



“Current” Events in Stormwater

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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 permitting of certain stormwater discharges:
 - Existing permitted facilities
 - Industrial activities
 - Large and medium MS4s
 - Others as determined by permitting authority
 - Residual Designation 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 (1994)
- Construction projects (1 acre or more)
- Industrial activities

CSOs were subject to traditional NPDES permitting procedures

Maine Delegated NPDES Authority

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

38 MRSA § 413(1)

- Chose to focus on management efforts rather than laboratory testing

CSOs in Maine

- ✓ Currently 31 CSO Communities with 145 License Discharge Points – Monitoring Requirements
- ✓ Permitted by DEP
 - Nine Minimum Controls - BMPs
 - CSO Master Plan
 - Annual Progress Report – March 1
- ✓ \$460M+ Invested to Date
- ✓ 150M+ to be Invested in Next 5 Years
- ✓ Bypass Communities – Bypass of Secondary Treatment

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 Small MS4 Requirements – Urbanized Area
 - 2 Transportation Entities
 - 8 State or Federal Facilities
- ◇ First General Permit issued in 2003
- ◇ New General Permit effective July 1, 2013
- ◇ Stormwater Program Management Plan
 - Six Minimum Control Measures

Industrial Stormwater – General Permit

- ◇ Regulated Industrial Activity – 700 facilities plus 700 no exposure facilities
 - First EPA Multi-sector General Permit issued in 1990s; 2005 First Maine IGP
 - Updated Multi-sector General Permit issued in April 2011- Expires April 2016
 - 30 categories of Industrial Facilities by SIC code

Stormwater From Construction Sites

◇ General Permit

◇ Regulated Construction Activity

- 1 acre or more of ground disturbance
- NOI – ESC Plan
- Originally issued in 2003, Reissued in 2006
- Expired in 2008 but continues in effect
- Expected reissuance, ???

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 – September 2014
- LD 147 – Two Changes

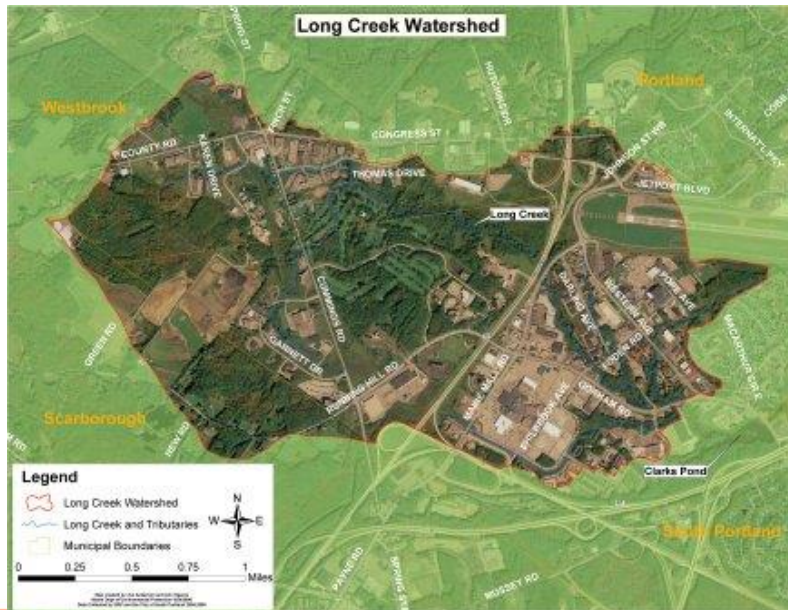
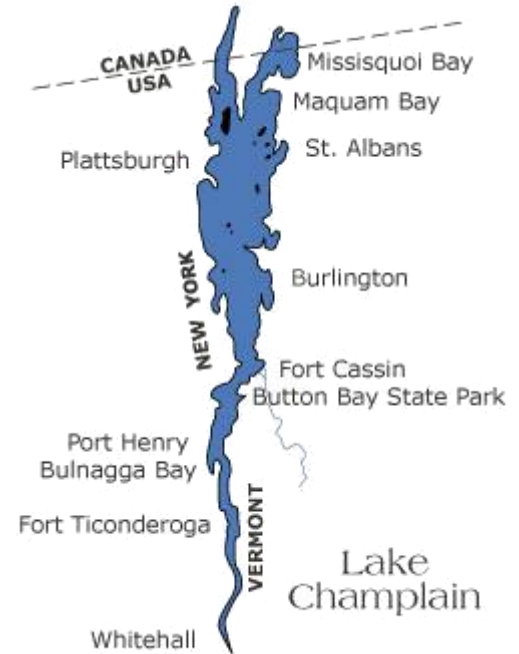
Local stormwater ordinances

Residual Designation Authority (RDAs)

Stormwater discharges not otherwise required to obtain a permit can be **designated** as requiring a permit under certain conditions. 40 CFR § 122.26(a)(8)(D).

RDA in Region 1

- Charles River RDA
- Long Creek RDA
- Burlington/Lake Champlain
- Regional RDA



Regional RDA Petition

Petition filed July 10, 2013

- Require permits for Commercial & Institutional stormwater dischargers to impaired waters
- Applies throughout New England
- Region 1 – Neither granted or denied – will review impacts on specific waters
- Hundreds of potential new permittees

Stormwater Enforcement

- ✓ Few Enforcement Actions Under State Authority
 - ❖ More Technical Assistance
- ✓ More Enforcement Activity by Environmental Groups
 - ❖ Citizen Suits – Industrial Sectors
 - ❖ RDA Petitions
- ✓ EPA Enforcement Initiative in Maine
 - ❖ Information Requests/Inspections
 - ❖ NOVs Issued – Fines Sought
 - ❖ Audits With/Without Maine DEP

Presenter

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