

Commission to Study Unmanaged Storm Water Pollution
Resolve 2025, chapter 166
Wednesday, October 7, 2026 – start time 10 AM
Room 216 (Environment and Natural Resources Committee Room)
Cross State Office Building, Augusta, ME

Agenda Meeting #3
(times are approximate)

10:00 AM	Welcome <i>Senator Denise Tepler and Representative Dan Ankeles</i>
	Commission member introductions
10:15 AM	Work session Discussion of preliminary suggested recommendations
12:15 PM	Lunch Break
12:45 PM	Continuation of work session Discussion of potential recommendations Voting on recommendations for commission's report
TBD	Adjourn

Future meeting date: Wednesday, October 21

Commission to Study Unmanaged Storm Water Pollution

Preliminary Suggested Recommendations

For discussion purposes at the October 7th meeting

Winter Maintenance/Chlorides	
NH Green SnowPro Program/Limited Liability	Notes
Consider adopting NH's Green SnowPro Program for private applicators of chlorides, including using limited liability as an incentive for private sector participation. (Agnostic on what department program should be housed in.) Program should include application of and storage of chlorides and location of snow piles.	NHDES certified commercial salt applicators and property owners who hire them are granted limited liability protection against damages arising from snow and ice conditions.
Enact legislation to protect landowners and snow-removal operators/businesses who choose to reduce salt usage from slip-and-fall claims/litigation.	
Adopt a program like NH Green SnowPro.	
Chlorides are not currently effectively managed; a strategy to address this is to adopt a statewide program like NH Green SnowPro as a means of source control for chlorides.	
A certification program similar in style and approach to NH's Green SnowPro Certification Program with liability waiver as an incentive.	
Statewide adoption of a program like NH's Green SnowPro certification.	
NH's Green SnowPro program is a potential model for Maine. NH's a neighboring state with similar winter conditions and similar municipal challenges.... The carrot protection from litigation deserves consideration.	
Draft a bill to create a program like NH's Green SnoPro program.	
A voluntary winter maintenance certification program could be modeled after NH's Green SnowPro program. To incentivize participation, the program could offer limited liability protections to certified private contractors. The commission should consult with the AG regarding protections from civil liability.	Administration of such a program would require additional staffing.
Innovative Winter Maintenance	
Support for the development of innovative winter maintenance.	
Brining, sophisticated road/weather monitoring, alternative deicers, improved plows.	
Look at the use of brining and practice of pre-wetting pavement before storms. ME should understand both the potential effects in salt use and any possible cost savings after initial investments.	

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Continue to identify and foster the development of new salting techniques and technologies.	
Provide grants, reimbursement programs, loans or incentives for alternative salting technology usage by State, municipal and private plowing entities.	
Additional pilot projects such as MaineDOT seashell/salt mixture for sidewalk applications to reduce salt usage on non-driving surfaces.	
MaineDOT	
Continue to pursue pilot with Klimator and consider pathways for more widespread adoption.	AI Salt Pilot; MaineDOT contracted with Swedish firm, Klimator, for a pilot project in the Bangor area.
Continue to experiment with crushed oyster shells with respect to sidewalk or walkway application.	MaineDOT's salt additive experiment; experiment ended due to housekeeping issue.
Support or continue financing for MaineDOT pilot and potential expansion of pilot.	
Encourage MaineDOT to continue testing AI-forecasting technology and inform the public of the results to foster municipal and private contractor usage if appropriate.	
Maine DEP	
Authorize DEP to regulate chlorides.	
Support DEP use of incentivizing and/or prioritizing green infrastructure options in construction permits.	
Authorize DEP to regulate chlorides through major substantive rulemaking for projects that trigger the Stormwater Management Law by adding chlorides to the list of pollutants in Title 38, section 420-D, subsection 1.	Please note that increasing the scope of DEP's authority will increase the workload for DEP staff.
Chapter 500 Stormwater Management Rules	
Encourage expeditious completion of chapter 500 rulemaking to help inform the policy landscape for future unmanaged stormwater policy development.	DEP Bureau of Land Resources Stormwater Management Law (SML)
Pending outcome of chapter 500 rulemaking, consider opportunities.	
One existing gap is existing impervious area that doesn't fit into the jurisdiction of c. 500 (General Standards) or Site Law; therefore, it is not counted toward the one-acre threshold of impervious cover that triggers General Standards when the site is	You have a parcel that changes ownership and is going to expand, with site grading and construction the total

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further developed or redeveloped. Amend chapter 500 to consider existing impervious areas that are non-jurisdictional as jurisdictional when property changes use or ownership.	disturbance is greater than 1-acre (so a Maine Construction General Permit or Chapter 500 Stormwater Permit by Rule is required). You have an existing 30,000 square feet of impervious area (building, driveway, walkway, etc.) installed prior to 2005 (predates Chapter 500). The new owner wants to demolish the existing building and build a larger building with an improved access drive and a new parking lot. The new impervious area is 30,000 square feet. On its own, the new impervious area is less than 1 acre, so it would not trigger Chapter 500 General Standards; however, if you considered the existing and new impervious area, it would be 60,000 square feet or 1.4 acres, which would trigger Chapter 500 General Standards.
Modify the Maine Construction General Permit (MCGP) so that construction sites less than one acre are also [regulated under MCGP and chapter 500 rules]; consider granting authority to towns to help with enforcement of violations.	MCGP (federally delegated to DEP Bureau of Land Resources; Chapter 500 (SML & SLODA))
Revise ME's Stormwater Management law to reduce or remove the one acre of disturbance threshold and allow for treatment of pollutants of concern by means other than filtration.	
DEP recommends further analysis of potentially lowering the one-acre soil disturbance regulatory threshold for highly developed or developing watersheds by the Stormwater Advisory Committee. Lowering regulatory thresholds will only be effective if it results in tangible water quality protection, rather than simply increasing DEP's workload.	See Stormwater Advisory Committee recommendation below.
Increase Funding/Staffing for DEP	
Increase funding to DEP Bureau of Land Resources for statewide enforcement of sedimentation and erosion laws.	Erosion and Sedimentation Control Law (ESCL)
Increase staffing for DEP Stormwater Program and Bureau of Water Quality.	

