

# Stormwater Stakeholders Meeting

Arboretum  
October 24, 2003  
9:00 a.m. - 12:00 noon

## Meeting Summary

### Introductions - Name and affiliation

### Overview of meeting agenda – Ann Gosline

### UAA Presentation - Jennie Bridge

Jennie gave a presentation on Use Attainability Analysis (UAA). The presentation included background on the goals and framework of the Clean Water Act. The presentation also included information on water quality standards, types of designated uses and existing uses. What is required to be in a UAA and when a UAA may result in the removal or lowering of a designated water use was also part of the presentation.

### Discussion (Questions/Comments) on the UAA presentation

- Are the impaired streams we are talking about even classified? Yes, *all Maine waters are classified.*
- What if all sorts of restrictions/requirements are imposed and you still can't attain classification?
- What are other states doing about urban streams and impairment?
- If you go through a UAA, it would determine what uses could and could not be met. You have to do as much as is feasible before making any classification changes for a waterbody.
- What determines that a UAA should be done? *The decision to do a UAA would have to come from DEP.*
- There has to be a margin of safety included in any TMDL that is done. This should include room for future growth.
- Who is responsible for making room for new development?
- Who has the authority to require existing sources to make changes in order to allow for new sources?
- What about smart-growth? Shouldn't there be a coalition of interests in state government?
- DEP expects very few (perhaps 2 or 3) of the impaired streams on the list would be good candidates for a UAA.
- We should be trying to encourage smart-growth and service centers, not sprawl. Economic dis-incentives to developers encourage sprawl.
- A UAA must be waterbody specific.
- Couldn't a UAA for a batch of streams be done all at once?

### Discussion of draft rule on "Maintenance"

Every 5 years a permittee would be required to certify that identification and repair or erosion, inspection and repair of stormwater facilities had

been completed. A permittee would also be required to certify that an erosion and stormwater maintenance plan for the site had been implemented.

- Are there any current requirements for maintenance? *Maintenance contracts are typically required as a condition of Site Location permits.*
- Would this apply to existing projects? *This would only apply to new projects requiring a permit after the rule goes into effect.*
- People should be allowed to write their own maintenance plan.
- What about sub-divisions? The developers are long gone after 5 years. *A responsible party, typically a home owners' association, would have to be named in the permit application.*
- Won't municipalities get stuck doing this? *Municipalities would not be required by the proposed rule to take this work on.*
- This requires that someone be responsible for maintenance. The likelihood is that you are setting people up for non-compliance. This would still require follow-up; you can't get out of doing inspections.
- How is this going to improve the current situation? *DEP would be able to target inspections based on whether or not maintenance certification is made on a site.*
- If there is a maintenance contract and it is not being carried out is the permittee responsible? Yes.
- Should there be a requirement as to who is allowed to do the certification?
- It would be a good thing for owners.
- Permittees should be the ones to do the certification.
- Maintenance is a critical item.
- Maintenance is critical. It seems that this would help DEP to target where to inspect.
- Is there any idea what percent of sites actually do good maintenance?
- Maybe education of permittees would be a more workable solution.
- Isn't this just another resource shuffle?
- Education and outreach is essential.

### **Technical Work Group Update - Don Witherill**

Don gave an update on the technical work group meeting that was held on October 21, 2003. The next technical work group meeting is scheduled for October 29, 2003.

### **Policy Work Group Update - Don Witherill**

Don updated the group on the meeting of the policy work group that was held on October 22, 2003. One of the things brought up related to this was the question of whether or not there should be different standards for impaired streams at all. Maybe the same stricter standards should be applied across the board.

### **Comments**

- The idea of one standard is very interesting. It would be a simplification for engineers.
- If the standards are good, it's a good concept.

- On impaired waters you have the concept of "not cause or contribute to a water quality violation". How would that relate to other waters?

**Next Meeting**

The next meeting will be held on November 14, 2003 at the Senator Inn.