



# The Maine Drain: Stormwater Management Strategies and Solutions

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# Clean Water Act – Section 402

All “point” sources discharging “pollutants” into “waters of the U.S.” must obtain an NPDES permit or state permit



# Legislative History

- Before 1987 stormwater was not generally regulated
- Water Quality Act of 1987 required NPDES permitting of certain stormwater discharges by:
  - Existing permitted facilities
  - Industrial activities
  - Large and medium MS4s
  - Others as determined by permitting authority

# Regulatory Authority

EPA issued rules implementing the 1987 Water Quality Act, 40 CFR 122.26

Three types of stormwater discharges were phased in:

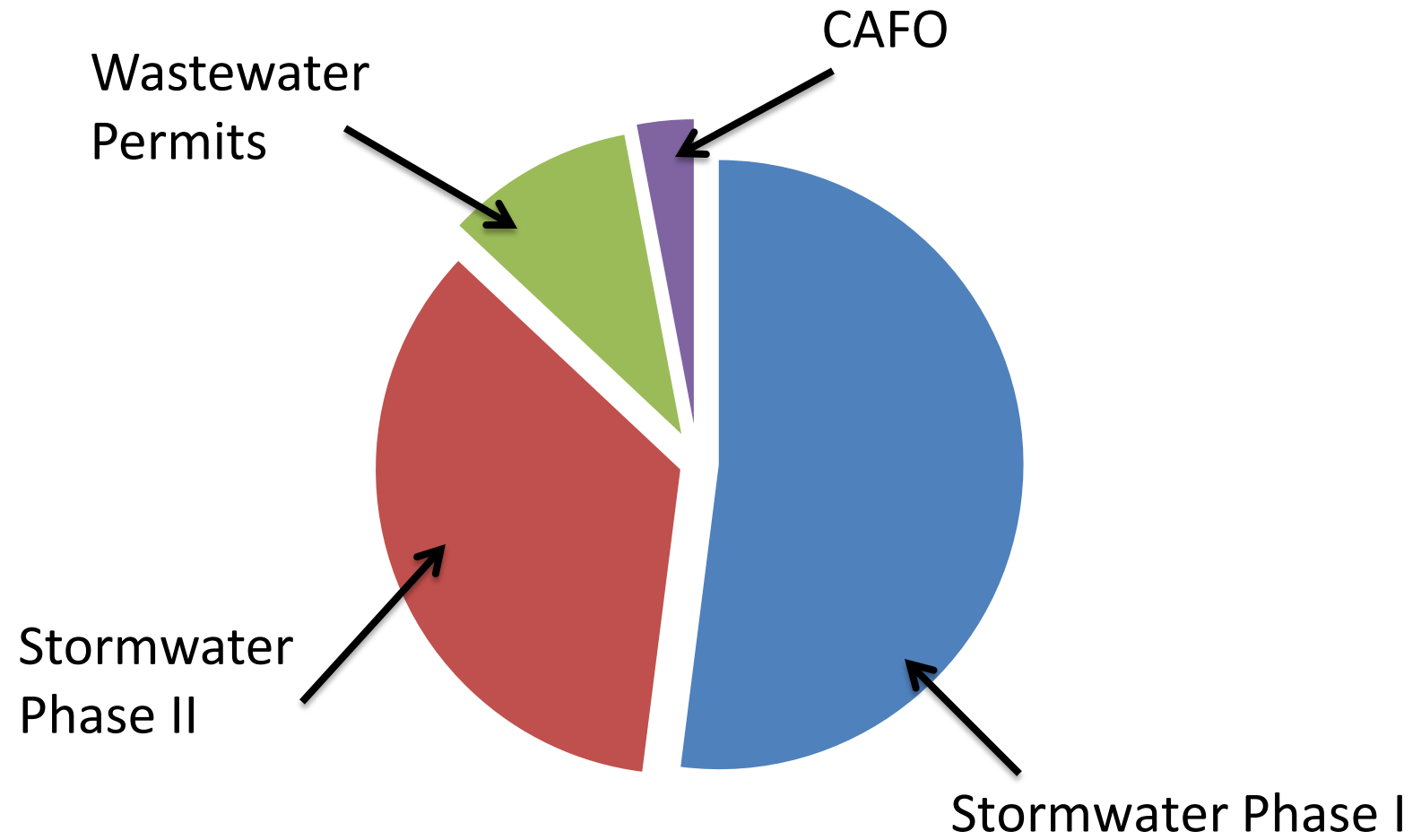
- MS4s – large, medium and small
- Construction projects
- Industrial activities

CSOs were subject to traditional NPDES permitting procedures

# CSOs in Maine

- ✓ Currently 32 CSO communities with 160 discharge points
- ✓ Permitted by DEP
  - BMP
  - CSO Master Plan
  - Annual progress report
- ✓ \$440M Invested to Date
- ✓ 300M to be Invested

# Universe of NPDES Facilities



# What is an MS4?

- A municipal separate storm sewer system (MS4) is:
  - A conveyance or system of conveyances...owned by a state, city, town, or other public entity that discharges to waters of the U.S. and is:
    - Designed or used for collecting or conveying stormwater
    - Not a combined sewer
    - Not part of a Publically Owned Treatment Works (POTW)

## MS4s in Maine

- ◇ 30 municipalities now subject to MS4 requirements
- ◇ First General Permit issued in 2003
- ◇ New General Permit drafted – proposed effective date early July 2013



# Industrial Stormwater

- ◇ Regulated Industrial Activity – 700 facilities plus 700 no exposure facilities
  - First Multi-sector General Permit issued in 2000
  - Updated Multi-sector General Permit issued in April 2011
  - 30 categories of Industrial Facilities by SIC code

# Stormwater From Construction Sites

## ◇ Regulated Construction Activity

- 1 acre or more of ground disturbance
- Originally issued in 2003
- Reissued in 2006
- Expired in 2008 but continues in effect
- Expected reissuance, September 2013

# Maine Delegated NPDES Authority

- Maine began administering the Stormwater Programs in January of 2001.
- Chose to regulate point sources of stormwater.
- DEP has authority to regulate indirect or non-point sources of stormwater.

38 MRSA § 413(1)

# Other Regulation of Stormwater

## Stormwater Management Rules – Chapter 500 – originally issued in 1997

- One (1) acre disturbed area threshold
- Basic Standards – Erosion/sedimentation control
- General standards – quantity/quality
- Major amendments to Rules – 2013?

Local stormwater ordinances

# Presenter

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