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Commission to Study Unmanaged Storm Water Pollution

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Office of Policy and Legal Analysis

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Commission to Study Unmanaged Storm Water Polution

Staff:
Karen Nadeau, Sr. Legislative Analyst
Sophia Paddon, Legislative Analyst
Office of Policy & Legal Analysis
13 State House Station
Room 215 Cross Office Building
Augusta, ME 04333-0013
(207) 287-1670
http://legislature.maine.gov/opla

Members:
Sen. Denise Tepler, Chair
Rep. Daniel Ankeles, Chair
Sen. Russell Black
Rep. Cassie Julia
Rep. Richard H. Campbell
Erin Cooperrider
Lynn Leavitt
Ivy Frignoca
Christine Rinehart
Kerem Gungor
John Perry
Kristen Chamberlain
Bryant Lewis

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Executive Summary

The Commission to Study Unmanaged Storm Water[1] Pollution, referred to in this report as the "commission," was established by Resolve 2025, chapter 166 to review, study and analyze existing scientific literature and data on stormwater pollution gathered from stakeholder input and how it has affected or potentially will affect Maine's valuable waters, habitats and species. The resolve directs the commission to submit a report that includes its findings and recommendations to the Maine Legislature's Joint Standing Committee on Environment and Natural Resources no later than December 1, 2026. A copy of the commission's authorizing legislation (Resolve 2025, chapter 166) is included in Appendix A.

Pursuant to the resolve, the commission had 13 members: five legislative members and eight non-legislative members representing interests specifically identified in the resolve. Of the non-legislative members, two members were appointed by the President of the Senate and two members were appointed by the Speaker of the House of Representatives. Additional appointed commission members include one representative of an environmental group, one representative who is an engineer with expertise in the design and implementation of stormwater planning for development purposes, one representative of municipal government and one representative of the development industry. The following state agencies were also represented on the commission: the Departments of Environmental Protection, Inland Fisheries and Wildlife, Marine Resources and Transportation. Senator Denise Tepler was named Senate chair and Representative Dan Ankeles was named House chair. The complete membership list of the commission is included in Appendix B.

The commission's specific duties as set forth in the resolve are as follows:

1. Compile and review data regarding the actual and potential effects of stormwater 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 stormwater pollution;

3. Identify pollutants of concern that are not effectively managed through state and federal stormwater 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 stormwater pollution associated with development that is not effectively managed through state and federal stormwater 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 stormwater pollution to protect public health, water quality, essential habitats and commercially important species.

Over the course of four meetings, the commission developed the following recommendations.

[1] Resolve 2025, chapter 166, the authorizing legislation for the study, uses the two-word spelling of "storm water," which is used in older style guides. The one-word spelling of "stormwater" is widely adopted as the standard by environmental agencies, including the U.S. Environmental Protection Agency (EPA) and major dictionaries like Merriam-Webster, and is the preferred spelling in this report.

Recommendation #1:
Establish in Maine statute an ongoing Stormwater Advisory Committee comprised of technical experts to serve as a forum for information gathering, coordination and collaboration; to anticipate emerging challenges; and to proactively address critical data and policy gaps.

Recommendation #2:
Establish a voluntary winter maintenance certification program to be administered by the Department of Environmental Protection for commercial salt applicators modeled after New Hampshire's Green SnowPro program.

Recommendation #3:
Encourage and support the Maine Department of Transportation (MaineDOT) efforts to research, develop and implement innovative winter road management techniques and technologies.

Recommendation #4:
Authorize the Department of Environmental Protection (DEP) to regulate chlorides through major substantive rulemaking for projects that trigger the Stormwater Management Law (SML) by adding chlorides to the list of pollutants in the Maine Revised Statutes Title 38, section 420-D, subsection 1.

Recommendation #5:
Direct the Stormwater Advisory Committee to conduct further analysis of potentially lowering the one-acre soil disturbance regulatory threshold for highly developed or developing watersheds.

Recommendation #6:
Direct DEP to consult with engineers with stormwater experience during the Chapter 500 stormwater management rulemaking process to identify regulatory gaps, specifically regarding additions to non-jurisdictional impervious areas that currently fall outside of Chapter 500 authority.

Recommendation #7A:
Direct the Maine Office of Community Affairs (MOCA) in collaboration with MaineDOT and DEP to explore existing and possible new funding sources, including, but not limited to grant funding, to encourage and increase alternative salting technology usage by municipalities.

Recommendation #7B:
Direct MOCA in collaboration with other relevant state agencies and non-governmental organizations to develop a stormwater management toolkit for municipalities.

Recommendation #8:
Support DEP in its efforts to proactively assist municipalities in reporting their stormwater infrastructure deficiencies to the federal Clean Watersheds Needs Survey (CWNS) to ensure Maine communities receive their proportional share of future federal infrastructure funding.

Recommendation #9:
Explore funding sources to address unmanaged stormwater pollution that may include a dedicated sub-fund of the Clean Water State Revolving Fund (CWSRF).

Recommendation #10:
Provide appropriate funding and support to implement the recommendations in this report.

I. INTRODUCTION

The Commission to Study Unmanaged Storm Water[2] Pollution, referred to in this report as the "commission," was established by Resolve 2025, chapter 166 to review, study and analyze existing scientific literature and data on stormwater pollution gathered from stakeholder input and how it has affected or potentially will affect Maine's valuable waters, habitats and species. The resolve directs the commission to submit a report that includes its findings and recommendations to the Maine Legislature's Joint Standing Committee on Environment and Natural Resources no later than December 1, 2026. A copy of the commission's authorizing legislation (Resolve 2025, chapter 166) is included in Appendix A.

