



c/o Cumberland County Soil & Water Conservation District  
35 Main Street  
Windham, Maine 04062

February 26, 2025

Re: Neither For nor Against LD 646: "Resolve, Establishing the Commission to Study Unregulated Storm Water Pollution"

Dear Environment and Natural Resources Committee Members,

My name is Ali Clift and I am the Cumberland County Soil and Water Conservation District (District) facilitator of the Interlocal Stormwater Working Group (ISWG). The ISWG was created to protect the Casco Bay and Saco Bay watersheds through stormwater collaboration, shared funding, and pollution prevention in the Greater Portland and Saco region, including regional implementation of municipal separate storm sewer system (MS4) permit requirements. It consists of the District, 14 municipalities, and two colleges (listed in our letterhead). Together, the ISWG works with many regional partners and state department staff to share stormwater resources to cost-effectively address statewide and local stormwater issues.

We would like to share several concerns we have regarding the bill for you to consider:

1. **We are dedicated stormwater professionals that work diligently every day to identify, fix, and improve stormwater infrastructure and policies that lead to reducing and preventing stormwater pollutants.** Our communities have pressures in every direction, including high taxes, affordable housing, public safety, and environmental protection. Stormwater management is involved in all these priorities. We have asked for increased funding and technical support for decades and it has largely gone unanswered. Because of this, the ISWG developed a water quality monitoring program and sought national expertise from educational institutions and technical experts on emerging pollutants and new methodologies. We have secured grants and funding mechanisms and are actively working on filling in funding, regulatory, and technical gaps. The proposed bill does not appear to recognize these efforts or rectify the lack of funding.
2. **We therefore would like the committee to know that the largest group of stormwater management implementers were not consulted in the drafting of this bill.** The group that plans, installs, inspects, and maintains stormwater programs every day currently has one out of the 13 seats on the Commission. The Commission would greatly benefit from increased stormwater expertise by providing additional seats to representatives from municipalities that do not have MS4 permits, each of the stormwater working groups, Maine Department of Transportation, and Maine Turnpike Authority. Due to the complexity of stormwater, this Study Commission is unlikely to provide enough representation needed to understand and address known and new issues.
3. The bill wants to establish a Commission to study "unregulated" stormwater pollution. **We would like the committee to understand there are many existing federal, state, and municipal laws, regulations, and**

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**permits dedicated to preventing stormwater pollution.** When these regulations are allowed to be updated on time, they review data from the previous version to be used to improve the next. These regulations, permits, and ordinances have lengthy and substantial public processes for input. We are experiencing firsthand through multiple public processes what happens when stormwater regulations are pushed out of order for a “quick fix”; it delays any beneficial stormwater improvements for years. Given that DEP is currently working on multiple updates to statewide stormwater laws; we do not see the need for further delays or counterproductive efforts that would harm stormwater regulations.

Thank you,

Ali Clift, ISWG Facilitator

Education & Outreach Coordinator, Cumberland County Soil & Water Conservation District

Doug Roncarati, ISWG Chair

Co-Stormwater Program Coordinator, City of Portland

Angela Blanchette, PE, ISWG Vice Chair

Town Engineer, Town of Scarborough



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Dear Members of the Environment and Natural Resources Committee,

The Interlocal Stormwater Working Group (ISWG) submits the following background information to support our testimony:

**Who is the ISWG?**

Cumberland County Soil & Water Conservation District, Biddeford, Cape Elizabeth, Cumberland, Falmouth, Freeport, Gorham, Old Orchard Beach, Portland, Saco, Scarborough, South Portland, Southern Maine Community College, University of Southern Maine, Westbrook, Windham, and Yarmouth.

**ISWG Partners**

Androscoggin Valley Stormwater Working Group, Bangor Area Stormwater Group, Casco Bay Estuary Partnership, Long Creek Watershed Management District, Maine Department of Environmental Protection, Maine Department of Transportation, Maine Municipal Association, Maine Turnpike Authority, Maine Water Environment Association, New England Environmental Finance Center, Portland Water District, and Southern Maine Stormwater Working Group.

**Federal Stormwater Regulations Administered by Maine**

- Maine Construction General Permit
- Multi-Sector Stormwater General Permit (for industrial stormwater)
- Municipal Separate Storm Sewer System (MS4) General Permit and the corresponding Transportation MS4 General Permit and Small State and Federally Owned MS4 General Permit

**Major State Stormwater Regulations**

- Site Location of Development Act (Site Law)
- Stormwater Management Law (38 MRS 420D, Chapter 500-502)
- Erosion and Sediment Control Law
- Natural Resources Protection Act
- Long Creek General Permit and Long Creek Individual Permits

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#### **Example Municipal Stormwater-Related Ordinances**

- Subdivision
- Site plan review
- Shoreland zoning
- Pesticide and fertilizer bans
- Stormwater utility fees

#### **Examples of Improper Stormwater Responsibilities**

- Separate DEP Bureau of Water Quality and DEP Bureau of Land Resources Low Impact Development (LID) standards (MS4 permit and Chapter 500 respectively)
  - LID standards incorporated into municipal ordinances were required by the MS4 permit before state standards are developed and adopted in Chapter 500
- MS4 permit requires limited-liability chloride reduction legislation push from municipalities while DEP declines support
- Proposed chloride reduction best management practices at the municipal level without adopted state standards or best management practices
- Think Blue Maine program transferred from DEP to Cumberland County Soil & Water Conservation District

Thank you,

A handwritten signature in black ink, appearing to read "Ali Clift". The signature is written in a cursive, flowing style.