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Additional DEP support: DEP is understaffed and underpaid and has been for years. Municipalities need DEP's enforcement support for permit review, environmental protection technical assistance, enforcement of State regulations, site inspections, creating consistent communication and baseline standards across the state, coordination between bureaus and organizations, program updates, data collection, analysis and management.	
State environmental departments need more staff, funding, equipment and academic partnerships to collect, analyze and manage data.	Municipalities need data to implement cost-effective & targeted natural resource mgt plans. Giving state agencies more resources helps municipalities.
Identify funding sources to address unmanaged stormwater that may include a dedicated sub-fund of the CWSRF or a separate and new fund sourced from a portion of fees collected for stormwater permits issued by Bureau of Land Resources and/or other means.	CWSRF (Clean Water State Revolving Fund). EPA provides capitalization grants to states, which add a 20% state match to fund water quality improvements.
Recommend or assign the task force to develop recommendations for increased staffing and budget to DEP to address unmanaged stormwater pollution.	
Increase funding and staffing for DEP, including funds for more widespread water quality testing; create pathway inside DEP for coordination between Land and Water Divisions on water quality matters.	
Increased funding for DEP would support more consistent and thorough review of development against the many regulations, standards and guidance documents relating to stormwater management.	
Increase funding for DEP Bureau of Land Resources staff in permit review and compliance to increase timeliness and efficiency of permitting process as well as to provide resources and technical assistance to municipalities.	
Two bureaus (Water Quality and Land Resources) perform essential functions pertinent to stormwater management. At least one additional position in each bureau would be necessary to support the proposals under consideration by the commission and additional staff support would be necessary for the Stormwater Advisory Committee. Additional funding is also needed for increased surface water quality monitoring efforts.	

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Municipal Assistance	
Consider creation of either a state-level grant or revolving loan mechanism to assist municipal salt reduction.	
Increasing funding for DEP helps municipalities. Municipalities cannot meet many State environmental regulations, standards and permits without DEP doing their roles and responsibilities. Any dropped or neglected state-level task becomes a municipal burden and local taxpayer expense.	
Identify first steps to assist urbanizing clusters (e.g. Brunswick, Topsham, Camden, etc.) that are not regulated under ME's MS4 permit. First steps may include education and resources to promote "cluster" model of regional collaboration to address stormwater pollution (e.g. BASWG). Task force should be charged w/developing more robust tools to assist municipalities.	Task force suggested below.
As part of a statewide chloride management program, training and support for municipal operators.	
I do not think mandates for municipalities, particularly MS4 communities, will be well received as municipalities are already managing significant stormwater requirements, staffing constraints, and increasingly difficult budgets. If we want municipalities to reduce chloride use, the State should give them better tools, information, training and financial support rather than adding another requirement.	
Ideally the State would provide municipalities with guidance or a decision-making framework that helps them evaluate which practices make sense for them based on their size, road system, winter conditions, staffing, existing equipment and budget.	
Municipalities need sufficient assistance to develop and implement sustainable local funding mechanisms, including the creation of local Stormwater Utilities and the drafting of corresponding municipal codes/ordinances. To strategically identify the municipalities where stormwater utilities would be most viable, metrics (such as DEP permits issued within municipalities and developed/impervious area trends) could be utilized as indicators.	
DEP will continue to proactively assist municipalities in reporting their stormwater infrastructure deficiencies to the federal Clean Watershed Needs Survey to ensure ME receives its proportional share of future federal infrastructure funding.	
Statewide policy/best management practices	
Explore options to implement a 50% statewide reduction in the use of salt on roads within 10 years.	

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Consider having the State recommend storm drain stenciling as a BMP.	
Incentives and/or education to increase municipal participation in stenciling and/or use of signage on storm drains.	
Increased education to the public on responsible winter driving; difficult and expensive to do this successfully and equally difficult to measure effectiveness.	Department of Public Safety, MaineDOT?
Increased education regarding chlorides; important to highlight damage to concrete, pavement, interiors, etc.	MaineDOT, Maine DEP?
Gradually reduce level of service and public “bare road” expectations.	
Coordinate statewide planning for more big storms.	
Public expectation needs to be part of this conversation. There is an expectation that sidewalks should be completely clear of ice and roads should be essentially bare pavement even during major winter storms; that expectation has come at too steep a price. Public education campaign explaining the environmental and financial costs of excessive salt use...	
We need to do a better job communicating how persistent chloride pollution is. The long recovery period is important for the public and policymakers to understand because it reinforces the value of reducing chloride load now...	
Public education and alerts to address current public expectations of “clean” and bare roads, walkways and lots during and immediately after storms.	
Further Study	
Create a one-year taskforce to recommend further necessary steps to prevent and mitigate the harm associated with unmanaged stormwater pollution. Identify first steps to address chloride pollution and assign work to the task force to create a more complete plan. Plan might be based on elements of NH’s Green SnowPro Program or MN’s comprehensive plan for reducing chloride pollution.	
Recommend additional study of related issues such as the impact of increased temperatures and micro-plastics.	
Impact of microplastics on stormwater pollution.	
Investigate feasibility and value of reducing one-acre threshold for DEP permitting chapter 500 requirements.	
Infrastructure impacts cost-per-pound of salt used per acre in urban areas.	

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Use preliminary data collected at Long Creek to determine and develop reasonable rates of groundwater salt reduction in salt-impact urban areas. Use as advisory data as communities work towards cleaning up salt contamination	Potentially under umbrella state-sponsored educational programs.
Establish an ongoing Stormwater Advisory Committee of technical experts (e.g. Minnesota Stormwater Research Council and Washington State Stormwater Action Monitoring). Maine also has a Water Resources Planning Committee which focuses on sustainable use of Maine's waters.	See DEP memo, dated 10/2/26, for suggested areas of focus for an ongoing Stormwater Advisory Committee.
Other	
Pursue policies that reduce requirements for parking lot size.	No statewide standard for parking lot size; overall size is determined by local municipal ordinances and specific # of parking spaces for a given land use. Other consideration ADA.



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

MEMORANDUM

TO: Commission to Study Unmanaged Storm Water Pollution
FROM: Kerem Gungor, Senior Environmental Engineer, Maine DEP
DATE: October 2, 2026
SUBJECT: Recommendations

The Maine Department of Environmental Protection (DEP) has developed the preliminary recommendations below in response to issues discussed with the Commission to Study Unmanaged Storm Water Pollution. It is important to note that DEP cannot absorb additional work without accompanying additional staff resources. DEP understands that state funding is, and will continue to be, extremely limited. The staffing needs indicated below do not represent agency-wide staffing needs or priorities. In a constrained budgetary environment, the additional positions listed below would not be the top priority requests for DEP staffing.

