



Good morning, Senator Tepler, Representative Doudera, and members of the Environment and Natural Resources Committee.

My name is Dan Marks and I am here today on behalf of the Maine Water Environment Association (MeWEA) to provide testimony on LD 646 – the Resolve to Establish a Commission to Study Unregulated Storm Water Pollution. MeWEA has been working for nearly 60 years to support and enhance Maine’s water environment community and one of our mission’s goals is to support balanced environmental policy and practice.

We are neither for, nor against this resolution. We support some of the goals of the Stormwater Study Commission. Our membership includes stormwater professionals that can support finding solutions to the problems this Commission is seeking to solve. Our comments can be summarized as follows:

1. The Commission make-up includes one (1) member from a municipality. We believe regulated communities and organizations should have greater representation;
2. Clarify what is meant by “unregulated” storm water pollution as storm water is highly regulated at various levels; and,
3. Clarify how the Commission’s work will fit in with existing stormwater regulations, including recent updates to existing laws.

Stormwater management and the regulations thereof are certainly complex. There are federal regulations under the 40CFR “The US Clean Water Act”, state level regulations under Title 38, Chapter 3 “The Protection and Improvement of Waters,” and local level regulations passed by municipalities - all of which regulate how stormwater is managed here in Maine. Given the complex and multi-layered regulations currently in place, we question what is meant by “unregulated” stormwater. We request that “unregulated” be



clearly defined or removed to best support the work of the Commission if this bill moves forward.

As with any laws and standards, there is room for improvement within stormwater regulations. New data, new technologies, new pollutants, and new initiatives warrant regular updates. In fact, DEP is already doing a significant amount of work to update existing stormwater regulations including, most recently:

- the 2022 update to the municipal separate storm sewer system (MS4) permits (which regulate stormwater runoff from municipal roads and properties and requires local stormwater regulations for development sites);
- the 2024/2025 update to the Maine Construction General Permit (which regulates stormwater on active construction sites);
- the current and ongoing effort to update Chapter 500 “Stormwater Management Rules” (which regulates stormwater on developed sites); and
- The 2024/2025 updates to Chapter 583 “Nutrient Criteria for Class AA, A, B, and C Fresh Surface Waters”.

Given the ongoing updates to existing stormwater regulations, we question why the “Duties” of the Commission focus on reviewing and analyzing scientific papers and data, while interviewing stormwater professionals is not listed. While scientific papers and data are certainly important, it doesn’t accurately represent the vast wealth of knowledge in the stormwater industry. Most stormwater experts are those that work in the field and must problem solve on the fly with limited budget- engineers, public works staff, planners, landscapers, field scientists, and GIS professionals. They know where stormwater data gaps, funding gaps, mismatched regulations, and other program struggles exist in Maine. They also know what’s been tried and whether it’s worked or not.



Stormwater regulations apply in all municipalities in Maine. Moreover, 30 of the more urbanized municipalities, the state transportation agencies (such as Maine DOT and MTA), and other state managed sites (such as SMCC and USM) have additional, much more stringent, regulations through the MS4 program. These entities participate in regional “Stormwater Working Groups,” which meet regularly to share innovations and initiatives with the other stormwater professionals in Maine. When laws and regulations are updated, Maine engages in a robust public process to ensure transparency and a balanced outcome and the regulated communities provide the “real world” perspective of those working in the field. The proposed study commission does not adequately involve the regulated community. If a study commission moves forward, we urge the Committee to ensure adequate representation for the regulated entities in Maine.

Thank you for the opportunity to provide this testimony. Maine needs adequate staffing, funding, and continued collaboration for stormwater-related issues. We urge members of the Committee to consider the scope, timeline, and the makeup of the proposed study Commission to better reflect and address the reality of stormwater management in Maine. I welcome any questions you may have.