Long Creek Watershed Management District Governing Board

Agenda: March 5, 2015 – 9:00 a.m.
Location: Maine Turnpike Authority Headquarters, Conference Room E, 2360 Congress St, Portland

1. Call to order
2. Roll call
3. Minutes 1-28-15 (Attachment A)
4. Treasurer’s Report (Attachment B)
   a. Balance Sheet; Profit & Loss; A/R Aging Summary; A/P Summary; Budget vs. Actual
5. Review Financial Policies and Procedures (Attachment C)
6. DEP Permit Review and Comments (Attachment D, Attachment E (Fact Sheet))
7. 2015 Annual Meeting Debrief
8. Discussion of new development/redevelopment requirements; should LC create an incentive, if so, what would that look like?
9. Executive director’s report:
   a. Maine Mall Gravel Wetland Bid and Parking Lot Retrofit Update
   b. Monitoring Database RFQ
   c. Plan Update
10. Public comments
11. Next meeting
12. Adjourn
Long Creek Watershed Management District Governing Board  
Agenda: January 28, 2015 – 9:00 a.m. meeting  
Location: Maine Turnpike Authority Headquarters, Conference Room E, 2360 Congress St, Portland

1. **Call to order:** Mr. Raymond called the meeting to order at 1:08 pm.

2. **Roll call:** Dan Bacon (absent), Curtis Bohlen (absent), Craig Gorris (absent), John Branscom, Brian Goldberg, Ed Palmer (late), Adam Pitcher, Tom Raymond, Doug Roncarati, Michel Vail (absent), Fred Dillon, Peter Newkirk

3. **Minutes:** Mr. Roncarati made a motion to approve the December minutes. Mr. Dillon seconded the motion and the motion was unanimously approved.

4. **Treasurer’s Report:**
   a. The Treasurer’s report was presented by Mr. Brewer. DEP is preparing to proceed with court action for the delinquent payments for CPSP and Corner Brook.

5. **FY 2016 Budget Approval:**
   a. Mr. Goldberg made a motion to approve the FY 2016 annual budget. The motion was seconded by Mr. Dillon and the motion was unanimously approved.

6. **2015 Annual Meeting**
   a. Recommendation of Awards: Mr. Dillon made a motion to approve the recommendations as presented. Mr. Palmer seconded the motion and the motion carried unanimously.
   
   b. There will be an enhanced effort to invite landowners to this annual meeting. We are 5 years into a 10 year plan and it is important to celebrate the landowners’ contributions towards our success. Landowner list will be circulated to board members. Request that each board member outreach to three people.
   
   c. Monday 2/23 or 3/2 from 3:00 to 5:00 pm

7. **Board Officers**
   a. Mr. Dillon nominated Mr. Newkirk to serve as the Vice President. Mr. Roncarati seconded the motion and the motion carried unanimously.

8. **Coal Tar Sealants** – Mr. Dillon made a motion to authorize the Executive Director to speak neither for nor against LD 22 – An Act to Encourage Asphalt and Latex Pavement Sealants. Mr. Branscom seconded the motion and the motion carried unanimously.

9. **Maine Mall Retrofits**
   a. Mr. Goldberg made a motion to ratify the Executive Director’s signature on the Macy’s Entry Agreement and the Sears Access Agreements. Mr. Palmer seconded the motion and the motion carried unanimously.
10. Executive director’s report:

a. RFQ/RFP is in progress for the monitoring database overhaul. The goal is to flesh out the RFQ process with the database and then utilize the same process for hiring our Maintenance contractor.

b. Permit renewal: the draft was provided to us on December 31st with a 21 day comment period. The permit largely remains unchanged, however there is overlap now between the municipal NPDES permits and the Long Creek permit, so these permits need to be aligned to reflect that the Long Creek permit trumps the NPDES permit where appropriate and that municipalities are not responsible for what Long Creek is responsible for. Our written comments were provided and we have not heard back from DEP at this time. A 30 day public notice period is meant to start on February 2nd.