Maine possesses a dedicated community of stormwater practitioners, yet we frequently operate in silos. However, we have powerful examples of collaboration that we must build upon. The regional Stormwater Working Groups play a crucial role in bringing MS4 municipalities together to share resources, solve problems, and align their efforts. Similarly, the Cumberland County Soil & Water Conservation District (CCSWCD) provides leadership through its diverse activities, including organizing the Maine Stormwater Conference, which fosters essential state-wide dialogue and technical exchange. Friends of Casco Bay provide advocacy for improving stormwater management through Low Impact Development (LID), and Maine Department of Transportation and Long Creek Watershed Management District have both made significant efforts for chloride source control.

The Drivers and Scope of the Challenge

There are two primary drivers of stormwater pollution: land cover alteration and climate change. These two drivers can work synergistically and stress stormwater management.

There are a few guiding principles for the recommendations below:

- We do not need to “reinvent the wheel” or “fix what is not broken”
- We must continuously evaluate “on-the-ground” results of our stormwater regulations
- Effective stormwater management requires dedicated resources
- Restoration of water quality is more challenging than protecting water quality

The Department's recommendations for this Commission's consideration focus specifically on managing stormwater originating from "developed areas"—as defined by the National Land Cover Database (NLCD)—which encompass varying percentages of impervious surfaces across Maine's watersheds.

1. Unmanaged Pollutants of Concern: Chloride and Others

Chloride pollution from winter salt application is a critical threat to Maine's aquatic habitats and groundwater, yet it remains largely unmanaged by current federal and state stormwater rules. There are several potential options to address chloride pollution through statutory revisions:

- **Stormwater Management Law:** Authorize the Department to regulate chlorides through major substantive rulemaking for projects that trigger the Stormwater Management Law by adding chlorides to the list of pollutants in section 1 of 38 M.R.S. §420-D(1). Please note that increasing the scope of the Department's authority would increase the workload for Department staff.
- **Voluntary Certification & Limited Liability:** A voluntary winter maintenance certification program could be modeled after New Hampshire's Green SnowPro program. To incentivize participation, the program could offer limited liability protections for certified private contractors. The Commission should consult with Maine Office of the Attorney General regarding protections from civil liability. Administration of a program such as this would require additional staffing.

In addition to chloride, there are other pollutants of concern that may not be effectively managed through existing regulations, for example bacteria, temperature, and 6-PPD-quinone. Developing strategies for these pollutants of concern would require a concerted effort which could be facilitated by a Stormwater Advisory Committee recommended below.

2. Addressing Knowledge Gaps and Promoting Information Exchange and Coordination

Stormwater management is a constantly evolving discipline. State and municipal authorities currently struggle to keep up with new scientific and technological advancements, and new policy tools. The Department supports knowledge transfer and building institutional expertise within state and municipal entities.

- **Stormwater Advisory Committee:** The Department recommends that meeting the broad goals of the Commission could be accomplished by establishing an ongoing Stormwater Advisory Committee of technical experts. Such a Committee should maintain a "30,000-feet" vantage point to anticipate emerging challenges and proactively address critical data and policy gaps, and should serve as a forum for information-sharing, coordination, and collaboration. Similar stormwater focused entities exist in other states: Minnesota Stormwater Research Council,

Stormwater Action Monitoring (SAM; Washington). Maine also has a Water Resources Planning Committee which focuses on sustainable use of Maine's waters.

Supporting this Committee would require additional staff resources for the Department. Recommendations of such a Committee may also necessitate funding for research.

Areas of focus for an ongoing Stormwater Advisory Committee should be:

- a. Macro-Trend Tracking & Forecasting: Monitor and analyze statewide shifts in land cover, impervious surface expansion, and climate change-induced hydrological variations (such as increased storm intensity and frequency) to predict future watershed vulnerabilities before water quality is degraded.
 - see this project from Maryland
 - b. Data Synthesis & Empirical Targeting: Serve as the central clearinghouse that synthesizes fragmented municipal, academic, and state water quality data into a unified, watershed-scale picture. The Committee could identify blind spots in current environmental monitoring and recommend targeted research to ensure that future regulatory decisions are rooted in hard, empirical evidence.
 - c. Policy Translation: Translate complex environmental data and emerging national best practices into recommendations for actionable policy frameworks. Initial areas of focus could include updates to Chapter 500, modernizing municipal MS4 strategies, and evaluating options for new funding mechanisms (such as stormwater utilities and chloride mitigation programs). This could include forming strategic partnerships with other cold climate institutions, such as the University of Minnesota and the University of New Hampshire.
 - d. Deliverables: The commission should be tasked with producing actionable, data-driven outputs, including a biennial report on state-wide trends, GIS tracking products (web maps and dashboards), and publicly accessible monitoring data.
- Citizen Science Integration: Utilize the proven experience of Soil & Water Conservation Districts, stormwater working groups, and volunteer monitoring programs to expand public education, outreach, and citizen science data collection.
 - Dedicated Academic Research: States that have resident academic expertise in stormwater benefit from that significantly; a prime example is the highly successful collaboration between North Carolina State University and the North

Carolina Department of Environmental Quality. In order to accomplish the goals expressed by the Commission, the Legislature should consider allocating funding to the University of Maine system to establish a dedicated position specializing exclusively in stormwater management and green infrastructure development.

3. Resource Limitations

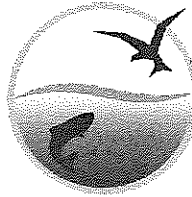
Both state and local authorities operate with severely limited resources, making it difficult to meet existing regulatory obligations, let alone restore impaired waters. States that generate independent funding to support stormwater programs (such as Washington, California, and Minnesota) make the most significant strides.