Pursuant to the resolve, the commission had 13 members: five legislative members and eight non-legislative members representing interests specifically identified in the resolve. Of the non-legislative members, two members were appointed by the President of the Senate and two members were appointed by the Speaker of the House of Representatives. Additional appointed commission members include one representative of an environmental group, one representative who is an engineer with expertise in the design and implementation of stormwater planning for development purposes, one representative of municipal government and one representative of the development industry. The following state agencies were also represented on the commission: the Departments of Environmental Protection, Inland Fisheries and Wildlife, Marine Resources and Transportation. Senator Denise Tepler was named Senate chair and Representative Dan Ankeles was named House chair. The complete membership list of the commission is included in Appendix B.

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> 5. Identify barriers, such as staffing and budget, to adopting the necessary policies and tools to properly address stormwater pollution to protect public health, water quality, essential habitats and commercially important species.

Resolve 2025, chapter 166 became effective on July 29, 2026. The commission met four times: September 9, September 23, October 7 and October 21. The meetings were accessible to the public through in-person attendance and through live streams on the Legislature's webpage. More information

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about the commission, including meeting agendas, meeting materials and presentations are posted on the commission's webpage at: https://legislature.maine.gov/unmanaged-storm-water-pollution-commission.

Drawing on the information from presentations and following deliberation by commission members, the commission proposes 10 recommendations, which can be found in Section IV of this report. Identifying barriers to adopting the necessary policies and tools to properly address stormwater pollution, which is one of the duties of the commission, became a focal point in the commission's deliberations. The commission believes that lack of staffing and budget hinder the effectiveness of existing state programs and will pose barriers to the implementation of recommendations in this report unless the programs are supported with additional resources.

II. BACKGROUND

The U.S. Environmental Protection Agency (EPA) defines "stormwater" as rainwater and melted snow that does not soak into the ground and instead runs off streets, lawns, roofs and other land or impervious surfaces. Unlike water that naturally infiltrates into the soil, stormwater remains above ground and flows across the landscape. As runoff flows across impervious landscapes, it picks up harmful pollutants and discharges them untreated into local water bodies. Runoff generally falls into two categories: point source pollution and non-point source pollution. "Point source pollution" can be attributed to a discrete point, such as a land development project or storm sewer outfall. "Non-point source pollution" is water contamination that comes from many diffuse, hard-to-trace sources, such as agricultural fields or rural development projects, rather than a single, distinct location.[3]

The study was authorized through the final passage of LD 646, Resolve, Establishing the Commission to Study Unregulated Stormwater Pollution, which was introduced during the First Regular Session of the 132nd Maine Legislature. According to environmental organizations who testified in favor of the bill, stormwater is a leading source of pollution to Maine's waters. Chlorides, primarily from winter road salt, represent one of the largest and most persistent sources of unmanaged stormwater pollution in cold-climate regions.[4] Public road maintenance crews, private businesses and homeowners apply road salt to melt ice and snow from driveways, roads and sidewalks.

High levels of chloride pollution, primarily fueled by road salt and sand-salt storage piles, pose significant threats to private drinking water wells, which nearly half of Maine residents rely on, and agricultural land in Maine.[5] Additionally, high levels of chloride in surface water harm and kill aquatic life and make the water unsafe for nearby wildlife. Chloride in groundwater can seep into nearby streams where it can exceed surface water standards posing a risk to freshwater aquatic life. Lastly, chloride pollution can also be harmful to pets and corrode public infrastructure.[6]

According to public comment submitted to the commission by Joshua Katz, a retired MaineDOT hydrogeologist who spent 24 years investigating and remediating road salt contaminated water supplies, the most significant threat to the environment from excess salt application, which has been occurring for several decades, is to groundwater. Mr. Katz noted that groundwater is particularly susceptible to chloride pollution because salt water is more dense than fresh water and, as a result, chloride enters deeper fractures in bedrock and accumulates over time. Because groundwater systems take hundreds of years to become established and it is impossible to remove salt from groundwater, water quality will be significantly impacted from the continued use of salt for winter road maintenance. The commission

[3] https://www.epa.gov/nps/basic-information-about-nonpoint-source-nps-pollution
[4] https://www.capitolregionwd.org/projects/managing-chloride-pollution/
[5] https://storymaps.arcgis.com/stories/ebb4f5cecdec4229b5006b002ec090f0
[6] https://legislature.maine.gov/doc/12684

received a presentation from Peter Carney, executive director of the Long Creek Watershed Management District, at the second meeting regarding Long Creek stream that supported Katz's comments.

Mr. Katz noted that if road salt application were to cease, surface water features would clear up relatively quickly, vegetation would recover and corrosive damage to infrastructure would end. However, groundwater will remain contaminated for decades because there is no practical way to remove salt once it gets into the groundwater. Therefore, the commission believes that reducing and controlling road salt application is crucial and must be done now to reverse some damage and prevent future long-term harm.

Although the commission focused on chloride pollution, the commission also recognizes that stormwater can carry a range of contaminants, including bacteria; nutrients such as phosphorus and nitrogen; pesticides and other toxic chemicals, such as per- and polyfluoroalkyl substances (PFAS); microplastics, sediment and debris.[7] In particular, nutrient and bacteria pollution negatively impact water quality, including, but not limited to, recreation and fishing and shellfish harvesting.

