

3/29/24

DEP/DMR Overboard Discharge Meeting

Memorandum

On March 27th, staff from Maine DMR and DEP had a virtual call to discuss the potential to open additional bivalve shellfish growing areas by removing overboard discharges (OBDs) with particular focus on future funding in the DEP OBD grant removal program. Brian Kavanah (DEP), Gregg Wood (DEP), Holly Ireland (DEP), Robert Hartley (DEP), Brandy Piers (DEP), David Miller (DMR), William Johnson (DEP), Irene Saumur (DEP) and Bryant Lewis (DMR) were on the call.

- DEP noted the bond process is highly competitive to secure OBD grant removal funds through that path.
- OBD removals used to average 30-35 per year statewide, down to roughly 15 per year. COVID may have played a role, but it is also showing the decreased number of locations eligible for replacements.
- Seven of the 53 systems removed over the last 10 years in areas that led to shellfish re-openings were removed due to the OBD grant removal program.
- Five of the 28 DMR identified priority OBDs have potential alternative septic system options though two of those five are questionable if really possible. The rest of the 28 have no current alternative (based on evaluator opinion).
- A large OBD at Sebasco Harbor Resort in Phippsburg has had an alternative identified with an intended replacement in 2025. This is the cause of a shellfish closure.
- DEP considered alternative approaches rather than requesting funding for the OBD removal program. They viewed some of the current site evaluation and grant guidelines to be what needed to change to make the OBD removal program effective in the future.
 - There was a discussion if DEP could compel more than one site evaluation on transfers or have DEP pick their own evaluator. There was discussion that some evaluators could be overly conservative in labelling systems as having no alternatives.
 - Discussed having an RFP for site evaluators representing the Department who would be more willing to look at alternatives and possibly using future DEP OBD removal grant money to pay for the evaluators.
 - OBD grant removal program has \$125,000 limit; homes in trusts don't qualify since income is combined which immediately disqualifies a number of systems in shellfish areas from accessing the program.
 - DEP is considering the idea of changing the OBD removal grant program mechanism to have refunds returned quicker or change the system to be a direct payment by DEP.
 - There was a discussion of DEP setting money aside for a DEP evaluator to be on retainer. They would need to consider liability issues; favoring certain systems or if system fails.