- **DEP:** Two bureaus (Bureau of Water Quality (BWQ) and Bureau of Land Resources (BLR)) perform essential functions pertinent to stormwater management. At least one additional position in each Bureau would be necessary to support the proposals under consideration by the Commission, and further additional staff support would be necessary for the Advisory Committee recommended above. Additional funding would also be needed for increased surface water quality monitoring efforts.
- **Municipal Capacity:** Municipalities need sufficient assistance to develop and implement sustainable local funding mechanisms, including the creation of local Stormwater Utilities and the drafting of corresponding municipal codes/ordinances. To strategically identify the municipalities where stormwater utilities would be most viable, metrics such as DEP permits issued within municipalities and developed/imperious area trends could be utilized as indicators.
- **Clean Watershed Needs Survey:** The Department will continue to proactively assist municipalities in reporting their stormwater infrastructure deficiencies to the federal Clean Watershed Needs Survey to ensure Maine receives its proportional share of future federal infrastructure funding.

4. Closing the Loop on Unregulated Development

The Commission discussed the one-acre soil disturbance regulatory threshold in the Stormwater Management Law. Lowering the threshold has been proposed. Lowering regulatory thresholds will only be effective if it results in tangible water quality protection, rather than simply increasing the DEP's workload.

The Department recommends further analysis of this proposal for highly developed or developing watersheds by the Stormwater Advisory Committee recommended above.



Friends of Casco Bay Casco BAYKEEPER

September 29, 2026

Dear Senator Tepler and Representative Ankeles,

You requested that each person appointed to the Commission to Study Unmanaged Storm Water Pollution (the Commission) submit suggestions for the Commission to consider by today. Below are my suggestions, starting with a summary of priority recommendations and followed by a more detailed set of suggestions by topic.

Priority recommendations

Top suggestions for the Commission to consider include:

1. Creating a one-year task force to recommend further necessary steps to prevent and mitigate the harm associated with unmanaged stormwater pollution.
2. Identifying first steps to assist urbanizing clusters such as Brunswick and Topsham or Camden, Rockland and Belfast that are not regulated under Maine's MS4 permit, have high and increasing percentages of impervious cover, and burgeoning problems from stormwater pollution. The first steps could include education and resources to promote a "cluster" model of regional collaboration to address stormwater pollution, such as the BASWG model presented to the Commission. The task force should be charged with developing a more robust set of tools to assist municipalities.
3. Identifying first steps to address chloride pollution and assigning work to the task force to create a more complete plan. The first steps and plan might be based upon elements of NH's Green SnowPro program or Minnesota's more comprehensive plan for reducing chloride pollution.
4. Revising Maine's Stormwater Management law to reduce or remove the one acre of disturbance threshold and allow for treatment of pollutants of concern by means other than infiltration.
5. Identifying funding sources to address unmanaged stormwater that may include a dedicated sub fund of the CWSRF or a separate and new fund sourced from a portion of fees collected for stormwater permits issued by the land bureau and/or other means.
6. Recommending or assigning the task force to develop recommendations for increased staffing and budget to DEP to address unmanaged stormwater pollution.

Analysis and further recommendations

As a starting place, the Commission was charged with five tasks, which it covered, but not to the degree necessary to adequately address unmanaged stormwater. Therefore, the Commission should recommend

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establishing a one-year task force to develop more detailed and additional recommendations. By task, recommendations include:

1. Compile and Review Data

The data made available to the Commission included information on DEP's Chapter 500 rule revision web page, DEP's ICover mapping tool, and a hyperlink to DEP's chlorides story map. Presenters shared some data regarding the impacts of stormwater pollution generally, and more specific data regarding winter road salt application rates and the impacts of chloride pollution. The Commission did not perform a rigorous review of all stormwater data, nor did it identify data gaps that should be filled (discussed further in recommendation 2). The missing data exists at a municipal and non-governmental level.

Recommendations:

The Commission should recommend that the task force conduct a more rigorous compilation of relevant data and identify data gaps. Moreover, the data and analysis that will support a listing of sensitive and threatened watersheds is not yet publicly available. That data will be available as part of the major substantive rule-making process to update DEP Rules Ch. 500-502. The task force should review that data when it becomes available and consider what more must be done in those watersheds to prevent degradation. Acting to prevent stormwater pollution is far more cost effective than trying to restore water quality.

2. Identify and develop strategies to address knowledge gaps

Please see above comments. In addition, at the second meeting, presenters identified two serious knowledge gaps. First, we do not completely understand how long it will take to restore waters impaired by chlorides. Chlorides do not break down in fresh water, and they infiltrate into ground water, where they can seep into nearby waters at periods of low flow. How long it takes for chlorides to move through ground water and out to streams is unknown. Second, non MS4 urbanizing communities need more data to help them prevent and manage stormwater pollution.

Recommendations:

The Commission should identify knowledge gaps that must be filled to prevent and address chlorides pollution.

The Commission should identify and recommend monitoring and/or training to assist non-MS4 municipalities in gathering information needed to address unmanaged stormwater pollution. This, for example, might include workshops where MS4 municipalities share monitoring protocols and train non MS4 municipal staff or volunteers to monitor stormwater outfalls or perform other tasks to fill knowledge gaps that prevent action.

3. Identify pollutants of concern that are not effectively managed through state and federal storm water laws and rules

The Commission chose to focus on chloride pollution, which is an increasing problem for aquatic life, wildlife, pets, drinking water, vegetation, and municipal infrastructure. According to DEP's chlorides story map, 28 urban streams and brooks (as of January 2026) are already impacted or threatened by chloride. 23 of these are listed as impaired in Maine's Integrated Report. Chloride pollution also threatens Maine's lakes and ponds, as detailed in the story map.

Two other pollutants that affect water quality, impact recreation, and close areas to fishing and shellfish harvesting are nutrient pollution and bacteria pollution. Some troubling sources of this pollution are unmanaged.

With respect to nutrient pollution, excess phosphorus can fuel cyanobacteria and other phytoplankton and macro algae blooms in fresh water that threaten human health and/or degrade water quality. Excess nitrogen causes harm in estuarine and marine waters. It fuels phytoplankton blooms, some of which may be harmful to human health, marine mammals, and aquatic life. The phytoplankton blooms reduce water clarity, degrading critical habitats such as eelgrass beds. When the blooms die off, they deplete oxygen in the water column and release carbon dioxide. The carbon dioxide combines with sea water to form carbonic acid, contributing to ocean acidification. Excess nitrogen also fuels macroalgae blooms that form thick green mats on clam flats. The blooms suffocate and kill clams and worms and prevent clam and other spat from reaching and settling on the flats. Maine recently adopted numeric phosphorus criteria to reduce phosphorus loading from wastewater treatment plants and commercial and industrial point source dischargers who are regulated under the MEPDES permit system. Maine is in the process of developing numeric nitrogen criteria, which will have a similar application to point source dischargers to estuarine and marine waters. These regulations will not apply to phosphorus and nitrogen discharges from unmanaged sources, carried in stormwater to our waterways. Nutrient loading from unmanaged stormwater degrades some of Maine's lakes and ponds, rivers and streams, and saltwater coves and flats.

