ray Building
Hospital Street
Augusta, Maine 04333
(207) 287-2111

Eastern Maine Regional Office
106 Hogan Road
Bangor, Maine 04401
(207) 941-4570

Northern Maine Regional Office
1235 Central Drive
Presque Isle, Maine 04769
(207) 764-0477

Southern Maine Regional Office
312 Canco Road
Portland, Maine 04103
(207) 822-6300

APPENDIX A - FLOW CHART



APPENDIX B - LAKES MOST-AT-RISK FROM DEVELOPMENT

Lakes Most at Risk from Development

(x) = Severely Blooming

LAKE	TOWN
ADAMS POND	BOOTHBAY
ADAMS POND	NEWFIELD
ADAMS POND	BRIDGTON
ALLEN POND	GREENE
ANASAGUNTICOOK LAKE	CANTON
ANDERSON POND	AUGUSTA
ANNABESSACOOK LAKE (X)	WINTHROP
BARTLETT POND	WATERBORO
BAUNEG BEG POND	SANFORD
BAY OF NAPLES	NAPLES
BEAVER POND	BRIDGTON
BERRY POND	WINTHROP
BERRY POND	GREENE
BIRCH HARBOR POND	WINTER HARBOR
BLACK POND	SWEDEN
BONNY EAGLE LAKE	BUXTON
BOULTER POND	YORK
BOYD POND	LIMINGTON
BRANCH LAKE	ELLSWORTH
BRANCH POND	CHINA
BRETTUNS POND	LIVERMORE
BUKER POND	LITCHFIELD
BUNGANUT POND	LYMAN
BURNTLAND POND	STONINGTON
CARLTON POND	WINTHROP
CHAFFIN POND	WINDHAM
CHASES POND	YORK
CHICKAWAUKIE POND	ROCKPORT
CHINA LAKE	CHINA
CITY POND	SANDY RIVER PLANTATION
COBBOSSECONTEE LAKE (X)	WINTHROP
COCHNEWAGON LAKE	MONMOUTH
COFFEE POND	CASCO
COLD RAIN POND	NAPLES
CRAWFORD POND	WARREN
CRESCENT POND	RAYMOND
CRYSTAL LAKE	GRAY
CRYSTAL POND	TURNER
DAM POND	AUGUSTA
DAMARISCOTTA LAKE, MIDDLE AND SOUTH BASINS	NOBLEBORO
DAVIS POND	HOLDEN
DEER POND	HOLLIS
DEERING POND	SANFORD
DESERT POND	MOUNT VERNON
DEXTER POND	WINTHROP
DODGE POND	RANGELEY
DUCKPUDDLE POND	WALDOBORO
DUMPLING POND	CASCO
DUTTON POND	CHINA ALBION
EAGLE LAKE	BAR HARBOR
EAST POND	SMITHFIELD
ECHO LAKE	PRESQUE ISLE
ELL POND	SANFORD
ESTES LAKE	SANFORD
ETNA POND	STETSON
FAIRBANKS POND	MANCHESTER
FLOODS POND	OTIS
FOLLY POND	VINALHAVEN
FOREST LAKE	WINDHAM
FRESH POND	NORTH HAVEN
GARDINER POND	WISCASSET
GARLAND POND	GARLAND
GRANNY KENT POND	SHAPLEIGH
GRASSY POND	ROCKPORT
GREAT POND	BELGRADE & ROME
GREAT POND	CAPE ELIZABETH
GREELEY POND	AUGUSTA
GREEN POND	OXFORD
HALEY POND	RANGELEY
HALF MOON POND	ST ALBANS
HALL POND	PARIS
HANCOCK POND	EMBDEN
HATCASE POND	DEDHAM
HERMON POND	HERMON
HIGHLAND LAKE	BRIDGTON
HIGHLAND LAKE	WINDHAM
HOBBS (LT PENNESSE.)	NORWAY
HOGAN POND	OXFORD
HOLBROOK POND	HOLDEN
HOLLAND POND	LIMERICK
HORNE POND	LIMINGTON
HOSMER POND	CAMDEN
HUTCHINSON POND	MANCHESTER
INGALLS POND	BRIDGTON
INGHAM POND	MOUNT VERNON
ISINGLASS POND	LIMINGTON
JACOB BUCK POND	BUCKSPORT
JIMMIE (JAMIES) POND	MANCHESTER
JIMMY POND	LITCHFIELD
JORDAN POND	MOUNT DESERT
KENNEBUNK POND	LYMAN
KEZAR POND	WINTHROP
KILLICK POND	HOLLIS
KNICKERBOCKER POND	BOOTHBAY
KNIGHT POND	SOUTH BERWICK
LAKE AUBURN	AUBURN
LAKE GEORGE	SKOWHEGAN
LAKE WOOD	BAR HARBOR
LILLY POND	ROCKPORT
LILY POND	SIDNEY
LILY POND	NEW GLOUCESTER
LITTLE COBBOSSEE	WINTHROP
LITTLE DUCK POND	WINDHAM
LITTLE MEDOMAK POND	WALDOBORO
LITTLE OSSIPEE	WATERBORO
LITTLE POND	DAMARISCOTTA
LITTLE PURGATORY POND	MONMOUTH
LITTLE SABATTUS	GREENE
LITTLE SEBAGO LAKE	WINDHAM
LITTLE TOGUS POND	AUGUSTA
LITTLE WATCHIC POND	STANDISH
LITTLE WILSON POND	TURNER