Much of the commission's discussions related to the Maine Department of Environmental Protection (DEP), which is responsible for protecting and restoring Maine's natural resources and enforcing the state's environmental laws. DEP's Bureau of Land Resources is responsible for enforcing state laws and programs relating to stormwater and DEP's Bureau of Water Quality administers federally delegated Clean Water Act (CWA) programs except for the Maine Construction General Permit (MCGP) program, which is administered by the Bureau of Land Resources. The commission discussed at length development projects that result in soil disturbances which may include the development or redevelopment of impervious surfaces. The MCGP regulates construction runoff while the project is actively being built. The goal is to prevent sediment-laden stormwater from leaving the construction site and washing into local streams or storm drains during rain events while the soil is bare and highly susceptible to erosion. The governing authority is Maine's Waste Discharge Law. Under this law, DEP administers the federal CWA National Pollution Discharge Elimination System (NPDES) program via delegated authority from EPA.

DEP's Chapter 500: Stormwater Management rules contain the stormwater standards that apply to projects disturbing one or more acres of soil in organized areas of Maine. The stormwater standards are for controlling quality and quantity of runoff from projects. The core goal is to mitigate the environmental impact of changing a natural landscape into an impervious one. The governing authority is Maine's Stormwater Management Law (SML). DEP staff are currently drafting updated Chapter 500 rule language based on a consensus-based stakeholder process with a broader rollout and stakeholder review planned in the future. Revisions to Chapter 500 will be subject to a major substantive rulemaking process pursuant to the SML.

III. COMMISSION PROCESS

As mentioned earlier in the report, the commission was authorized to meet four times; the following are summaries of each meeting.

A. First Meeting – September 9, 2026

The commission held its first meeting on September 9, 2026. The meeting began with opening remarks by the chairs and introductions by commission members. Staff then provided an overview of the commission's authorizing legislation, including duties, the study process and the projected timeline for completion of the commission's work.

[7] https://legislature.maine.gov/doc/12677

Commission member Ivy Frignoca, Casco Baykeeper with the Friends of Casco Bay, provided a brief introduction on stormwater pollution and how it impacts watersheds. Commission member Kerem Gungor, Senior Environmental Engineer on the Stormwater Engineering Team within DEP's Bureau of Land Resources, presented an overview of stormwater regulations in Maine. According to Mr. Gungor, the current regulatory focus is on point-sources of stormwater, which are primarily associated with urban areas. DEP regulates stormwater to control both the quantity and quality of runoff. For purposes of stormwater quantity control, Chapter 500 currently requires peak flow attenuation for certain projects.[8]

As described in Mr. Gungor's presentation, DEP is responsible for enforcing the following key laws and programs relating to stormwater:

- The Maine Revised Statutes, Title 38, section 420-D, the SML, establishes standards for managing stormwater to protect surface waters and groundwater quality and specifically, requires a permit, commonly known as the Stormwater Law permit, for projects in organized areas that involve one acre or more of soil disturbance or specific thresholds of new impervious surfaces. DEP Chapter 500 applies to the projects that require a Stormwater Law permit;
- The Maine Revised Statutes, Title 38, sections 481 through 490, the Site Location of Development Act (SLODA also known as "Site Law"), regulates large projects that may substantially affect the environment, public health and safety through the SLODA permitting process, including DEP Chapter 500 rules apply to projects that require a SLODA permit; and
- The Maine Revised Statutes, Title 38, section 420-C, the Erosion and Sedimentation Control Law (ESCL), requires a person who fills, displaces or exposes soil to take active measures to prevent unreasonable soil erosion and sediment runoff beyond the project site or into protected natural resources (applicable statewide and does not have a separate permit requirement).

Additionally, DEP administers federally delegated CWA programs with authorization from EPA to manage core federal water quality initiatives. Under CWA's NPDES, there are three key permits: the Municipal Separate Storm Sewer System Permit (MS4) which is a municipal, transportation or federally owned general permit; Multi-sector General Permit (MSGP); and the Post-construction Discharge of Stormwater in the Long Creek Watershed Permit which is a general permit under EPA's Residual Designation Authority (RDA)[9].

The first meeting finished with another presentation from commission member Frignoca providing a deeper look into stormwater pollution and highlighting gaps in existing regulations. Ms. Frignoca posed the following questions relating to existing regulatory programs:

- Is there a need to better coordinate stormwater management between DEP's Bureau of Land Resources and DEP's Bureau of Water Quality?
- 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:

[8] "Peak flow attenuation" is the process of reducing the highest rate of stormwater discharge (the peak flow) during a rainstorm by temporarily storing or slowing down the runoff before it enters public drainage systems or natural waterways.

[9] Stormwater Residual Designation Authority (RDA) is a CWA provision that allows EPA or authorized state agencies to require National Pollutant Discharge Elimination System (NPDES) permits for stormwater discharges that are not automatically covered under standard rules.

- Remove the one-acre threshold to make it commensurate with the language in the ESCL and allow for more strict regulation where needed, such as in impaired, sensitive and threatened watersheds?
- Allow DEP to regulate chlorides and other pollutants that cannot be treated by infiltration?

