



February 28, 2025

Re: Neither For Nor Against LD 646: “Resolve, Establishing the Commission to Study Unregulated Storm Water Pollution”

Dear Senator Tepler, Representative Doudera, and the Distinguished Members of the Committee on Environment and Natural Resources,

The Bangor Area Stormwater Group (BASWG) is a well-established, active nonprofit partnership working to reduce stormwater pollution in the greater Bangor region, lower Penobscot River Watershed, and Penobscot Bay. The BASWG organization is a collaboration of 11 regulated entities (Town of Orono, City of Bangor, Town of Hampden, City of Brewer, University of Maine, Town of Milford, Town of Veazie, City of Old Town, Eastern Maine Community College, UMaine Augusta-Bangor Campus, and Maine Air National Guard) working jointly to support individual Municipal Separate Storm Sewer System (MS4) permit compliance that is regulated under the EPA’s National Pollutant Discharge Elimination System (NPDES) stormwater program. On behalf of the members of the BASWG, I am writing to express several concerns about LD646: Resolve, Establishing the Commission to Study Unregulated Storm Water Pollution, as written, that we wish for you to consider:

Lack of MS4 Permittees Representation on the Commission

As a group of MS4 permittees that plans, installs, inspects, maintains, and educates on stormwater every day, we feel that there is a lack of representation of parties currently being regulated under stormwater permits on the commission and request additional seats for MS4 permittees/staff that are charged with compliance of the permit or individuals within the State’s stormwater working groups including the Interlocal Stormwater Working Group, Southern Maine Stormwater Working Group, Androscoggin Valley Stormwater Working Group. Having additional seats for MS4 implementors will provide a tremendous amount of valuable expertise and practical insight to the commission.

Lack of Funding for Stormwater Management

Stormwater regulations continue to become more stringent with each MS4 permit cycle and there is a severe deficiency of consistent and frequent State and Federal level stormwater funding available to improve existing stormwater infrastructure (unlike more prevalent funds and grant opportunities for drinking water and wastewater). Stormwater management is typically funded at the municipal level by the local tax base. Public works departments budget and plan to fix stormwater infrastructure in conjunction with other road construction projects to make it more cost effective. Though LD646 is intended to address stormwater pollution in Maine by developing additional policies and tools, the financial burden for adopting these policies and tools may be put on the municipalities, rather than the State. This is another reason to allow municipal staff in the commission conversations. More consistent State level funding



opportunities would enable municipalities to address stormwater infrastructure needs more effectively and efficiently.

Timeline of the Study and Lack of Data

Water quality data collection for a variety of parameters is critical to identifying stormwater problems correctly and determining appropriate practices and regulations to address those problems. Pollutants can change between space, time, biological processes, and other environmental factors making them very difficult to characterize. The timeline of this study is scientifically irresponsible for the impacts it may have. Long-term monitoring over several years is considered necessary to accurately assess pollutant and toxin impacts and account for potential fluctuations in concentration. DEP staff, including toxicologists at the biological monitoring unit, should have a much more active role in creating the monitoring program procedures, collecting data, performing data analysis, and creating realistic and cost-effective recommendations for stormwater management.

Thank you for providing the opportunity for written testimony for LD646. There is still much to do to improve statewide stormwater efforts and we believe the best way to do that is through collaboration and State-level support. Please do not hesitate to reach out with any questions you may have and we would be happy to have you at a future BASWG meeting so you can participate in a local stormwater program. Our next meeting is on Thursday, April 10th from 10:00-11:00 AM.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read 'Megan Hess', is positioned above the printed name.

Megan Hess
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