APPENDIX B - CONTINUED

LONG LAKE	BRIDGTON	ROBERTS WADLEY POND	LYMAN
LONG POND	MOUNT DESERT	ROCKY POND	ROCKPORT
LONG POND	BUCKSPORT	ROUND POND	RANGELEY
LONG POND	SULLIVAN	RUNAROUND POND	DURHAM
LOON POND	SABATTUS	SABATTUS POND (X)	GREENE
LOON POND	LITCHFIELD	SABBATHDAY LAKE	NEW GLOUCESTER
LOVEJOY POND	ALBION	SALMON L (ELLIS P)	BELGRADE
LOWER AND UPPER PONDS	SKOWHEGAN	SALMON STREAM POND	GUILFORD
LOWER HADLOCK POND	MOUNT DESERT	SAND POND	MONMOUTH
LOWER NARROWS POND	WINTHROP	SAND POND	LIMINGTON
LOWER RANGE POND	POLAND	SANDY BOTTOM POND	TURNER
MACES POND	ROCKPORT	SANDY POND	FREEDOM
MANSFIELD POND	HOPE	SAWYER POND	GREENVILLE
MARANACOOK LAKE	WINTHROP	SCITUATE POND	YORK
MARSHALL POND	OXFORD	SEBAGO LAKE	SEBAGO
MCGRATH POND	OAKLAND	SEBASTICOOK LAKE	NEWPORT
MEDOMAK POND	WALDOBORO	SECOND POND	DEDHAM
MEGUNTICOOK LAKE	LINCOLNVILLE	SEWALL POND	ARROWSIC
MIDDLE BRANCH POND	ALFRED	SHAKER POND	ALFRED
MIDDLE RANGE POND	POLAND	SHERMAN LAKE	NEWCASTLE
MIRROR LAKE	ROCKPORT	SHY BEAVER POND	SHAPLEIGH
MOODY POND	LINCOLNVILLE	SILVER LAKE	BUCKSPORT
MOODY POND	WATERBORO	SPECTACLE POND	VASSALBORO
MOOSE HILL POND	LIVERMORE FALLS	STARBIRD POND	HARTLAND
MOOSE POND	OTISFIELD	SWAN POND	LYMAN
MOUNT BLUE POND	AVON	SWETTS POND	ORRINGTON
MOUSAM LAKE	SHAPLEIGH	SYMMES POND	NEWFIELD
MUD POND	WINSLOW	TAYLOR POND	AUBURN
MUD POND	CHINA	THOMAS POND	CASCO
MUD POND	WINDSOR	THOMPSON LAKE	OXFORD
MUD POND	OXFORD	THREECORNERED POND	AUGUSTA
MURDOCK POND	BERWICK	THREEMILE POND (X)	WINDSOR
NEQUASSET POND	WOOLWICH	TOGUS POND	AUGUSTA
NICHOLS POND	SWANVILLE	TOLMAN POND	AUGUSTA
NO NAME POND	LEWISTON	TOOTHAKER POND	PHILLIPS
NOKOMIS POND	NEWPORT	TRAVEL POND	JEFFERSON
NORTH POND	NORWAY	TRICKEY POND	NAPLES
NORTH POND	SUMNER	TRIPP POND	POLAND
NORTH POND	SMITHFIELD	TYLER POND	MANCHESTER
NORTON POND	LINCOLNVILLE	UNITY POND	UNITY
NOTCHED POND	RAYMOND	UPPER NARROWS POND	WINTHROP
NUBBLE POND	RAYMOND	UPPER RANGE POND	POLAND
OAKS POND	SKOWHEGAN	WADLEY POND	LYMAN
OTTER POND	BRIDGTON	WARD POND	SIDNEY
OTTER PONDS #2	STANDISH	WARDS POND	LIMINGTON
PANTHER POND	RAYMOND	WARREN POND	SOUTH BERWICK
PARADISE POND	DAMARISCOTTA	WASSOOKEAG LAKE	DEXTER
PARKER POND	CASCO	WATCHIC POND	STANDISH
PARKER POND	JAY	WEBBER POND (X)	VASSALBORO
PARKER POND	LYMAN	WEST GARLAND POND	GARLAND
PATTEE POND	WINSLOW	WEST HARBOR POND	BOOTHBAY HARBOR
PATTEN POND	HAMPDEN	WHITES POND	PALMYRA
PEMAQUID POND	WALDOBORO	WHITNEY POND	OXFORD
PENNESSEEWASSEE	NORWAY	WHITTIER POND	ROME
PETINGILL POND	WINDHAM	WILEY POND	BOOTHBAY
PLEASANT POND	TURNER	WILSON POND	WAYNE
PLEASANT POND (X)	RICHMOND	WOOD POND	BRIDGTON
POVERTY POND	NEWFIELD	WOODBURY POND	MONMOUTH
QUIMBY POND	RANGELEY	WORTHLEY POND	POLAND
RAYMOND POND	RAYMOND	YORK POND	ELIOT
RICH MILL POND	STANDISH	YOUNGS LAKE	WESTFIELD