- Should the commission recommend expedited approval of the revisions to DEP rule Chapters 500, 501 and 502?[10]

B. Second Meeting – September 23, 2026

The second commission meeting was held on September 23, 2026. Peter Carney, executive director of the Long Creek Watershed Management District, presented information about chloride pollution and implementation of Sustainable Winter Management (SWiM) to improve water quality in Long Creek to meet state water quality standards. Long Creek is a freshwater stream in southern coastal Maine which flows into Clarks Pond before draining into the Fore River and Casco Bay. The SWiM program has safely reduced road salt applications by up to 50 percent within the Long Creek Watershed Management District.[11] The Long Creek Restoration Project, which led to this management program, began almost 20 years ago as a community-based initiative comprised of representatives from South Portland, Portland, Westbrook and Scarborough (the four Long Creek watershed municipalities), area businesses, nonprofit organizations and state agencies. Currently, as referenced above, the EPA uses its RDA to regulate stormwater discharges in the Long Creek Watershed. Finalized in 2009, this was EPA's first-ever use of RDA to regulate an urban-impaired stream watershed.[12]

Cindy Dionne, Stormwater Program Manager with the Maine Department of Transportation (MaineDOT), next provided an overview of winter road management on state roads. The following are two examples of MaineDOT's efforts to reduce the use of salt on roadways. First, the department contracted with a Swedish firm, Klimator, for a pilot salt reduction program in the Bangor area in the winter of 2025-2026 using artificial intelligence (AI) informed forecasting for road segments. Scandinavian countries where Klimator had previously implemented this technology experienced a 30 percent reduction in salt. Secondly, MaineDOT also inspects the department's salt storage facilities for source control. Each lot is scored based on "need" paired with environmental indicators, such as proximity to public drinking water supply, population of the supply and proximity to water bodies failing state water quality standards because of stormwater runoff from developed land (Urban Impaired Streams) and waterbodies officially designated as "Lakes Most at Risk from New Development" under DEP's Chapter 502 rule: Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams.[13]

The next presentation featured Aubrey Voelker, Salt Reduction Specialist and Green SnowPro Coordinator, with the New Hampshire Department of Environmental Services (NHDES). Voelker spoke about New Hampshire's Green SnowPro program, which was created by legislation introduced in 2013,[14] as a voluntary training and certification program for commercial contractors who clear snow and ice from parking lots, sidewalks and private roads.[15] NHDES administers the program. Green SnowPro certified commercial salt applicators, and property owners who hire them, are granted limited liability protection

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[10] DEP rules Chapter 501: Stormwater Management Compensation Fees and Mitigation Credit and Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, and Urban Impaired Streams

[11] https://www.restorelongcreek.org/news/snow-removal-and-road-salt-reduction-information-session-amp-training

[12] https://go.boarddocs.com/me/scarborough/Board.nsf/files/DBDQGT694597/$file/2.%20Order%20No.%2024-118%20-%20Long%20Creek%20Appointment.pdf

[13] https://legislature.maine.gov/doc/12699

[14] https://legiscan.com/NH/text/HB523/id/707296

[15] https://www.lmac.des.nh.gov/sites/g/files/ehbemt671/files/documents/2023-01/green-snowpro.pdf

against damages arising from snow and ice conditions. The goals of the program include reducing hurdles to salt reduction (limited liability), incentivizing training, building in accountability (tracking salt use and improved documentation), decreasing negative environmental impacts, and preventing the over-application of salt while maintaining a high level of safety.

In May 2024, the program expanded to include a Voluntary Municipal Winter Maintenance Certification (also known as Municipal Green SnowPro) to allow municipalities to be recognized for their commitment to reducing salt usage in their communities. As of the 2025-2026 winter season, over 750 Green SnowPro certificates (171 companies) and three Municipal Green SnowPro certificates have been issued by NHDES. Ms. Voelker highlighted the program's success and noted one instance of litigation since the program's establishment. In that case, the court upheld the limited liability protection provided by the Green SnowPro program statute. Recognizing the program's success, the commission unanimously voted in support of recommending adoption of a similar program in Maine (see recommendation #2).

The next presentation included a panel of municipal representatives: commission member Lynn Leavitt, Westbrook Public Services (MS4 community); Dr. Brenda Zollitsch, Muskie School; and Alison McKeller, Town of Camden (non-MS4 community).

Commission member Lynn Leavitt discussed how some municipalities, like the City of Westbrook, are subject to MS4 regulations (Municipal Separate Storm Sewer System general permit) based on population size and density as determined by EPA. When an area becomes densely populated or highly developed, it generates significantly more impervious surfaces (roofs, roads and parking lots). Rather than soaking into the ground, rainwater and snowmelt rush across these impervious surfaces picking up and channeling pollutants directly into local waterways via storm drains.[16] Commission member Leavitt noted that municipalities are responsible for any pollution entering their respective stormwater systems regardless of who causes the pollution, including, but not limited to, residents, businesses and the public.

Dr. Brenda Zollitsch serves multiple roles connected to the issue of stormwater pollution. Dr, Zollitsch is a facilitator for the Bangor Area Stormwater Group (BASWG); faculty lecturer at the Muskie School of Public Service at the University of Southern Maine; and researcher on stormwater policy implementation, collaboration, regionalization and measurement. Dr. Zollitsch's presentation included key suggestions for the commission's consideration. First MS4-regulated communities need more support from Maine stormwater regulators; it is a challenge for these communities to meet existing requirements when they are under-resourced and understaffed. Additionally, DEP needs more funding to support MS4 communities, who need regular and quality feedback and support from DEP. Lack of funding and resources leads to delays and uncertainty for municipalities. Secondly, consider additional steps to manage chlorides, which is a limiting factor for water quality improvement. Without addressing chlorides, other efforts to control stormwater pollution cannot get MS4 communities to acceptable water quality levels. Currently, chlorides are not part of the NPDES. Dr. Zollitsch stressed the importance of understanding effective chloride reduction in Maine before making decisions. Finally, while there is currently an emphasis on increasing low impact development (LID)[17] in Maine, LID needs to be considered in the right context to be effective and flexibility is important.

