

Commission to Study Unmanaged Storm Water Pollution
Resolve 2025, chapter 166
Wednesday, September 9, 2026 – start time 10 AM
Room 216 (Environment and Natural Resources Committee Room)
Cross State Office Building, Augusta, ME

Agenda Meeting #1
(times are approximate)

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|----------|--|
| 10:00 AM | Welcome
<i>Senator Denise Tepler and Representative Dan Ankeles</i>

Commission member introductions

Review of Resolve 2025, chapter 166 (authorizing legislation)
<i>OPLA staff</i> |
| 10:30 AM | Quick overview of stormwater and associated pollution
(including time for questions from commission members)
<i>Ivy Frignoca, Casco Baykeeper, Friends of Casco Bay</i> |
| 11:00 AM | Overview of existing regulations to address stormwater
(including time for questions for commission members)
<i>Kerem Gungor, Department of Environmental Protection</i> |
| 11:30 AM | Lunch |
| 12:30 PM | Deeper dive into stormwater pollution – identifying gaps in existing regulations
(including time for questions from commission members)
<i>Ivy Frignoca, Casco Baykeeper, Friends of Casco Bay</i> |
| 1:15 PM | Opportunity for public comment |
| 1:45 PM | Information requests
Discussion of next steps |

Commission to Study Unmanaged Storm Water Pollution
Resolve 2025, c. 166

Membership List

Name	Representation
Senator Denise Tepler, Chair	Member of the Senate including one member from each of the two parties holding the largest number of seats in the Legislature, appointed by the President of the Senate
Representative Daniel Ankeles, Chair	Member of the House including one member from each of the parties holding the largest number of seats in the Legislature, appointed by the Speaker of the House
Senator Russell Black	Member of the Senate from the party holding the second largest number of seats in the Legislature, appointed by the President of the Senate
Representative Cassie Julia	Member of the House from the party holding the second largest number of seats in the Legislature, appointed by the Speaker of the House
Representative Tammy Schmersal-Burgess	Member of the House including one member from each of the two parties holding the largest number of seats in the Legislature, appointed by the Speaker of the House
Erin Cooperrider	Member representing the development industry, appointed by the Speaker of the House
Lynn Leavitt	Member representing municipal government, appointed by the Speaker of the House
Ivy Frignoca	Member representing an environmental group, appointed by the President of the Senate
Christine Rinehart	Member who is an engineer with expertise in the design and implementation of stormwater planning for development purposes, appointed by the President of the Senate
Kerem Gungor	Department of Environmental Protection
John Perry	Department of Inland Fisheries and Wildlife
Kristen Chamberlain	Department of Transportation
Bryant Lewis	Department of Marine Resources

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

H.P. 414 - L.D. 646

**Resolve, Establishing the Commission to Study Unmanaged Storm Water
Pollution**

Sec. 1. Commission established. Resolved: That the Commission to Study Unmanaged Storm Water Pollution, referred to in this resolve as "the commission," is established.

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 13 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;
2. Three members of the House of Representatives appointed by the Speaker of the House, including at least one member from each of the 2 parties holding the largest number of seats in the Legislature;
3. One representative of an environmental group, appointed by the President of the Senate;
4. One representative who is an engineer with expertise in the design and implementation of storm water planning for development purposes, appointed by the President of the Senate;
5. One representative of municipal government, appointed by the Speaker of the House;
6. One representative of the development industry, appointed by the Speaker of the House;
7. The Commissioner of Environmental Protection or the commissioner's designee;
8. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee;
9. The Commissioner of Marine Resources or the commissioner's designee; and
10. The Commissioner of Transportation or the commissioner's designee.

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission.

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission within 45 days. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

Sec. 5. Duties. Resolved: That the commission shall meet to review, study and analyze existing scientific literature and data on storm water pollution gathered from stakeholder input and how it has affected or potentially will affect the State's valuable waters, habitats and species along the coast and shall:

1. Compile and review data regarding the actual and potential effects of storm water pollution on public and environmental health;
2. Identify and develop strategies to address knowledge gaps that hinder the State's ability to craft law, policy and other responses to mitigate storm water pollution;
3. Identify pollutants of concern that are not effectively managed through state and federal storm water laws and rules, including, but not limited to, chloride pollution, and recommend strategies to address those identified pollutants;
4. Identify and recommend strategies to address storm water pollution associated with development that is not effectively managed through state and federal storm water laws and rules, including through the municipal separate storm sewer system general permitting process, or through other regulatory tools; and
5. Identify barriers, such as staffing and budget, to adopting the necessary policies and tools to properly address storm water pollution to protect public health, water quality, essential habitats and commercially important species.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Outside funding. Resolved: That the commission may seek financial contributions to fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies.

Sec. 8. Report. Resolved: That, no later than December 1, 2026, the commission shall submit a report of its findings and recommendations to date, including suggested legislation, to the Joint Standing Committee on Environment and Natural Resources. The joint standing committee is authorized to submit a bill to the 133rd Legislature in 2027 related to the subject matter of the report.