11. Public comments: None

12. Next meeting: February 23rd at 2:00 pm before the annual meeting unless the Marriott is unavailable then we will meet on Thursday February 26th at 9:00 am.

13. Adjourn Mr. Newkirk made a motion to adjourn the meeting at 3:00 pm. Mr. Palmer seconded the motion and the motion carried unanimously.
### Long Creek Watershed Management District
#### Profit & Loss
**July 2014 through February 2015**

<table>
<thead>
<tr>
<th>Ordinary Income/Expense</th>
<th>Jul ’14 - Feb 15</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Income</strong></td>
<td>1,528,516.11</td>
</tr>
<tr>
<td><strong>Gross Profit</strong></td>
<td>1,528,516.11</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expense</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5030 · BAD DEBT</td>
<td>0.40</td>
</tr>
<tr>
<td>5040 · CONSTRUCTION</td>
<td></td>
</tr>
<tr>
<td>5042 · Engineering</td>
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<td>5047 · Maintenance</td>
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<tr>
<td><strong>Total 5040 · CONSTRUCTION</strong></td>
<td>1,009,526.37</td>
</tr>
<tr>
<td>5060 · MONITORING EXPENSE</td>
<td>35,671.93</td>
</tr>
<tr>
<td>5080 · MEETINGS</td>
<td>1,407.16</td>
</tr>
<tr>
<td>6160 · DUES AND SUBSCRIPTIONS</td>
<td>394.77</td>
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<tr>
<td>6180 · INSURANCE</td>
<td>4,637.00</td>
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<tr>
<td>6240 · MISCELLANEOUS</td>
<td>69.12</td>
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<tr>
<td>6250 · POSTAGE AND DELIVERY</td>
<td>109.08</td>
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<tr>
<td>6270 · PROFESSIONAL FEES</td>
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<tr>
<td>6281 · Website</td>
<td>6,460.00</td>
</tr>
<tr>
<td><strong>Total 6270 · PROFESSIONAL FEES</strong></td>
<td>332,826.56</td>
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<tr>
<td>6300 · REPAIRS</td>
<td>334.00</td>
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<tr>
<td>6340 · TELEPHONE</td>
<td>429.49</td>
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<td>6350 · TRAVEL</td>
<td>4,057.77</td>
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<td>6550 · SUPPLIES</td>
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<tr>
<td><strong>Total Expense</strong></td>
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<td><strong>Net Ordinary Income</strong></td>
<td>138,260.80</td>
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<td><strong>Net Income</strong></td>
<td>138,260.80</td>
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### ASSETS

**Current Assets**
- Checking/Savings
  - 1110 · Biddeford Savings - Checking: 32,102.26
  - 1112 · Biddeford Savings - M Market: 1,551,771.93
  - **Total Checking/Savings:** 1,583,874.19
- Accounts Receivable: 203,750.97
  - **Total Current Assets:** 1,787,625.16

**Fixed Assets**
- 1700 · FIXED ASSETS
  - 1730 · Monitoring Equipment: 26,925.00
  - 1740 · Infrastructure: 3,583,801.64
  - 1780 · Construction in Process: 35,119.93
  - 1790 · Accumulated Depreciation: -245,014.64
  - **Total 1700 · FIXED ASSETS:** 3,400,831.93

**Other Assets**
- 1850 · Deferred Charges: 14,953.34
  - **Total Other Assets:** 14,953.34

**TOTAL ASSETS**
- **5,203,410.43**

### LIABILITIES & EQUITY

**Liabilities**
- Current Liabilities
  - Accounts Payable: 53,023.07
  - Other Current Liabilities
    - 2200 · Deferred Revenue: 26,293.82
    - 2320 · Performance Bonds: 96,273.25
  - **Total Other Current Liabilities:** 122,567.07
  - **Total Current Liabilities:** 175,590.14
- Long Term Liabilities: 1,212,132.80
  - **Total Liabilities:** 1,387,722.94