The final presenter on the municipal panel was Alison McKeller, planning board member from the Town of Camden, who also serves as a geographic information systems (GIS) volunteer coordinator and liaison

[16] https://stormwater.pca.state.mn.us/stormwater_program_for_municipal_separate_storm_sewer_systems_ms4s

[17] According to the EPA, low impact development (LID) is a land development and stormwater management approach that mimics or preserves natural drainage processes to manage stormwater. LID practices typically retain rainwater and encourage it to soak in the ground rather than allowing it to run off into ditches and storm drains where it would otherwise contribute to flooding and pollution problems.

to Camden's conservation commission. Ms. McKellar was invited by the commission to provide the perspective of a community not regulated under Maine's MS4 general permit. During her presentation, McKeller provided an overview of Camden's efforts to address flooding challenges, including mapping Camden's stormwater system and prioritizing catch basin maintenance. Ms. McKeller explained that development of a comprehensive stormwater system map has enabled municipal officials to more effectively identify and track potential causes of flooding. Ms. McKeller expressed concern that municipal boards often perceive initial DEP permitting to be all that is required for effective stormwater management without follow-up monitoring or maintenance. Ms. McKeller also discussed how expanding regulations to non-MS4 municipalities, like Camden, may be helpful with identifying stormwater issues and providing technical assistance to municipalities.[18]

At the end of the second meeting, commission members were asked to submit preliminary recommendations to commission staff prior to the next meeting. Commission staff were directed to compile these recommendations and email the compilation to the full commission for review prior to the third meeting.

C. Third Meeting – October 7, 2026

The third commission meeting was held on October 7, 2026. Commission members were asked to come prepared to discuss and vote on recommendations that should be included in this report. The commission engaged in a discussion on each of the preliminary recommendations and weighed the merits of each before taking a vote. As described in Section IV of this report, the commission voted in favor of 11 recommendations. The meeting concluded with additional commission discussion regarding the distribution of the draft report and the process for review of the report at the final commission meeting.

D. Fourth Meeting – October 21, 2026

The fourth and final commission meeting was held on October 21, 2026. Based on the input provided at the third meeting, commission staff prepared and distributed to commission members a draft report for review and discussion. The chairs of the commission invited Samantha Horn, director of the Maine Office of Community Affairs (MOCA) to provide input and answer questions about recommendations relating to MOCA. Based on that input, the commission made additional changes to the report and its recommendations, including, but not limited to, merging two recommendations relating to the MOCA into one recommendation with two parts (see recommendations #7A and #7B). After a discussion regarding the process for finalizing and distributing the report, the commission adjourned.

IV. RECOMMENDATIONS

The commission presents the following recommendations and corresponding comments for the 133rd Maine Legislature's consideration. The recommendations reflect the consensus of commission members present and voting.[19]

[18] For clarification, the SML and MCGP apply to development projects that disturb one or more acres of soil in Camden.

[19] The following commission members were present for voting: Senator Denise Tepler, Representatives Dan Ankeles and Cassie Julia, Erin Cooperrider, Lynn Leavitt, Ivy Frignoca, Christine Rinehart, Kerem Gungor, John Perry, Kristen Chamberlain and Bryant Lewis.

Recommendation #1:

Establish in Maine statute an ongoing Stormwater Advisory Committee comprised of technical experts to serve as a forum for information gathering, coordination and collaboration; to anticipate emerging challenges; and to proactively address critical data and policy gaps.

Stormwater management is a constantly evolving discipline. State and municipal authorities struggle to keep up with new scientific and technological advancements and new policy tools. The commission supports knowledge transfer and building institutional expertise within state and municipal entities. The commission believes that these goals could be accomplished through the introduction of legislation establishing an ongoing Stormwater Advisory Committee of technical experts. The commission further recommends that the advisory committee maintain a "30,000-foot" vantage point to anticipate emerging challenges and to address critical data and policy gaps and should serve as a forum for information-sharing, coordination and collaboration. Similar stormwater-focused entities exist in other states, such as the Minnesota Stormwater Research Council[20] and Washington State's Stormwater Action Monitoring (SAM) collective.[21]

In addition, the commission recommends that the advisory committee focus on the following areas:

- Macro-trend tracking and forecasting: Monitor and analyze statewide shifts in land cover, impervious surface expansion and climate change induced hydrological variations, such as increased storm intensity and frequency, to predict future watershed vulnerabilities before water quality is degraded;

- Data synthesis and empirical targeting: Serve as the central clearinghouse that synthesizes fragmented municipal, academic and state water quality data into a unified, watershed-scale picture and potentially identify blind spots in current environmental monitoring and recommend targeted research to ensure that future regulatory decisions are based on concrete empirical evidence;

- Policy translation: Translate complex environmental data and emerging national data practices into recommendations for actionable policy frameworks. Initial frameworks could include updates to Chapter 500 rules, modernizing municipal MS4 strategies and evaluating options for new funding mechanisms, such as stormwater utilities and chloride mitigation programs, updates to state of science in technology and treatment options, and emerging threats to Maine's waters from stormwater. Form strategic partnerships with other cold climate institutions like the Universities of Minnesota and New Hampshire;

- Facilitate collaboration: Explore opportunities to coordinate efforts of multiple state agencies, municipalities and non-governmental organizations who provide services or information relating to stormwater, when possible, to maximize efficiency and use of funding; and

- Deliverables: Produce actionable, data-driven outputs, including a biennial report on statewide trends, GIS-tracking products and publicly accessible monitoring data.

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[20] https://wrc.umn.edu/msrc

[21] https://ecology.wa.gov/regulations-permits/reporting-requirements/stormwater-monitoring/stormwater-action-monitoring

The commission also recommends that the advisory committee utilize proven experience of soil and water conservation districts, resident academic experts, stormwater working groups and volunteer monitoring programs to expand public education, outreach and citizen science data collection. Commission member Kerem Gungor noted that supporting this advisory committee would require additional staff resources for DEP and may also necessitate funding for research.

