

Public Works

March 3, 2025

RE: Opposed to 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 City of Lewiston wishes to provide testimony, opposing the proposed LD 646 that intends to establish a commission to study unregulated stormwater pollution. The intent of this proposed Resolve is unclear since stormwater in the State of Maine is a highly regulated environmental issue. Maine Statutes include the Site Location of Development Act (Title 38, Chapter 3, §§ 481-490), Stormwater Management Law (38 M.R.S. § 420-D), Erosion and Sedimentation Control (38 M.R.S. § 420-C), Municipal Separate Stormwater Sewer System (MS4) under the waste discharge laws (38 MRSA § § 413, et. seq.) and the associated Rules and Regulations adopted by the State that are too numerous to list here. This resolve also does not take into consideration the most recent updates and changes to Maine stormwater rules and regulations. The Maine Department of Environmental Protection (DEP) has issued a revised Maine Construction General Permit (MCGP) that regulates stormwater discharge from construction sites. This new MCGP has more stringent requirements for construction site stormwater discharge than any previous version of this permit or other regulations. The Maine DEP has just completed a stakeholder engagement process for revising Maine Chapter 500, Stormwater Rules, and is in the process of drafting new stormwater rules. The Maine DEP is also in the process of updating the Stormwater Best Management Practices Manual. These Maine State Statutes and Rules do not include the land use regulations adopted by many municipalities that also regulate stormwater management under Home Rule.

Many of the most urbanized cities and towns are regulated under the Clean Water Act Phase II MS4 regulations, and they have a dedicated staff of professionals and hired consultants who work diligently toward improving stormwater quality and reducing pollution impacts from legacy development that contributes stormwater impacts. These professionals work closely with the dedicated and knowledgeable staff at the Maine DEP. Most municipalities do this work with limited funding and resources. The most recent American Society of Civil Engineers Report Card for Maine has identified a funding need that far outstrips the available resources just to maintain existing stormwater infrastructure.

There are 30 municipalities currently regulated under the MS4 General Permit, comprising most of the more urbanized areas of Maine. There are still many more communities such as Augusta and Brunswick with urban centers and development that do not fall within the regulatory requirements of MS4 General Permit. Is it the intention of this Study Commission to

develop additional rules to include these and many more Maine municipalities under the MS4 General Permit to reduce stormwater pollution that is currently "unregulated"?

It is our opinion that the proposed Resolve should be closely reviewed and revised to have a clear definition of the intended outcome. The current Resolve is exceptionally vague, and the Study Commission makeup lacks sufficient technical membership on an issue that is highly technical. The Committee on Environment and Natural Resources should carefully consider the consequences of the proposed Resolve.

Respectfully,

A handwritten signature in dark ink, appearing to read "Kevin Gagné". The signature is fluid and cursive, with the first name "Kevin" being more prominent than the last name "Gagné".

Kevin Gagné, P.E.
Director of Public Works
Lewiston, Maine