With respect to bacteria pollution, after significant rains, unmanaged stormwater can carry bacteria to waters, closing areas to swimming and harvesting. This is a growing problem. This unmanaged pollution affects fresh and marine waters. Data on this issue in marine waters may be partly available from the Maine Healthy Beaches program and DMR's public health P90 program.

Recommendations:

The final report should reflect that time constraints precluded the commission from studying more than one pollutant of concern. We should identify a priority list of pollutants of concern for the task force to study. This could include nutrient and bacteria pollution.

The Commission should recommend amending Maine's stormwater management law. In relevant part, the law provides that: "The department shall adopt rules specifying quantity and quality standards for storm water. Storm water quality standards **for projects with 3 acres or less of impervious surface** may address phosphorus, nitrates and suspended solids **but may not directly address other dissolved or hazardous materials unless infiltration is proposed.**" (emphasis added). The Commission should discuss the changes needed to this language to permit treatment of chlorides and other pollutants of concern that may be better addressed by methods that do not

propose infiltration. The Commission should consider whether the language “for projects with 3 acres or less of impervious surface” should be amended. Does this restriction prevent DEP from properly addressing stormwater pollution through its permit program?

With respect to chloride pollution, the Commission should have a more robust discussion, comparing New Hampshire’s Green SnowPro program and Minnesota’s chloride reduction program. The Commission should reach consensus on adopting elements of these programs. For example, Minnesota has a comprehensive chloride reduction plan, that addresses road salts and other sources of chloride pollution. It also considers the impacts of chlorides on wetlands, rivers, lakes and groundwater. Minnesota’s program also includes training (similar to Green SnowPro), an online smart salting tool, and chloride reduction grants. It might be the gold standard to achieve as it takes a comprehensive approach. At a minimum, the commission should recommend, as a first step, legislation to create a training and funding program based on the New Hampshire and Minnesota models.

The Commission also should discuss and consider what should be done to restore waters already impaired by chloride pollution. For example, should Maine issue a general permit for chloride reduction in those areas under its Residual Designation Authority? Under the Clean Water Act, RDA gives delegated states like Maine the authority to issue a general permit to regulate additional categories of stormwater discharges to reduce stormwater pollutants. The State could use RDA to require training, use of calibration tools, beveled blades or other technologies that reduce salt application, and impose salt storage and housekeeping measures like those in the MS4 permit.

4. Identify and recommend strategies to address storm water pollution associated with development that is not effectively managed through state and federal storm water laws

In this context, the commission discussed the cumulative impact of unmanaged development on lots less than an acre that falls outside of regulation under state stormwater management law. The commission also heard from a non MS4 community with a high percentage of impervious cover, increasing development, and insufficient tools to manage escalating stormwater pollution.

Recommendations:

Maine’s current stormwater management law, in relevant part, provides: A person may not construct, or cause to be constructed, a project that **includes one acre or more of disturbed area** without prior approval from the department. During the stakeholder process to revise Chapter 500 and during the first two meetings of the Commission, the one acre language was identified as a barrier to addressing significant sources of unmanaged stormwater. For example, in an urbanizing area like Camden, development of multiple lots below the one acre threshold in a vulnerable watershed caused erosion and degraded water quality. The Commission should remove or reduce the one acre threshold. Removing it would make the law commensurate with Maine’s erosion and sediment control statute. Lowering it would be consistent with recommendations from experts including the UNH Stormwater Center. Some of Maine’s more urbanized municipalities already regulate stormwater from lots less than an acre through ordinances. (See MS4 permit).

The Commission should consider how to help address stormwater pollution in urbanizing areas not covered by the MS4 permit. Based on the presentations to the Commission, these areas may

benefit from regulation. The Commission could recommend that DEP explore using its RDA to regulate stormwater discharges from clusters of urbanizing municipalities that do not meet the MS4 threshold. A general permit issued under RDA could start with some basic requirements such as mapping systems and undertaking some of the housekeeping functions of MCM 6 in the MS4 permit. At a minimum, tools and technical assistance should be provided to these communities.

5. Identify barriers, such as staffing and budget

The Commission heard two common themes: (1) DEP should have increased staff and budget to address stormwater pollution. This applies to both the land and water bureau. (2) Municipalities need more resources to maintain and upgrade infrastructure and to prevent and address unmanaged stormwater pollution.

Recommendations:

The Commission should recommend increased staffing and budget to be allocated to DEP to address unmanaged stormwater pollution. In the alternative, the Commission should charge the task force with further studying this issue and making detailed recommendations regarding DEP staffing and budget.

The Commission should identify funding sources to address unmanaged stormwater that may include a dedicated sub fund of the CWSRF, or a dedicated percentage of the fund. Maine law currently limits use of CWSRF funds to Stormwater Asset Management Plans and Stormwater Utility Development Plans. Federal CWSRF law provides that funds can be used for measures that manage, reduce, treat, or recapture stormwater or subsurface drainage water are eligible for assistance. 33 USC 1383 (C)(5). Maine should amend its CWSRF program to be commensurate with the language in federal law. It should then allocate a percentage of the CWSRF or create a separate fund for this purpose. Otherwise, stormwater needs historically take a backseat to wastewater infrastructure needs and receive little to no funding. More dollars could be allocated to stormwater infrastructure from a portion of fees collected for stormwater permits issued by the land bureau and/or other means that the Commission identifies.

Conclusion

In closing, thank you for considering the above suggestions. Please let me know if you need or want more detailed analysis on any of the above topics. I kept the suggestions at a high level, to permit discussion, keep the length of these suggestions to a minimum, and comply with the time constraints. I look forward to the next meeting.

Respectfully submitted,



Ivy L. Frignoca, Casco Baykeeper
Friends of Casco Bay
Cell: (207) 831-3067
ifrignoca@cascobay.org



Westbrook, Maine

ENGINEERING & PUBLIC SERVICES



Eric Dudley, PE

Director, Engineering & Public Services

371 Saco Street

Westbrook, Maine 04092

Phone: 207-854-0660

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9/29/2026

Commission to Study Unmanaged Stormwater Pollution
Burton M Cross Office Building
111 Sewall Street
Augusta, Maine 04330

To the Honorable Members of the Commission,

Please find my recommendations to improve the management of and reduce pollution in stormwater below.