**Equity**
- 3000 · NET ASSETS: 3,677,426.69
- Net Income: 138,260.80
  - **Total Equity:** 3,815,687.49

**TOTAL LIABILITIES & EQUITY**
- **5,203,410.43**
# Long Creek Watershed Management District

## A/P Aging Summary

As of February 28, 2015

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<td><strong>TOTAL</strong></td>
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<td>372.75</td>
<td>61,556.81</td>
<td>203,750.97</td>
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### Long Creek Watershed Management District

**Profit & Loss Budget vs. Actual**

**July 2014 through Feb 2015**

<table>
<thead>
<tr>
<th>Ordinary Income/Expense</th>
<th>Jul '14 - Feb 15</th>
<th>Budget</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Income</strong></td>
<td>1,528,977.35</td>
<td>1,509,214.24</td>
<td>101.31%</td>
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<tr>
<td><strong>Gross Profit</strong></td>
<td>1,528,977.35</td>
<td>1,509,214.24</td>
<td>101.31%</td>
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</table>

<table>
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<th>Expense</th>
<th>Jul '14 - Feb 15</th>
<th>Budget</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>5010 · ADS</td>
<td>0.00</td>
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<td>0.0%</td>
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<tr>
<td>5030 · BAD DEBT</td>
<td>0.40</td>
<td>0.00</td>
<td>100.0%</td>
</tr>
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<td><strong>Total 5040 · CONSTRUCTION</strong></td>
<td>1,009,526.37</td>
<td>2,098,170.64</td>
<td>48.12%</td>
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<tr>
<td>5060 · MONITORING EXPENSE</td>
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<td>6240 · MISCELLANEOUS</td>
<td>69.12</td>
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<td>6250 · POSTAGE AND DELIVERY</td>
<td>109.08</td>
<td>0.00</td>
<td>100.0%</td>
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<td>6260 · PRINTING AND REPRODUCTION</td>
<td>0.00</td>
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<td>0.0%</td>
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<tr>
<td><strong>Total 6270 · PROFESSIONAL FEES</strong></td>
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<td>20,802.82</td>
<td>32,000.00</td>
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<td>6273 · Accounting</td>
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<td>6274 · Administration</td>
<td>0.00</td>
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<td>0.0%</td>
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<tr>
<td>6275 · Program Management</td>
<td>225,360.19</td>
<td>462,099.97</td>
<td>48.77%</td>
</tr>
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<td>6276 · Sweeping</td>
<td>25,412.65</td>
<td>125,000.00</td>
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<td>6278 · Catch Basin Cleaning</td>
<td>9,448.40</td>
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<td>6279 · Consultant</td>
<td>0.00</td>
<td>2,500.00</td>
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<td>6281 · Website</td>
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<td>6300 · REPAIRS</td>
<td>334.00</td>
<td>3,000.00</td>
<td>11.13%</td>
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<tr>
<td>6340 · TELEPHONE</td>
<td>429.49</td>
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<tr>
<td><strong>Total 6350 · TRAVEL</strong></td>
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<td>14,000.00</td>
<td>28.98%</td>
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<td>6550 · SUPPLIES</td>
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<td>19.79%</td>
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</tbody>
</table>

**Total Expense** | 1,390,255.31 | 2,954,413.87 | 47.06% |

**Net Ordinary Income** | 138,722.04 | -1,445,199.63 | -9.6% |

**Net Income** | 138,722.04 | -1,445,199.63 | -9.6% |
Documentation of Internal Control Structure

As of May 21, 2015
This document consists of the Internal Control Structure of the Long Creek Watershed Management District, as of

Signed by Chair of
the Board of Directors

_________________________________________
# Contents

**OVERVIEW** .................................................................................................................. 443

**THE CONTROL ENVIRONMENT** .................................................................................. 443

Description ......................................................................................................................... 443

  Management’s Organization, Philosophy and Operating Style ....................................... 443

Organizational Chart ........................................................................................................ 665

Accounting Structure ........................................................................................................ 6