Ali Clift, ISWG Facilitator

Education & Outreach Coordinator, Cumberland County Soil & Water Conservation District

Doug Roncarati, ISWG Chair

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## What is Stormwater Runoff?

Precipitation (rain or melted snow) that flows over land. Stormwater runoff can pick up pollutants as it runs off the land into ponds, lakes, streams, rivers, wetlands, and the ocean. Storm drains collect runoff and carry it without treatment directly into waterbodies. Polluted runoff affects water quality, drinking water, human health, wildlife, and property values.

## What's an MS4?

The Municipal Separate Storm Sewer System, or MS4, is a stormwater system (roads, curbs, ditches, storm drains, outfalls, and pipes) that is separate from the wastewater system. Under the Federal Environmental Protection Agency (EPA) Clean Water Act, some municipalities must have an MS4 permit in order to direct stormwater to waterbodies in their communities, provided that specific steps are taken to minimize pollution.

The EPA authorizes the Maine Department of Environmental Protection (DEP) to administer the Maine Pollutant Discharge Elimination System (MEPDES) MS4 General Permit. Municipalities, transportation agencies, public universities, prisons, military bases, and other state and federal facilities are subject to MEPDES regulation. Regulated municipalities are determined by population density and proximity to population density based on US Census Bureau data. **Your municipality has a MEPDES MS4 General Permit.**

As a regulated community, you are subject to:

- Full compliance with permit requirements
- Additional costs for operations, permitting, and capital improvements, compared to non-regulated municipalities
- Heightened scrutiny from Maine DEP, EPA, and environmental or citizen action groups

## Common Stormwater Pollutants

- Soil, sand, and sediments
- Fertilizers and pesticides
- Vehicle gas, oil, transmission fluid, etc.
- Animal waste
- Winter road salt
- Litter

These common pollutants are picked up as stormwater runoff flows over lawns, driveways, parking lots, and other hard surfaces.

These pollutants can add nutrients, hazardous chemicals, harmful bacteria, and debris to our waters, making it difficult for aquatic life to live, and unsafe for us to use and enjoy.

## What are the MS4 requirements?



1. Educate the public on common stormwater pollutants and how to reduce pollution.
  2. Provide the public opportunities to participate in your stormwater program through meetings and events.
  3. Identify and eliminate pollutants entering municipal stormwater infrastructure through inspections and water quality sampling. Carry out long term maintenance and infrastructure mapping.
  4. Ensure that private and public construction projects do not impact water resources.
  5. Implement new development and redevelopment stormwater ordinances.
  6. Train municipal staff to minimize pollution from municipal operations and facilities.
- Communities with urban impaired streams are also required to implement best management practices to improve water quality.

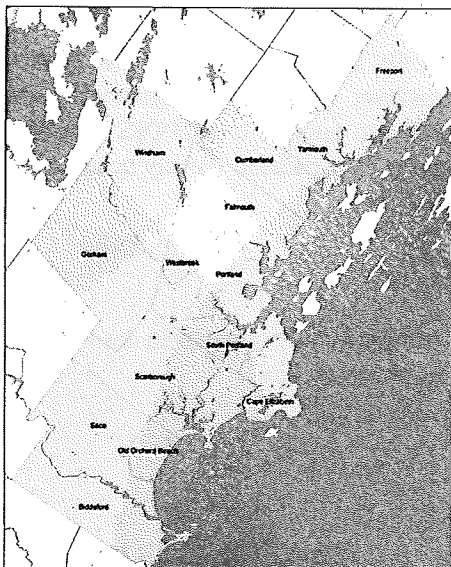
**Implementation is mandatory but you aren't working alone.**

## Stormwater Acronyms

BMP-Best Management Practice  
CSO-Combined Sewer Overflow  
DEP-Maine Department of Environmental Protection  
EPA-Environmental Protection Agency  
ESC-Erosion & Sedimentation Control  
IDDE-Illicit Discharge Detection & Elimination  
ISWG-Interlocal Stormwater Working Group  
MCM-Minimum Control Measures

- MCM1-Public Education & Outreach
- MCM2-Public Involvement & Participation
- MCM3-Illicit Discharge Detection & Elimination (IDDE)
- MCM4-Construction Site Stormwater Runoff Control
- MCM5-Post-Construction Stormwater Management
- MCM6-Pollution Prevention & Good Housekeeping

MEPDES-Maine Pollutant Discharge Elimination System  
MS4-Municipal Separate Storm Sewer System  
NOI-Notice of Intent  
NPDES-National Pollutant Discharge Elimination System  
O&M-Operation & Maintenance  
SPCC-Spill Prevention Control & Counter Measures  
SWMP-Stormwater Management Plan  
SWPPP-Stormwater Pollution Prevention Plan  
TMDL-Total Maximum Daily Loads  
UIS-Urban Impaired Stream



## Interlocal Stormwater Working Group

The Interlocal Stormwater Working Group (ISWG) is comprised of the Cumberland County Soil & Water Conservation District, 14 regulated communities, and 2 nested MS4s in the Greater Portland and Saco Bay areas. Cumberland County Soil & Water Conservation District coordinates the ISWG and works cooperatively to meet the permit's education requirements for all ISWG members.