Statewide Adoption of a Winter Maintenance Operator Training and Certification Program to Reduce Chlorides:

Chlorides from winter salt are causing ever increasing harm to our freshwater systems and we currently have no treatment to remove them. Once in water, chlorides are effectively impossible to remove meaning the only way to reduce the environmental damage is source reduction. However, the private companies conducting winter property management have only two options for insurance coverage and a single lawsuit from a slip and fall accident, even if the company treated surfaces properly, can put them out of business. This threat to their livelihood leads to routine and consistent oversalting of surfaces. Because of this, my first recommendation is the statewide adoption of a program similar to New Hampshire's Green SnowPro certification.

The establishment of such a program would provide the following benefits:

- A consistent standard to which winter management professionals are held that includes ongoing education and certification to help ensure proper surface treatment and public safety throughout the state.
- Reduced salt runoff and chloride pollution in freshwater systems as private companies, municipalities and state agencies work together to achieve source control and the chlorides currently present in our soils and water get flushed from the system over time.
- Improvement of the public understanding of safe surfaces as people learn you don't need to hear the crunch of over-applied salt under your shoe for a surface to be safe.

- A searchable list of trained and certified winter maintenance professionals who clients can trust to treat surfaces properly leading to reduced environmental, infrastructure and property damage.

Increased Funding for the Department of Environmental Protection (DEP)

Regulatory Oversight & Technical Support

Additional funding and staffing at the DEP would support more consistent and thorough review of development against the many regulations, standards, and guidance documents relating to stormwater management. Further, it would provide the capacity for DEP staff to more consistently enforce those programs, something municipalities report is a priority need as they struggle to manage and enforce state regulations and standards at the local level. Municipalities also rely on DEP staff for permit reviews, technical assistance and site inspections. When DEP is unable address compliance issues relating to state permits, those tasks become a municipal burden and local taxpayer expense.

Interdepartmental and Interagency Coordination

Sufficient funding and staffing would also improve inter-agency collaboration, allowing the DEP to approach proactive updates and long-range planning in line with the work of the myriad state agencies involved with the oversight of water quality in Maine. It is critical that we work to create consistent messaging and standards across the state, reducing the potential for conflicting or confounding regulations. State-level coordination is also vital to support environmental and ecological data collection, analysis, and management ensuring standards are based on the complete set of available data and that state agencies, municipalities and other organizations are working toward the same goals using all the tools available. All work, from state standards and regulations to state mandated municipal plans and public education is only as good as the data on which it is based.

As previously discussed, municipalities are seeking ways to have adequate regulatory support managing complex situations through successful state/municipal partnerships. At current staffing levels, and despite their best efforts, the DEP cannot give those partnerships the care and attention needed for success.

Thank you for your consideration.

Sincerely,



Lynn Leavitt
Commission Member Representing Maine Municipalities
Chair, Interlocal Stormwater Working Group
Sustainability Coordinator, City of Westbrook

Bryant Lewis – ME DMR

9/29/26

Commission to Study Unmanaged Storm Water Pollution Session 3 Recommendations

Areas of Further Study:

- Impact of microplastics on stormwater pollution.
 - Other than wastewater treatment plants- may enter marine environment through litter being carried on runoff/flooding and graywater discharge.
- Investigate feasibility and value of reducing one acre threshold for ME DEP permitting Chapter 500 requirements (increased ME DEP staffing, impact on better controlling storm water pollution).
- Infrastructure impacts cost per pound of salt used per acre in urban areas.
 - Wagner Enterprise study may have some information for this.
 - This information could be used in education courses for private contractors, municipality staff and in future bills designed to create educational, incentive or liability coverage related to winter salt usage on streets, sidewalks and lots.
- Continue to identify and foster the development of new salting techniques and technologies.
 - Likely most appropriate through ME DOT staff.
- Use preliminary data collected at Long Creek to determine and develop reasonable rates of groundwater salt reduction in salt-impacted urban areas.
 - This data could be used as advisory data as communities work towards cleaning up salt contamination potentially under the umbrella of state-sponsored educational programs.

Recommendations (Priority from most significant impacts to least):

- Draft a bill to create a program similar to New Hampshire's Green Sno Pro program.
 - Certification program aimed at private snow plowing/salting contractors educating on appropriate salt usage/environmental impacts
 - Limited liability protection component necessary for private contractors
 - May offer inclusion of municipal staff for educational purposes
 - The program should set goals for communities and let the communities make their own decisions to encourage innovation with

feedback/tracking mechanisms to share success stories with future certification program participants.

- If a certification program is successfully implemented, at some point groundwater monitoring in select urban areas should be completed long-term to confirm efficacy of program.
- Public education and alerts to address current public expectation of “clean” and bare roads, walkways and lots during and immediately after storms.
 - Oversalting is often done due to public and property owner expectations as to what is considered clean and when roads should be accessible.
 - Public alerts may be used to update the public on road conditions and driving speed reductions.
- Providing grants, reimbursement programs, loans or incentives for alternative salting technology usage by state, municipal and private plowing entities.
 - This would decrease salt usage; thereby reducing associated environmental and infrastructure impacts.
- Support ME DEP use of incentivizing and/or prioritizing green infrastructure options in construction permits.
 - Prioritize the usage of native plants.
- Encourage ME DOT to continue testing AI-forecasting technology and inform the public of results to foster municipal and private contractor usage if appropriate.
 - Determine if could be used to scale as a teaching aid for new staff and/or a long-term aid in salt application for all drivers statewide or in certain critical-sized population centers.
- Increased funding for ME DEP Bureau of Land Resources staff in permit review and compliance to increase timeliness and efficiency of permitting process as well as to provide resources and technical assistance to municipalities.
- Additional pilot projects such as the ME DOT seashell/salt mixture for sidewalk applications to reduce salt usage on non-driving surfaces.
 - State agencies may partner with municipalities and consider pilot projects done in other states.
- Incentives and/or education to increase municipality participation in stenciling and/or using signage on storm drains.
 - Bacterial pollution caused by dog bags, etc. being put in drains.
 - Usage of covered municipal garbage cans near urban storm drains to avoid waste disposal in storm drains.