  Individuals at Each Level of the District - February, 2015 ............................................. 6

  Board of Directors: ......................................................................................................... 6

  Officers and Representatives ......................................................................................... 776

  The Function of the Board of Directors ....................................................................... 7

Methods of Assigning Authority and Responsibility ....................................................... 887

  Management’s Control Methods for Monitoring and Following up on Performance ...... 887

Personnel Policies and Practices ...................................................................................... 887

External Influences .......................................................................................................... 887

**THE ACCOUNTING SYSTEM** ....................................................................................... 8

Description ......................................................................................................................... 8

  Budgets and Budgetary Accounting .............................................................................. 9

Inventories .......................................................................................................................... 10419

  Fixed Assets .................................................................................................................. 10419

  Transactions ................................................................................................................. 10419

The Financial Statements ................................................................................................. 10

  The Trial Balance ......................................................................................................... 10

  The Ledgers ................................................................................................................... 1111410

  The Journals ................................................................................................................ 1111410

  The Source Documents ............................................................................................... 11

The Control Procedures .................................................................................................... 1212411

  Description .................................................................................................................. 1212411

  Controls over Cash ....................................................................................................... 1212411

  Controls on Investments .............................................................................................. 12

Petty Cash .......................................................................................................................... 1313312

Cash Receipts .................................................................................................................... 1313312

Cash Disbursements ....................................................................................................... 1313312

Controls over Charge Accounts and Credit/Debit Cards .............................................. 13
<table>
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<th>Topic</th>
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<tbody>
<tr>
<td>Controls over Accounts Receivable</td>
<td>14</td>
</tr>
<tr>
<td>Controls over Uncollectibles</td>
<td></td>
</tr>
<tr>
<td>Controls over Accounts Payable</td>
<td>15414</td>
</tr>
<tr>
<td>Controls over Net Assets</td>
<td>15414</td>
</tr>
<tr>
<td>Controls over Grants by Outside Agencies</td>
<td>16415</td>
</tr>
<tr>
<td>Controls over Miscellaneous Revenues</td>
<td>16415</td>
</tr>
<tr>
<td>Controls over General Journal Entries</td>
<td>16</td>
</tr>
<tr>
<td>Controls over Budget Journal Entries</td>
<td>17416</td>
</tr>
<tr>
<td>Controls over Electronic Transfer of Funds</td>
<td>17416</td>
</tr>
<tr>
<td>Controls over Electronic Data Processing</td>
<td>17416</td>
</tr>
<tr>
<td>Controls over Purchases</td>
<td>181817</td>
</tr>
<tr>
<td>Controls over Offsite Backup</td>
<td>181817</td>
</tr>
<tr>
<td>Controls over Budgeting</td>
<td>181817</td>
</tr>
<tr>
<td>Controls over the Safe</td>
<td>181817</td>
</tr>
<tr>
<td>Controls over Funds</td>
<td>191818</td>
</tr>
<tr>
<td>Controls over Carry Forwards</td>
<td>191818</td>
</tr>
<tr>
<td>Controls over Inter-Fund Transfers</td>
<td>191818</td>
</tr>
<tr>
<td>AREAS OF UNDERSTANDING</td>
<td>191818</td>
</tr>
<tr>
<td>APPENDIX</td>
<td>202019</td>
</tr>
<tr>
<td>Acknowledgement of Charge Account Policy</td>
<td>202019</td>
</tr>
<tr>
<td>General Journal Entry Form</td>
<td>212120</td>
</tr>
<tr>
<td>Electronic Funds Transfer Form</td>
<td>22</td>
</tr>
</tbody>
</table>
OVERVIEW

The District’s Internal Financial Control Structure is comprised of policies and procedures established to provide reasonable assurance that the District is able to record, process, summarize and report financial data consistent with the following financial statement representations.