APPENDIX C - STREAMS IMPAIRED FROM DEVELOPMENT

STREAM	*TOWN*
BOBBIN MILL BROOK	AUBURN
LOGAN BROOK	AUBURN
UNNAMED TRIBUTARY TO BOND BROOK (entering below I-95)	AUGUSTA
PENJAJAWOC STREAM, including MEADOW BROOK	BANGOR
BIRCH STREAM (OHIO STREET)	BANGOR
UNNAMED BROOK (PUSHAW ROAD)	BANGOR
ARCTIC BROOK (VALLEY AVENUE)	BANGOR
SHAW BROOK BANGOR,	HAMPDEN
MARE BROOK	BRUNSWICK
UNNAMED TRIBUTARY TO ANDROSCOGGIN RIVER (near Jordan Avenue)	BRUNSWICK
UNNAMED TRIBUTARY TO ANDROSCOGGIN RIVER (near River Road)	BRUNSWICK
UNNAMED TRIBUTARY TO ANDROSCOGGIN RIVER (near Water Street)	BRUNSWICK
CARIBOU STREAM	CARIBOU
FROST GULLY BROOK	FREEPORT
CONCORD GULLY	FREEPORT
DILL BROOK	LEWISTON
JEPSON BROOK	LEWISTON
BROWN BROOK	LIMERICK
MATTANAWCOOK STREAM	LINCOLN
UNNAMED STREAM (Route 196)	LISBON FALLS
CAPISIC BROOK	PORTLAND
FALL BROOK	PORTLAND
NASONS BROOK	PORTLAND
GOOSEFARE BROOK	SACO
TROUT BROOK (including KIMBALL BROOK)	SOUTH PORTLAND
BARBERRY CREEK SOUTH	PORTLAND
LONG CREEK SOUTH	PORTLAND
PHILLIPS BROOK	SCARBOROUGH
RED BROOK	SCARBOROUGH/SOUTH PORTLAND
WHITTEN BROOK	SKOWHEGAN
UNNAMED TRIBUTARY TO ANDROSCOGGIN RIVER (near Topsham Fair Mall)	TOPSHAM
MILL STREAM	WINTHROP

LINKS TO OTHER USEFUL MAINE GUIDELINES AND MANUALS

MAINE STORMWATER MANAGEMENT RULES
Chapter 500: http://www.maine.gov/sos/cec/rules/06/096/096c500.doc
Chapter 502: http://www.maine.gov/dep/blwq/docstand/stormwater/rule500and502/502prov.pdf

MAINE STORMWATER MANAGEMENT BMP MANUAL
http://www.maine.gov/dep/blwq/comment.htm#bmp

MAINE EROSION AND SEDIMENT CONTROL LAW
http://www.maine.gov/dep/blwq/docstand/stormwater/erosion.htm

MAINE EROSION AND SEDIMENT CONTROL BMPS MANUAL (2003)
http://www.maine.gov/dep/blwq/docstand/escbmps/index.htm

UNPAVED/GRAVEL ROADS MANUAL
http://www.state.me.us/dep/blwq/docwatershed/camproad.pdf

MAINE NPDES (MEPDES) GENERAL PERMIT; permit requirements
http://www.maine.gov/dep/blwq/docstand/stormwater/MEPDES.htm

NONPOINT SOURCE TRAINING PROGRAM
http://www.maine.gov/dep/blwq/training/index.htm
http://www.maine.gov/dep/blwq/training/ccec.htm

NONPOINT SOURCE POLLUTION PROGRAM
http://www.maine.gov/dep/blwq/doceducation/nps/index.htm

MAINE NEMO (Nonpoint source education for Municipal Officials)
http://www.mainenemo.org/index.htm