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

October 6, 2026

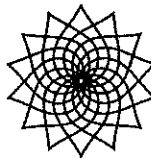
Re: Public Comment to the Commission to Study Unmanaged Stormwater Pollution

To the Honorable Members of the Commission,

The Interlocal Stormwater Working Group (ISWG) submits the following comments related to the study commission's efforts to improve the management and reduction of pollution in stormwater.

Chloride pollution reduction is most effectively managed through the statewide adoption of a winter maintenance operator training and certification program for state, municipal, and commercial operators.

1. **Due to the nature of chloride pollution, minimizing its environmental impact is only feasible when managed at the source.** Adopting a statewide winter maintenance operator training and certification program for state, municipal, and commercial operators is the most efficient and cost-effective way to ensure a collaborative effort to reduce chlorides across major contributing sources using best practices to maintain safe conditions.
2. **Maine already has two out of the three major winter maintenance program pieces in place through existing Department of Transportation (DOT) and Department of Environmental Protection (DEP) efforts.** The DOT is already the recognized expert by state, municipal, and commercial operators through their Local Roads Center annual Snow & Ice Control trainings. The DEP already manages a robust professional certification program through their Nonpoint Source Training Center that coordinates collaborative training hour credits with other Departments. Working directly with state staff implementing these existing programs to incorporate the new winter maintenance program will minimize increases to staffing burdens and Department budgets.
 - a. Establishing the winter maintenance program through a DOT-DEP partnership will also maximize operator participation. The seasonality of construction, landscaping, and winter maintenance work allows reliable and routine project bidding to sustain a business. Construction, landscaping, and winter maintenance work is also conducive to high employee turnover to chase better pay, benefits, hours, and/or location. A statewide winter maintenance program for state, municipal, and commercial operators would create an industry standard that benefits employees and employers.
3. **The third winter maintenance program piece requires the legislature to pass legislation that will provide limited liability coverage to certified commercial winter maintenance operators that document the correct usage of best practices.** Without limited liability coverage, commercial winter maintenance operators will continue to oversalt to protect their livelihood from insurance coverage loss and landowner pass-through



**INTERLOCAL
STORMWATER
WORKING
GROUP**

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

lawsuits. As stated above, creating a statewide industry standard will maintain a high level of safety while reducing litigious risks assessed by insurance companies and private landowners.

Effective environmental protection requires increased funding and staff within the Department of Environmental Protection.

1. **Cost-effective and targeted natural resource management can only be done when there is accurate, diverse, and long-term data available.** DEP does not have the staff or resources to consistently monitor the water quality of Maine's 33,000 plus waterbodies. This data is necessary to properly protect Maine's valuable waterbodies through appropriate regulations, permits, technical assistance, and enforcement.
2. **A small DEP budget only shifts the state's roles and responsibilities to the local level.** Decades of underfunding and understaffing the DEP has led to significant delays in reviewing and issuing permits, improving statewide minimum standards, following up on enforcement matters, monitoring the health of Maine's waterways, and investing in protecting Maine's natural resources. This has forced DEP responsibilities onto municipalities, requiring them to hire highly specialized staff or consultants, increase local taxes and establish multiple fee programs to comply with state requirements, and combat DEP programmatic inconsistencies and inefficiencies.

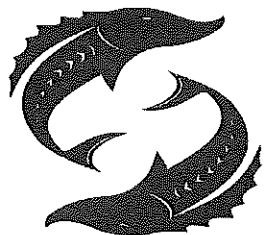
Thank you,

Ali Clift, ISWG Facilitator
Stormwater Program Manager, Cumberland County Soil & Water Conservation District

Lynn Leavitt, ISWG Chair
Sustainability Coordinator, City of Westbrook

Jodie Keene, ISWG Vice Chair
Co-Stormwater Program Coordinator, City of Portland

WE ANSWER TO THE WATER



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Written Comments on Unmanaged Storm Water Pollution

September 30, 2026

Senator Denise Tepler and Representative Dan Ankeles, Co-Chairs
Commission to Study Unmanaged Storm Water Pollution
Maine Legislature

Re: Recommendations for consideration at the October 7, 2026 meeting

Dear Senator Tepler, Representative Ankeles, and Members of the Commission:

Thank you for the opportunity to provide written comments as the Commission develops its recommendations. I ask the Commission to recommend practical, adequately funded measures that prevent stormwater pollution, help municipalities and contractors improve their practices, and give the Department of Environmental Protection the capacity to carry out its responsibilities.

For the Penobscot watershed, this work connects the health of upstream lakes and streams with the river, coastal waters, fisheries, and communities downstream. These recommendations address the Commission's charge to examine unmanaged pollutants, development, knowledge gaps, and barriers to implementation. I ask that the Commission include them in the final report and proposed legislation. [1]

1 Strengthen Erosion and Sediment Control Oversight

Provide dedicated funding for DEP and municipalities to strengthen inspections, compliance assistance, and enforcement of existing erosion and sediment control requirements, prioritizing watersheds vulnerable to sediment and phosphorus pollution. Building on DEP's existing standards and training programs, the Commission should support coordinated efforts to identify and correct high-risk erosion sites, including smaller construction projects that do not otherwise require a construction stormwater permit. DEP should assess whether additional oversight, use of existing authority, or targeted requirements would improve protection of sensitive watersheds.

2 Make low impact development practical and durable

Support low impact development through clear design guidance, model ordinances, technical assistance, and grants. Prioritize minimizing unnecessary pavement, retaining natural vegetation and streamside buffers, and managing runoff close to its source where site conditions allow. Coordinate these efforts with DEP's Chapter 500 revisions and stormwater manual update. [2] Designs should account for soils, groundwater, winter conditions, heavier rainfall, and long-term maintenance. Infiltration should not be treated as a solution for dissolved chloride or used where it would threaten groundwater. [6]

3 Support Maine Department of Transportation's salt reduction pilots and share successful approaches

Support continued funding and evaluation of Maine DOT's Klimator pilot, with opportunities to expand approaches that reduce salt use while maintaining safe roads. Encourage sharing results on salt use in relation to weather and treated lane miles, road safety, equipment and operating costs, and lessons that municipalities can apply. Include operator training and comparisons with similar routes to help identify what works best. Pair newer technology with established practices such as spreader calibration, improved plowing equipment, and timely weather information to build on MaineDOT's salt reduction efforts. [3]

