



**Testimony in Support of LD 646, Resolve, Establishing the Commission to Study
Unregulated Storm Water Pollution**

Before the Committee on Environment and Natural Resources

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Senator Tepler, Representative Doudera, and distinguished members of the Environment and Natural Resources Committee, my name is Luke Frankel, and I am the Woods, Waters, & Wildlife Director and Staff Scientist at the Natural Resources Council of Maine (NRCM). I am here today to testify in support of LD 646, Resolve, Establishing the Commission to Study Unregulated Storm Water Pollution.

In Maine, we are known for our clean water. In 2023, our lakes, rivers, and beaches helped to attract more than 15 million visitors to the state, who contributed more than \$9 billion to Maine's economy.¹ Maintaining high water quality is also essential for the livelihoods of Mainers who rely on clean water to support jobs in the shellfishing, outdoor recreation, and real estate sectors among others. However, as Maine's population continues to grow, the pressures facing our waters will only increase, making their protection ever more important.

Storm water is one of the leading sources of pollution to Maine's waters. When it rains, the water that flows off our streets, buildings, and lawns collects pollutants like bacteria, nutrients, sediment, and toxic chemicals. When these pollutants eventually enter our waterways, they can cause issues like the closures of beaches and shellfish areas, the growth of harmful algae, and the contamination of drinking water sources.

Every two years, the Maine Department of Environmental Protection (DEP) is required to compile a list of all waterbodies in the state that are classified as impaired under the Clean Water Act (CWA). If you look at the spread of these impaired waterbodies across the state, you will find that the vast majority are located near urbanized areas where high volumes of storm water are generated.² Additionally, Maine DEP has identified 35 specific waterbodies that "[fail] to meet water quality standards because of the effects of stormwater runoff from developed land" in their list of Urban Impaired Streams.³ To prevent these two lists from growing, it is clear that Maine needs to take a hard look at the tools and strategies available to manage storm water.

Back in December 2023, Maine DEP began the process of updating its storm water regulations by engaging groups of stakeholders and technical experts to develop a framework for amending

¹ Maine Office of Tourism: https://motpartners.com/wp-content/uploads/2024/05/MOT_GovCon_HighlightSheet_2023_Printed-Paper_FNL-0430.pdf

² Maine DEP – Integrated Report Maps: <https://www.arcgis.com/apps/instant/portfolio/index.html?appid=7ad05604168b4264bb4a14dcb56f6eeb>

³ Maine Department of Environmental Protection. Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, and Urban Impaired Streams. 06-096 C.M.R. ch. 502. Effective May 23, 2018.

the state's Chapter 500 rules. These rules cover all development projects with disturbed areas greater than one acre. Although this update is expected to be a major improvement and formal rulemaking is scheduled to take place later this year, these rules are just one piece of Maine's storm water regulation puzzle.

In addition to Department rules, there are three other categories of storm water regulations present in Maine. One is the state's general permits for Municipal Separate Storm Sewer Systems (MS4) under the federal CWA, which regulates storm water that is discharged from pipes in urbanized areas of the state. These permits cover 30 of Maine's 482 municipalities as well as the Maine Department of Transportation, the Maine Turnpike Authority, and State or Federally owned facilities.⁴ Another is Maine's statewide impervious cover total maximum daily load (TMDL),⁵ which establishes target effective impervious cover percentages needed to attain water quality standards for the watersheds of some of the 35 Urban Impaired Streams. Finally, some municipalities in the state have local ordinances that encourage low-impact development or raise funds for storm water projects through storm water utilities. These multiple layers of regulations, each aimed at addressing specific facets of storm water pollution, create a complex regulatory landscape that can be difficult for municipalities and businesses to comply with and can allow some storm water to slip through the cracks and go unmanaged.

By creating a study commission to wholistically evaluate the storm water pollution problem and recommend potential regulatory and non-regulatory solutions, this bill will provide a much-needed zoom out to look at the bigger picture. Maine DEP has done a great job of being proactive on this issue compared to other states, and there is a tremendous amount existing data and research available to inform policy, there just remains a need to compile all of this information together so that we can manage storm water in a comprehensive manner. This bill would accomplish that, and for this reason, we strongly urge the Committee to vote Ought to Pass on LD 646. Thank you for your time and consideration.

⁴ Maine DEP Municipal Separate Stormwater Sewer Systems (MS4):

<https://www.maine.gov/dep/water/wd/ms4/index.html>

⁵ Maine Impervious Cover Total Maximum Daily Load Assessment (TMDL):

https://www.maine.gov/dep/water/monitoring/tmdl/2012/IC%20TMDL_Sept_2012.pdf