- Existence or Occurrence: That assets or liabilities exist at a given date and recorded transactions have occurred during a given period.
- Completeness: That all accounts and transactions that should be presented in the financial statements are included.
- Rights and Obligations: That assets are the rights of the District and liabilities are the obligations of the District at a given date.
- Valuation or Allocation: That asset, liability, revenue and expense components are included in the financial statements at appropriate amounts.
- Presentation and Disclosure: That particular components of the financial statements are properly classified, described and disclosed.

The District’s Control Structure contains these elements:

- The Control Environment
- The Accounting System
- The Control Procedures

THE CONTROL ENVIRONMENT

Description

The District’s control environment represents the collective effect of various factors on establishing, enhancing, or mitigating the effectiveness of specific policies and procedures. Such factors include the following:

- Management’s philosophy and operating style.
- The District’s organizational structure.
- The functioning of the District’s Board of Directors.
- Methods of assigning authority and responsibility.
- Management’s control methods for monitoring and following up on performance.
- Personnel policies and practices.
- External influences affecting the District’s operations and practices.

This control environment reflects the overall attitude, awareness, and actions of the District Board of Directors, and other District officials concerning the importance of controls and their emphasis by the District.

Management’s Organization, Philosophy and Operating Style

The Corporation was formed by Interlocal Agreement among the City of Portland, the City of South Portland, the City of Westbrook and the Town of Scarborough pursuant to 30-A M.R.S.A. Sec. 2201 et seq. for the purpose of establishing a quasi-municipal special purpose district named
the Long Creek Watershed Management District as a separate legal entity and as a body corporate and politic to implement the Long Creek Watershed Management Plan (the “Plan”). The Plan is intended to improve the Long Creek Watershed which encompasses portions of all of the four municipalities who are parties to the Interlocal Agreement. The Plan includes but is not limited to design, engineering, construction, reconstruction, installation, operation, modification, alteration, use, maintenance, repair, replacement, inspection and monitoring of public and private storm water management structures, facilities and improvements, including structural and non-structural Best Management Practices, in and along Long Creek and within the Long Creek Watershed; to monitor the effectiveness of the Plan and the condition of the Long Creek and the Long Creek Watershed; to make any changes to that Plan; to identify, apply for, accept and spend State, federal and other available funding sources from year-to-year; and to assess fees upon Participating Landowners for implementation of the Plan in order to comply with the “General Permit - Post Construction Discharge of Storm water in the Long Creek Watershed” issued by the Maine Department of Environmental Protection (“DEP”) on November 6, 2009 and its renewal, reissuance or replacement, as such may be modified from time-to-time (the “General Permit”). The Corporation shall be authorized to take all actions necessary to implement the Interlocal Agreement and the Plan.

The Corporation is organized exclusively for purposes described in Sections 170 and 501(c)(3) of the Internal Revenue Code and has no purpose or power which would disqualify the Corporation from tax exempt charitable status under Sections 170 and 501(c)(3) of the Internal Revenue Code and shall not carry on any activity which is prohibited by Sections 170 or 501(c)(3) of the Internal Revenue Code. The Articles of Organization and Bylaws are consistent with those of a Corporation qualified as an organization described in Sections 170(c), 501(c)(3), 2055(a) and 2522(a) of the Code which is exempt from taxation under Section 501(a) of the Code.

The District operates under a Board of Directors with up to 16 directors. Decision making is separated accordingly. Day to day management of the District is delegated to the contracted staff serving in the capacity of Executive Director. Major policies and budget adoption are functions of the Board.

Per the District’s By-Laws, the Board annually develops Estimate of Expenditures and Anticipated Revenues for Participating Landowners. These estimates include Anticipated Revenues and Expenses, as well as Actual Expenses and Actual Revenues from the previous year. The District allocates operational costs to Participating Landowners per its By-Laws, for items such as capital expenses; operation and maintenance costs; monitoring costs; administrative costs; insurance; taxes; rentals; debt service and necessary reserves for contingencies as determined by the Board.

After initial assessments are made, the District issues annual assessments to each Participating Landowner on or by July 15 and January 15 of each year and each Participating Landowner is required to pay its annual assessments no later than the following August 15th and February 15. The District may charge interest on any unpaid assessments, as well as on the balance of partially paid assessments.