4 Establish a Maine winter maintenance certification program

Develop a voluntary program drawing on New Hampshire's Green SnowPro, Maine's existing snow and ice guidance, and regional experience such as the Bangor Area Stormwater Group and Long Creek Water Management District. Include commercial contractors, municipal crews, and property managers. Provide affordable training, refresher courses, equipment calibration assistance, salt-use records, and guidance on storage, snow placement, and contracts that reward safe, efficient service. Offer equipment grants or shared purchasing opportunities so smaller operators can participate. [4]

Pair certification with carefully defined statutory liability protection for eligible operators and property owners who document compliance with approved practices. Preserve exceptions for gross negligence and reckless disregard, and review municipal protections separately under Maine law. Certification should not create blanket immunity or excuse pollution violations. Public education should explain how appropriate salt use can protect water while maintaining safe travel. [5]

5 Fund municipal assistance and regional cooperation

Provide sustained technical and financial assistance to municipalities covered by municipal separate storm sewer system permits (MS4 permits), as well as communities outside that program. Support drainage and outfall mapping, water-quality data, inspections, illicit discharge investigations, maintenance planning, and staff training. Expand regional sharing of expertise and equipment using groups such as BASWG as models. Clearly distinguish applicable legal requirements from recommended practices, and pair any new municipal duties with funding and realistic implementation schedules. [6]

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6 Give DEP the staff and resources to fulfill its mandates

Recommend a funded staffing plan for DEP's stormwater permitting, field inspections, enforcement, technical assistance, and monitoring work. Include a compensation review and salary adjustments needed to attract and retain qualified, experienced staff. Ask DEP to document vacancies, turnover, workloads, and unmet responsibilities so appropriations address identifiable needs. Strengthen coordination between the Land and Water bureaus and provide municipalities with timely guidance and enforcement support. [6]

7 Address existing runoff and verify ongoing maintenance

Create a dedicated grant program to retrofit existing development and restore failing stormwater systems, with assistance for communities with limited financial capacity. Establish a shared, publicly accessible system for tracking required inspections and maintenance certifications, identifying responsible owners, and notifying municipalities when submissions are overdue. Prioritize field verification where failures or downstream impacts are reported. Permit modifications should address relevant unresolved compliance problems while allowing corrective work to proceed. [7]

Recommend targeted amendments to 38 M.R.S. § 420-D(1) so DEP can address harmful dissolved pollutants, including chloride, without making that authority contingent on infiltration. Also ask DEP to identify where existing legal tools can address significant runoff sources and where legislative changes are needed for older development or cumulative impacts from smaller projects. Use watershed risk to set priorities and pair implementation with technical assistance and funding. [8]

8 Close monitoring gaps and measure results

Fund DEP-led monitoring in priority watersheds, with opportunities for municipalities, Tribal governments, researchers, and watershed organizations to participate. Include storm-event sampling and chloride monitoring supported by laboratory checks of conductivity relationships. Develop a focused research and monitoring agenda for tire-wear particles, 6PPD-quinone, and other emerging stormwater pollutants. EPA identifies 6PPD-quinone as toxic to some fish; Maine-specific exposure and species risks need investigation. This work should have state funding and technical support. [9]

For each recommendation, identify the responsible agency, necessary funding or statutory change, implementation schedule, and measures of progress. Annual public reporting should show changes in practices and receiving-water conditions, with adjustments when measures are not working.

Thank you for considering these recommendations. Please distribute this letter to Commission members before the October 7 meeting and include it in the written public comment record.

Sincerely,



Seth Walton
Penobscot Bay Waterkeeper

Supporting references

1. Commission charge, Resolve 2025, chapter 166, section 5.
2. Maine DEP, Stormwater Manual Update Project.
3. Cindy Dionne, MaineDOT Current Salt Reduction Efforts, September 23, 2026.
4. Aubrey Voelker, Green SnowPro—The New Hampshire Experience, September 23, 2026.
5. New Hampshire RSA 508:22, Liability Limited for Winter Maintenance.
6. Lynn Leavitt, An MS4 Municipality Perspective; Brenda Zollitsch, Stormwater Insights, September 23, 2026.
7. Alison McKellar, Regulated but Unmanaged, September 23, 2026; concerns and proposals presented to the Commission.
8. Maine Revised Statutes, Title 38, section 420-D, especially subsections 1 and 13.
9. U.S. EPA, 6PPD-quinone.

Public comment

July 23, 2026 meeting of Commission to Study Unmanaged Stormwater Pollution

September

From: Josh Katz, retired hydrogeologist, 24 years investigating and remediating road salt contaminated water supplies at MDOT

GENERAL COMMENTS

The most significant threat to the environment from excess salt application is to groundwater: this is because salty water is denser than fresh water and some percentage of the chloride enters deeper fractures in bedrock and accumulates over time. This was demonstrated at Long Creek where Pete Carney described very high conductivity readings (a proxy for chloride) in seeps in the stream channel in summer.

Heavy use of salt for winter road maintenance has been occurring for several decades, groundwater systems take hundreds to thousands of years to become established. If road salt application were to cease, surface water features would clear up relatively quickly, vegetation will recover, corrosive damage to infrastructure would end, but groundwater will remain contaminated for many decades. The current approach to winter road maintenance is not sustainable.

Several speakers mentioned public expectations driving the need for a high level of service (bare pavement immediately after a snow fall). This must be challenged. The expectations are driven by the bare roads policies of the assorted entities that maintain roads in winter. These policies evolved without full understanding of negative impacts. The driving public has little understanding of the long term damage done to the environment by road salt. We put salt on our food, it is an essential ingredient for life, and so education is needed to understand the damage that excess salt use will have on the environment.

RECOMMENDATIONS

The NH Green Sno Pro program is a great idea. Maine should implement a certification program for contractors who maintain private parking lots that teaches how to minimize salt usage and provides limited liability protection. Perhaps this could be done in coordination with the Local Roads program at MDOT. Legislation to protect contractors from slip and fall litigation would be very helpful.

Gradually begin to reduce the level of service, meaning less frequent treatment of secondary roads.

Tools to do this could include:

- On-going education and equipment upgrades for salt applicators.
- Public education, expect less salt, plan to drive accordingly
- Warning alerts sent via text that road conditions will warrant reduced speeds.
- Law against driving too fast for conditions, enacted and enforced.

