

Notice on the Maine Department of Environmental Protection's General Permit for Post-Construction Discharge of Stormwater in the Long Creek Watershed

To: Owners/Operators of Parcels with Stormwater Discharges in the Watershed of Long Creek
From: Don Witherill, Director; Division of Watershed Management
Subj: Stormwater Permitting in Long Creek Watershed
Date: December 17, 2009

This letter provides notice that one or more parcels under your ownership or operation in the Long Creek watershed has been designated by the United States Environmental Protection Agency (EPA) as requiring a waste discharge permit due to the discharge of stormwater runoff draining to Long Creek or its tributaries. On every designated property, the operator¹ must apply to the Maine Department of Environmental Protection (DEP) for a stormwater discharge permit within 180 days of receipt of this notice. This may be accomplished by filing a Notice of Intent (NOI) to comply with the General Permit for Post Construction Discharge of Stormwater in the Long Creek Watershed. Alternatively, an application for an individual waste discharge permit may be filed. The DEP is currently proposing rules (06-096 CMR 521) to govern the standards that would need to be met in order to receive an individual permit. A copy of the proposed rule is also enclosed. The rule is expected to become final by the end of March 2010, after which an application form will be made available.

Stormwater Permit Requirement

The DEP has been delegated by EPA to run the Clean Water Act stormwater permit program in Maine. DEP has compiled a list of properties, both publicly and privately owned, that it has determined meet the threshold of one acre of impervious area with a direct discharge to Long Creek or its tributaries.² This list is based on an evaluation of tax maps, aerial photos and site inspections. Based on this information, the DEP has determined that the parcel(s) listed in an attachment to this notice is(are) subject to the permit requirements.

¹ The general permit defines the "operator" as "the person who has control over a parcel with a designated discharge of stormwater to Long Creek or its tributaries. The owner of a parcel will be considered by the Department to be the operator, unless there is a written agreement, such as a long term lease, which provides another person with authority to make decisions with respect to stormwater discharges from the impervious area and associated areas of the parcel needed for stormwater management."

² A direct discharge is defined in the general permit as "any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged." The DEP considers stormwater runoff that has a concentrated flow at any point before reaching a receiving water to be a direct discharge. This would include runoff flowing to a swale, ditch or other channel either on or off the property. For purposes of EPA's decision, a direct discharge also includes discharges to municipal separate storm sewer systems or other public or private conveyance systems that convey stormwater to Long Creek or its tributaries.

Notice of Long Creek General Permit
12/19/2009

General Permit

A copy of the general permit, which was adopted on November 6, 2009, is enclosed. The general permit, along with a Fact Sheet and other information are also available on DEP's web site: http://www.maine.gov/dep/blwq/docstand/wd/long_creek/index.htm. The general permit provides coverage to an operator with a designated stormwater discharge. The general permit will require that an operator enter into a contract with the Long Creek Watershed Management District to support implementation of a watershed management plan. The plan can be viewed at the following web address: www.restorelongcreek.org. The Cumberland County Soil & Water Conservation District (CCSWCD) has information on the landowner agreement for those who wish to obtain general permit coverage. For more information, contact Tamara Lee Pinard at the CCSWCD at (207) 892-4700.

Individual Permit Requirements – Proposed Rule

Also enclosed is a proposed rule (06-096 CMR 521) with requirements for an operator wishing to file an application for an individual waste discharge permit. The DEP has initiated a formal rule-making process to adopt this rule. A public hearing on the draft rule has been set for Thursday, January 7, 2010 at 9:30 a.m. in the Augusta Civic Center. Comments may be submitted orally at the hearing, or in writing by U.S. Postal Service mail to:

Don Witherill
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333

or e-mail: Donald.t.witherill@maine.gov.

The deadline for comments is 5:00 P.M. on Tuesday, January 19, 2010.