Recommendation #2:

Establish a voluntary winter maintenance certification program to be administered by DEP for commercial salt applicators modeled after New Hampshire's Green SnowPro program.

As noted earlier in this report (see Section II), in 2013, the New Hampshire Legislature created the Green SnowPro program,[22] which is a voluntary training and certification program for commercial contractors who clear snow and ice from parking lots, sidewalks and private roads.[23] The New Hampshire Department of Environmental Services (NHDES) administers the program. To incentivize participation, Green SnowPro certified commercial salt applicators, and property owners who hire them, are granted limited liability protection against damages arising from snow and ice conditions. As of last winter, over 750 Green SnowPro certificates have been issued to commercial contractors in New Hampshire.

The commission recommends the introduction of legislation to establish a similar program in Maine modeled after the New Hampshire Green SnowPro program. The commission further recommends that DEP administer the program. Kerem Gungor, the commission member representing DEP, indicated that administration of such a program would require additional staffing. New Hampshire's program is funded through annual certification and application fees paid by participants.[24]

One of the key elements of this voluntary training and certification program for commercial contractors is the "limited liability" provision. Without limited liability coverage or protective statutory liability limits, legal and financial risks associated with unpredictable winter weather make it difficult for contractors to obtain affordable insurance. Offering this protection reduces claims associated with salt reduction and incentivizes training. Commission member, Kerem Gungor representing DEP, suggested that the Maine Legislature consult with the Maine Office of the Attorney General regarding protections from civil liability. Ultimately, the goal of the program is to decrease negative environmental impacts of winter maintenance of roads, parking lots and sidewalks, but also, to prevent the over-application of salt while maintaining a high level of safety. The commission believes a program like this would potentially improve data related to chlorides by tracking salt use and improving documentation.

Recommendation #3:

Encourage and support MaineDOT efforts to research, develop and implement innovative winter road management techniques and technologies.

At the second meeting, the commission heard from MaineDOT regarding winter road management of state roads. The commission recommends that MaineDOT continue efforts to reduce salt use on state roads by exploring innovative winter road management, such as the use of AI-forecasting technology for roads and crushed oyster shells for sidewalks and walkways. The commission also recommends that the Maine Legislature support MaineDOT in these efforts, which may include research and development.

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[22] https://legiscan.com/NH/text/HB523/id/707296
[23] https://www.lmac.des.nh.gov/sites/g/files/ehbemt671/files/documents/2023-01/green-snowpro.pdf
[24] https://www.des.nh.gov/land/roads/road-salt-reduction/green-snowpro-certification

Furthermore, the commission recommends that MaineDOT continue to explore techniques such as brining, using more sophisticated road and weather monitoring, application of alternative deicers and implementation of improved plow technologies. The department should strive to understand both the potential effects of a reduction in salt use and cost savings after initial investment in new techniques or technologies. As mentioned earlier in this report, MaineDOT conducted a pilot salt reduction program using AI-informed forecasting for road segments. The commission encourages MaineDOT to continue testing AI-forecasting technology and share the results with municipal and private contractors as appropriate.

Recommendation #4:

Authorize DEP to regulate chlorides through major substantive rulemaking for projects that trigger the Stormwater Management Law (SML) by adding chlorides to the list of pollutants in the Maine Revised Statutes Title 38, section 420-D, subsection 1.[25]

The extensive use of chlorides, primarily through sodium chloride (rock salt) used for winter road deicing, inflicts long-lasting damage on cold climate states. Because chloride is a permanent pollutant that does not biodegrade, naturally break down or easily filter out, it continuously accumulates in the environment.[26] Chloride pollution from winter salt applications is a critical threat to Maine's aquatic habitats and groundwater, yet it remains largely unmanaged by current federal and state stormwater rules. The commission recommends authorizing DEP to regulate chlorides through major substantive rulemaking (Chapter 500: Stormwater Management) for projects that trigger the SML by adding chlorides to the list of pollutants in the Maine Revised Statutes, Title 38, section 420-D, subsection 1.

It is not the intent of the commission to amend current exemptions provided under the law (Title 38, subsection 420-D, subsection 7, paragraph G) specifically relating to MaineDOT and the Maine Turnpike Authority (MTA). Paragraph G provides that projects involving roads, railroads and associated facilities conducted by or under the supervision of MaineDOT or MTA, do not require review under the stormwater management law (section 420-D) as long as the projects are constructed in accordance with stormwater quality and quantity standards set forth in a memorandum of agreement (MOA) between MaineDOT, MTA and DEP and the project does not require review under SLODA. Additionally, the MOA must be updated whenever DEP rules concerning storm water management are changed.

Recommendation #5:

Direct the Stormwater Advisory Committee to conduct further analysis of potentially lowering the one-acre soil disturbance regulatory threshold for highly developed or developing watersheds.

The commission discussed at length the one-acre soil disturbance regulatory threshold in the SML (Maine Revised Statutes, Title 38, section 420-D). Maine's current law, in relevant part, provides: "A person may not construct, or cause to be constructed, a project that includes one acre or more of disturbed area without prior approval from the department."

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[25] This recommendation was reconsidered and revoted during the commission's final meeting. Of the commission members present and voting, the vote was unanimously in favor of this recommendation (10-0) with one commissioner member abstaining. In favor were Senator Tepler, Representative Ankeles and Julia, and commission members Cooperrider, Leavitt, Frignoca, Rinehart, Gungor, Perry and Lewis. Commission member Chamberlain voted abstained. Senator Black and Representative Campbell were absent.