OVERVIEW OF STORMWATER POLLUTION

and Existing Laws, Rules and Permits

Stormwater is the largest unmanaged source of pollution to Maine's waters and a serious threat to our resource-dependent economy. Stormwater flows across landscapes altered by human uses and picks up a toxic slurry of pollution. In urban and some suburban areas, this water flows from built surfaces into piped storm sewer systems that discharge through outlets to Maine's rivers and coastal waters. This is called "**point source pollution.**" Stormwater that flows across landscapes, picks up pollutants, and sheets directly to Maine's waters is called "**nonpoint source pollution.**"

Both point source and nonpoint source stormwater pollution can carry a range of contaminants, including:

- **Bacteria** that close beaches to recreation and clam flats to harvesting.
- **Nutrients** such as phosphorus and nitrogen that fuel harmful algal blooms, which are toxic to humans and aquatic life, as well as nuisance algal blooms, which smother clam flats and acidify waters.
- **Pesticides and other toxic chemicals, including PFAS and car exhaust,** have a broad range of negative effects on human and aquatic life.
- **Sediment** that clouds water, reducing sunlight for aquatic plants and hindering the survival of fish and other species.
- **Debris** that threatens navigation and pollutes water with plastics. Plastics can kill birds and other wildlife, degrade habitats, and foul recreational areas.
- **Chlorides** from road salt that can kill freshwater life and make water unsafe for drinking.



Nuisance algal blooms harm clam flats.



Stormwater pollution is increasing as Maine experiences:

- **Urban Sprawl:** Development that replaces natural landscapes with pavement and buildings, altering the natural flow of waterways, and eliminating the land's ability to filter stormwater.
- **More intense storms,** like those experienced over the winter of 2023-2024, which caused \$90 million in damage to public infrastructure and millions of dollars in damage to private property.

Existing Regulations Leave Significant Gaps

Most stormwater pollution in Maine is unmanaged and does not fall under existing regulatory or management programs. The following categories are managed under:

Federal Stormwater Law: The U.S. Environmental Protection Agency (EPA) has delegated its authority to regulate four categories of stormwater under the Clean Water Act to Maine's Department of Environmental Protection (DEP). The four categories are regulated under the:

- **Maine Construction General Permit (MCGP):** The Land Bureau issues this permit to control erosion and sediment pollution from construction sites that disturb more than one acre.
- **Multi-Sector General Permit (MSGP):** The Water Bureau issues this permit, which mandates best management practices to reduce pollution from [29 industrial activities](#).
- **Municipal Separate Storm Sewer System Permit (MS4 permit):** The Water Bureau issues this permit to reduce pollution from MS4s in Maine's most urbanized areas ([30 of 482 municipalities](#)), state and federally owned MS4s, and transportation MS4s.

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Federal Stormwater Law (cont.):

- **Residual Designation Authority (RDA):** The Water Bureau regulates the [Long Creek watershed](#) under RDA. RDA gives EPA and delegated states like Maine the authority to issue a general permit to regulate additional stormwater discharges to reduce stormwater pollutants. *Maine could expand its use of RDA to other watersheds impaired by stormwater pollution.*

State Stormwater Law: Maine has statutes that augment federal law. The Land Bureau implements these laws.

- **Erosion and Sediment Control (ESC):** This law requires people who engage in activities that involve filling, displacing, or exposing soil or other earthen materials to adopt measures that prevent unreasonable erosion of soil or sediment beyond the project site or into a [protected natural resource](#). Erosion control measures must be in place before construction begins and remain functional until the site is permanently stabilized. Until recently, DEP implemented this law through permits issued under state stormwater law. Now, DEP's Land Bureau has consolidated state and federal erosion and sediment control requirements into the MCGP. *The MCGP only applies to development that disturbs one acre or more, although state law does not set this threshold.*
- **Stormwater Management Law:** This law requires people who construct, or cause to be constructed, a project that includes **one acre or more of disturbed area** to first obtain a permit from DEP. This law applies to projects or any portion of projects located within organized areas of Maine. This section of law requires DEP to adopt rules specifying quantity and quality standards for stormwater. *Stormwater quality standards for projects with three acres or less of impervious surface may address phosphorus, nitrates, and suspended solids, but may not directly address other dissolved or hazardous materials unless infiltration is proposed. This language hinders DEP from addressing pollutants such as chlorides, where infiltration would harm groundwater, making it unsafe for drinking, and causing it to seep into nearby streams where it degrades water quality year-round.*
- **Site Location of Development Law (SLODA):** This law also has stormwater requirements for large-scale development.
- **Rule Chapters 500–502:** Maine's stormwater management law and SLODA apply standards [codified in Rule Chapters 500–502, which are being updated](#). The revisions include proposed amendments to these major substantive rules.



This leaves a lot of stormwater pollution unmanaged, including pollution from historic development, lots under one acre, stormwater not covered by Clean Water Act permits, and more

Questions Related to Existing Regulatory Programs

- Is there a need to better coordinate stormwater management between DEP's Land Bureau and its Water Bureau?
- What other municipalities might be covered by the MS4 permit?
- Should DEP use RDA to issue general permits to restore other impaired waters?
- Should the state law portion of the MCGP apply to some lots that disturb less than an acre, for example in sensitive and threatened watersheds or areas with rapid development?
- Should Maine's stormwater law be amended to remove the one-acre threshold to make it commensurate with the language in the ESC statute and allow for stricter regulation where needed, such as in impaired, sensitive, and threatened watersheds?
- Should Maine's stormwater law be amended to allow DEP to regulate chlorides and other pollutants that cannot be treated by infiltration?
- Should the Commission recommend expedited approval of the revisions to Ch 500-502?