

CHAPTER 500 STAKEHOLDER ENGAGEMENT | TECHNICAL COMMITTEE MEETING #6 MINUTES

RE: Chapter 500 Stakeholder Engagement, Technical Committee Meeting #6

DATE: Friday, December 6, 2024

TIME: 9:30am – 11:30am

LOCATION: Remote via Microsoft Teams

INVITEES: Kerem Gungor, Cody Obropta, Jeff Dennis, Tracy Krueger, and David Waddell (Maine DEP)
Bina Skordas (FB Environmental Associates)
Chapter 500 Technical Committee & Steering Committee

Summary:

The meeting covered several key topics, starting with an overview of the project timeline, including the launch of a new licensing system that will impact DEP staff workflows. Discussions on sensitive and threatened (S&T) areas focused on reviewing the 502 list, assessing water quality trends, and refining criteria for classification, particularly for small order streams. Updates to Chapter 500 include expanded permit-by-rule thresholds, strengthened natural drainage network protections, and hydrological safeguards for post-development catchments. Comments emphasized the importance of linking standards to water quality goals and addressing cumulative impacts on wetlands. The consensus report from the Groundwater Recharge Subcommittee introduced new runoff volume reduction requirements and testing protocols, alongside stressor-guided treatment standards for nitrogen and phosphorus. Questions arose about ensuring consistency in engineering submissions and mapping tools for site-specific stressor identification, highlighting the need for continued collaboration and clarity in communication.

Meeting Overview:

TOPIC
1. Project Timeline Overview & Follow Up from Last Meeting
2. Sensitive and Threatened
3. Long Memo discussion:
4. Consensus Report (Draft): Groundwater Recharge Subcommittee
5. Discussion & Next Steps
a. Upcoming SCM Subcommittee & SC Meetings

Topic 1: Project Timeline Overview & Follow Up from Last Meeting

New licensing system is going to be launched soon for internal and external users; time consuming for the DEP staff. Apologies for sending documents so late.

Topic 2: Sensitive & Threatened Conversation

- Review the 502 list.
- Confirm what does/doesn't make sense on the list.
- Looked at municipalities that were mentioned to understand if they fit what Peter was discussing.
 - o Most of them have watersheds / streams that are vulnerable.
 - o Keep the S&T committee active to run additional thoughts by them.

Questions:

Has DEP looked at water quality data that may (or may not) be available for these towns to confirm how the list of S&T towns corroborates with changes in water quality parameters over this 23-year time period? Put another way, does available water quality data for these towns confirm they are trending in an undesirable direction and support the S&T designation?

Response:

I must answer it “no” because we don’t have enough data. What we do have, the trend does show it is getting worse. Similar development is occurring.

Topic 3: Long Memo Discussion

Purpose and background

- The Urban Impaired Streams section doesn’t have much change coming.
 - o This topic is still in Chapter 502 and the applicability thresholds aren’t going to change.
- Lakes Most at Risk for New Development section is going to stay in Chapter 502 and will not have much change.
- Sensitive and threatened Regions and Watersheds has some changes:
 - o There are new criteria for what determines this classification.
 - o The new focus is on small order streams because they are more vulnerable to impacts.
 - o There are two main criteria: current impervious cover and change over time.
 - o The criteria that the Technical Committee knows has not changed.

Basic Standards

- Permit by Rule is going to be expanded in terms of applicability threshold.

Comment:

More emphasis on connecting everything you are saying to the water quality standards. There is an aquatic standard of living, and the more you reduce base flow and fill in wetlands you are essentially eliminating the habitat that helps the stream.

Wetland Protection Standard and Natural drainage network protection

- Impervious area setback: any area must be at least 15 feet away from a protected wetland.
- The exception is wetland crossings: any road that people want to install to cross a wetland is an exception provided that the crossing is built with a permeable base or a bridge

Natural drainage network protection

- The definition of a natural drainage network has not changed.
- Some work has been done to help applicants.
 - o NDW2 has to be field verified.
 - o The setbacks for NDW1 is 75 feet and NDW2 is 15 feet.
 - o Stormwater outfalls are excepted from the no disturbance requirement if there is a need for new or existing for stabilization.
 - o NDW crossings people will need to have crossing structures that can accommodate at least 25-year peak flow.

Question:

NRPA projects; anyone could say they are avoiding wetlands; how do you know the applications are apples to apples? How do you know the engineer has the information needed?

Response:

That will be in the submission; we will need to require that all these drainages are mapped by qualified profession.

Post development Catchment size and Imperviousness: The goal is to protect the hydrology of the NDWs. We are trying to ensure that the catchment size doesn't change significantly.

If you increase the impervious area by more than 20,000ft then you need to worry about flooding

Redistribution of Stormwater Discharge at the Property Boundary

Stormwater Conveyance Structures: Moved stormwater conveyance structures from flooding to here so every project is properly designed

Comment:

If you are going to specify a design term or period and you are discussing culverts you should probably have an acceptable headwater ratio to go with that

Inspection, Maintenance and Good Housekeeping:

- New Chapter 500 will focus on post construction projects –

Comment:

In Appendix C please note that MS4 communities might have additional maintenance, inspection and reporting requirements (e.g.: annual reporting)

Comment:

We need to emphasize the narrative around the basic standards. While we frequently hear that we need to zoom out and take a statewide perspective, this approach shifts the focus back to the municipal level. It's important to clarify that when we speak of applying a broad-brush approach across the state, we are not suggesting that this will have zero impact on anyone in Maine. The key message is about mitigating these impacts, and that's the aspect developers are not fully understanding.

- *Scarborough could restrict more through ordinances. Scarborough has a lot more permits being pulled than other places around the state.*

Topic 4: Consensus Report (Draft): Groundwater Recharge Subcommittee

3. General standards

SCM Hierarchy

- No major notes of comments

Runoff Volume Reduction

- This is new for Maine.
- The groundwater research subcommittee came up with the soil testing requirements for the implementation of the runoff reduction. We are now figuring out if the in-situ permeability tests are going to be required if people are building structures that are going to be infiltrating.
 - o The list of tests should not be final, people should be encouraged to reach out with suggestions. These are mostly from other states with similar testing.

New Development

- Requirements for redevelopment projects are going to be lower than the new development projects.

Stressor Guided Stormwater Treatment Standard

Nitrogen & Phosphorus Stressors:

- Ranked impact change due to redevelopment needs to be negative to be credited for a reduced nitrogen or phosphorus load.

Question:

How can you know what stressors impact which site, will there be mapping?

Response:

We will have a map where you can click on a watershed and see what stressors you may find.

Phosphorous standard: relies on volume 2 of the manual. Going to do some tweaks on the manual to use performance curves to comply with P standards; overall won't change much.

5. Flooding: No comments.

6. Other Standards: No comments

Flow charts:

Comment:

For the flowchart related to non-lake areas, the process involves reviewing non-basic standards, site law, and stormwater law. Only projects with less than 3 acres of impact will qualify for the permit-by-rule pathway. However, it's unclear if this distinction is effectively represented in the current flowchart.

Question:

Discharge to wetlands standard: is there a way to figure out the cumulative effect? We have large wetlands system—if everyone is adding their 2"? How do we look at this impacts cumulatively...?