[26] https://news.climate.columbia.edu/2018/12/11/road-salt-harms-environment/

During commission deliberations, the one-acre language was identified by some commission members as a barrier to addressing significant sources of unmanaged stormwater. Commission member Ivy Frignoca, Casco Baykeeper, noted that removing the one-acre threshold would make the law commensurate with Maine's erosion and sediment control statute (Maine Revised Statutes, Title 38, section 420-C) and that some of Maine's more urbanized municipalities already regulate stormwater from lots less than one acre through municipal ordinances. Commission member Kerem Gungor, representing DEP, pointed out that lowering regulatory thresholds will only be effective if it results in tangible water quality protection.

The commission believes it is a worthwhile endeavor to further analyze the regulatory threshold and recommends that if the Stormwater Advisory Committee is established as recommended by this commission (see recommendation #1), the advisory committee's duties should include a directive to conduct further analysis of lowering the regulatory threshold for highly developed or developing watersheds.

Recommendation #6:

Direct DEP to consult with engineers with stormwater experience during the Chapter 500 stormwater management rulemaking process to identify regulatory gaps, specifically regarding additions to non-jurisdictional impervious areas that currently fall outside of Chapter 500 authority.

The commission also discussed at length the permitting of projects with existing and proposed new impervious surfaces. Christine Rinehart, the commission member who is an engineer with expertise in the design and implementation of stormwater planning for development purposes, provided an example of a regulatory gap where the development or redevelopment of impervious surfaces does not fit into the jurisdiction of current Chapter 500 rules.

The following is a hypothetical example presented by commission member Christine Rinehart.

> A developer proposes to expand 30,000 square feet of existing developed area on a parcel in one of the organized areas of the state. The existing developed area entirely consists of impervious surface area (building, driveway, parking, etc.) installed between 1997 and 2005; therefore, the development does not have a Stormwater Management permit. The owner of the parcel wants to expand the existing building and install additional parking. The new proposed impervious area is an additional 30,000 square feet. On its own, the new impervious area is less than one acre so it would not fall under the jurisdiction of Chapter 500 rules. If you were to consider the existing and new impervious surface area, which in aggregate is 60,000 square feet or 1.4 acres, Chapter 500 General Standards[27] would apply to the new proposed impervious area and require treatment. However, the developer is not required to apply for a SML permit for the proposed development since the existing developed area, which was created between 1997 and 2005, is non-jurisdictional pursuant to Chapter 500, Section 13(B).

The commission recommends that DEP consult with engineers with stormwater experience during the Chapter 500 rulemaking process to identify regulatory gaps, specifically regarding additions to non-jurisdictional impervious areas that currently fall outside of Chapter 500 authority.

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[27] Chapter 500, Section 4(C) General Standards: These stormwater standards require that a project's stormwater management system includes treatment measures that will provide pollutant removal or treatment and mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms and potential temperature impacts.

Recommendation #7A:

Direct MOCA in collaboration with MaineDOT and DEP to explore existing and possible new funding sources, including, but not limited to grant funding, to encourage and increase alternative salting technology usage by municipalities.

Maine municipalities manage all winter snow and ice control on local municipal roads either using their own public works crews and equipment or by hiring private contractors. Currently, municipalities are offered some training, technical assistance and resources through MaineDOT's Local Roads Assistance Program (LRAP);[28] However, there are many competing needs and resources are limited.

MOCA brings together partners across state government and beyond to provide more coordinated funding and technical assistance to communities to build a more resilient future. The commission recommends that MOCA, in collaboration with MaineDOT and DEP, explore existing and possible new funding sources, including, but not limited to grant funding, to aid municipalities in researching, developing and implementing innovative salting techniques and technologies to reduce negative environmental impacts on Maine's watersheds.

Recommendation #7B:

Direct MOCA in collaboration with other relevant state agencies and non-governmental organizations to develop a stormwater management toolkit for municipalities.

Regional stormwater working groups play a crucial role in bringing MS4 municipalities together to share resources, solve problems and align efforts. Communities that are becoming more urbanized, such as Brunswick, Topsham, Camden, Rockland and Belfast, which are not regulated under Maine's MS4 general permit, have high and increasing percentages of impervious cover and burgeoning problems from stormwater pollution. Alison McKellar from the Town of Camden spoke about these challenges at the second meeting of the commission. The commission recognizes that all municipalities, but particularly non-MS4 communities that are urbanizing, need assistance in stormwater management. The commission recommends that MOCA, in collaboration with other state agencies and non-governmental organizations with stormwater expertise, develop a toolkit for municipalities to address stormwater pollution.

Maine has a dedicated community of stormwater practitioners, yet they frequently operate in silos. MOCA should collaborate with DEP, other natural resource agencies, nonprofit organizations and other subject matter experts as they develop the toolkit which should serve as a "beginner's guide to stormwater management" for municipalities. With so much information available, the next step is organizing interested parties. MOCA, in coordination with other relevant state agencies, should conduct a management analysis to explore and evaluate a recommended approach for stormwater management toolkit outreach and education. MOCA, other state agencies and non-governmental organizations should take the time to understand who can provide information and services most efficiently.

[28] https://www.maine.gov/dot/doing-business/municipal-services/local-roads-and-projects

Recommendation #8:

Support DEP in its efforts to proactively assist municipalities in reporting their stormwater infrastructure deficiencies to the federal Clean Watersheds Needs Survey (CWNS) to ensure Maine communities receive their proportional share of future federal infrastructure funding.

