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

- Wastewater Permits
- CAFO
- Stormwater Phase II
- Stormwater Phase I
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

- 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
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