EPA's federal CWNS is a nationwide assessment of existing clean water infrastructure and the 20-year capital investment needed to meet the water quality goals of the CWA.[29] Data from the CWNS directly impacts how federal and state funds are distributed, including the Clean Water State Revolving Fund (see recommendation #10) low-interest loans and programs like the Combined Sewer Overflow and Stormwater Reuse Municipal Grants Program. Small and rural municipalities have historically underreported their needs. Participating in the survey ensures that small-town wastewater, septic and stormwater challenges are not left out of state and federal distribution formulas.[30]

Commission members Kerem Gungor from DEP and Lynn Leavitt from the City of Westbrook both agreed that the survey is underutilized by municipalities in Maine. Leavitt noted that municipalities may be hesitant to complete the survey because communities may be wary of the commitment, including time and resources, involved to meet the water quality goals of the CWA. The commission recommends the Legislature support DEP in its efforts to proactively assist municipalities in reporting their stormwater infrastructure deficiencies to the CWNS to ensure that Maine communities receive their proportional share of future federal infrastructure funding. DEP should work with non-governmental organizations to conduct outreach encouraging municipalities to complete the survey.

Recommendation #9:

Explore funding sources to address unmanaged stormwater pollution that may include a dedicated sub-fund of the Clean Water State Revolving Fund (CWSRF).

In addition to recommendation #8, the commission recommends the Legislature explore funding sources to address unmanaged stormwater pollution that may include a dedicated sub-fund of the CWSRF.

As mentioned above, CWSRF provides low-interest loans and additional subsidies for water quality projects. The EPA provides annual capitalization grants to states and each state contributes a 20 percent matching share. Loan repayments, principal and interest flow back into the state fund to be re-loaned for new infrastructure projects, which allows the funds to "revolve" over time.[31]

In Maine, the CWSRF is administered jointly by DEP and the Maine Municipal Bond Bank, handling municipal wastewater, planning studies and emerging contaminant projects.[32] Although, the enabling legislation for the CWSRF in Maine law (Maine Revised Statutes, Title 30-A, section 6006-A) does not explicitly list "stormwater" as a priority for financial assistance, stormwater projects may fall under "any actions" authorized by the CWA. CWSRF finances 11 primary categories of water quality improvements, including stormwater management and mitigation.[33] It is noted that the CWSRF primarily supports wastewater infrastructure, such as wastewater treatment facility construction and upgrades, upgrades to sewer lines and pumpstations, and abatement of combined sewer overflows. The annual requests for these needs generally far exceed available funds.

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[29] https://www.epa.gov/cwns
[30] http://nationalstormwateralliance.org/cwns/
[31] https://www.epa.gov/cwsrf/about-cwsrf
[32] https://www.maine.gov/dep/water/grants/SRF/cwsrf/index.html
[33] https://www.epa.gov/cwsrf

Recommendation #10:

Provide appropriate funding and support to implement the recommendations in this report.

The commission is sensitive to the current state budget climate as Maine is facing a projected structural budget gap as this report is being written. Effective stormwater management requires dedicated resources. Both state and local authorities operate with severely limited resources, making it difficult to meet existing regulatory obligations. DEP and other state agencies cannot absorb additional work without accompanying staff resources. Municipalities cannot meet many state environmental standards without proper state-level support. Any dropped or neglected state-level task becomes a municipal burden and local taxpayer expense. Therefore, the commission recommends the Legislature provide appropriate funding and support to implement the recommendations of this report.

CONCLUSION

Throughout its process, the commission's deliberations consistently returned to a defining reality: the state cannot successfully combat modern stormwater threats without directly overcoming severe staffing shortages and budget constraints. Existing regulatory structures are already operating under unsustainable strain, and any expansion of environmental oversight without dedicated funding will inevitably collapse into an unfunded municipal burden and local taxpayer expense. Adequate state resources and deep cross-agency support are the absolute prerequisites for progress.

Addressing these challenges does not require Maine to reinvent the wheel. Rather than crafting untested frameworks from scratch, the commission's strategy relies on adapting proven, highly successful models from neighboring cold-climate states, such as New Hampshire's Green SnowPro program and regional stormwater action collectives. Utilizing these existing blueprints will require continued collaboration supported by additional resources. The commission urges the 133rd Maine Legislature to break down historical resource barriers and fund these collaborative, proven solutions to safeguard the state's most critical natural assets.

APPENDIX A

Authorizing Legislation: Resolve 2025, c. 166

APPROVED
APRIL 16, 2026
BY GOVERNOR

CHAPTER
166
RESOLVES

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.

APPENDIX B

Membership List: Commission to Study Unmanaged Storm Water Pollution

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 Richard H. Campbell	Member of the House from the party holding the second 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

APPENDIX C

Acronyms Glossary

ACRONYMS GLOSSARY

Acronym	Definition
BASWG	Bangor Area Stormwater Group
CWA	Clean Water Act
CWNS	Clean Watershed Needs Survey
CWSRF	Clean Water State Revolving Fund
DEP	Maine Department of Environmental Protection
EPA	Environmental Protection Agency
ESCL	Erosion and Sedimentation Control Law
GIS	Geographic Information Systems
LID	Low Impact Development
LRAP	Local Roads Assistance Program
MaineDOT	Maine Department of Transportation
MCGP	Maine Construction General Permit
MOCA	Maine Office of Community Affairs
MOE	Memorandum of Agreement
MS4	Municipal Separate Storm Sewer System
MSGP	Multi-sector General Permit
MTA	Maine Turnpike Authority
NHDES	New Hampshire Department of Environmental Services
NPDES	National Pollutant Discharge Elimination System
PFAS	Per- and Polyfluoroalkyl Substances
RDA	Residual Designation Authority
SAM	Washington State's Stormwater Action Monitoring
SLODA	Site Location of Development Act
SML	Stormwater Management Law
SWiM	Sustainable Winter Management