The Board may impose other charges as it deems appropriate to fund special accounts.

Board members are not entitled to receive net earnings from the district either through its operations or upon its dissolution.
Per the District’s By-Laws, the Treasurer of the Board has charge and custody of all funds and is ultimately responsible for them along with the District’s securities, as well as receiving, depositing and disbursing funds, keeping regular account books and submitting them together with all other records to the Board of Directors for their examination and approval as often as the Board requires. The Treasurer may also perform other duties as assigned by the board.

The District attempts to adopt clear policies delineating authority at each staff level. For instance, purchasing policies dictate whether competitive price solicitation or sealed bids will be required for specific purchases.

To the extent possible, the District attempts to schedule revenues and expenses to provide a stable cash flow throughout the year. Idle funds are invested to the maximum possible, through the use of a savings account. The District has strict savings policies. In savings accounts, the District places security of funds as its first priority, with rate of return as a secondary concern.

The District considers prompt, accurate financial information to be necessary in making appropriate decisions. Through the use of the computer, this information is reviewed with the Treasurer by the 15th of each month and distributed to the Board. Financial statements providing year to date information are reviewed by the board at their regular meetings.

The District endeavors to provide quality services to its communities and landowners in a professional and businesslike manner. It is our intent to encourage this philosophy among the levels of staff, whether they are employees or contracted through outside organizations. In carrying out District business, it is the District’s intent to stress professionalism in all cases. Training will be conducted both in-house and through outside seminars. Although duties are assigned to specific individuals within contracted organizations to encourage accountability, cross training is conducted. This allows flexibility during absence or turnover.

Organizational Chart

Accounting Structure

The primary roles having responsibility for the implementation of procedures and adherence to the policies outlined in this document are:

- Board of Directors
- Board Treasurer
- Executive Director
- Fiscal Agent

Individuals at Each Level of the District - February, 2015

Board of Directors:
- Dan Bacon, Town Planner, Scarborough municipal representative
Curtis Bohlen, Casco Bay Estuary Partnership Executive Director, Portland nonprofit representative

John Branscom, Maine Turnpike Authority representative

Jerry Collett, Fred Dillon, City of South Portland municipal representative

Mary Costigan, Portland staff attorney, Portland municipal representative

Jim Hughes, City Councilor, South Portland municipal representative

Brian Goldberg, Bramlie Development Corporation, South Portland private landowner representative

Craig Gorris, Senior General Manager of The Maine Mall, South Portland private landowner representative

Gerald (Jerry) Jalbert, South Portland Land Trust, South Portland nonprofit municipal representative

Adam Pitcher, Westbrook private landowner representative

John O’Hara, City Councilor, Westbrook municipal representative

Ed Palmer, Marriott General Manager, South Portland private landowner representative

Tom Raymond, Landfill/Ashfill Manager ecomaine, Scarborough public landowner representative

Doug Roncarati, Portland municipal representative

Stephen Tibbetts, Peter Newkirk, Maine Department of Transportation representative

Michael Vail, South Portland, private landowner representative

David Russell, Fairchild Semiconductor, South Portland private landowner representative

David Thomes, Collection Systems Manager, South Portland municipal representative

Officers and Representatives

<table>
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<tr>
<th>Title</th>
<th>Name</th>
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<tbody>
<tr>
<td>Chairman of the Board</td>
<td>Dan Bacon</td>
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<tr>
<td>Treasurer</td>
<td>Curtis Bohlen</td>
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<tr>
<td>Executive Director</td>
<td>Tamara Lee Pinard, Cumberland County SWCD</td>
</tr>
<tr>
<td>Fiscal Agent</td>
<td>Christopher Brewer, Cumberland County SWCD</td>
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The Function of the Board of Directors

The Directors serve as governing officials of the District, and their duties are described in detail in the District’s By-Laws. Some of the primary responsibilities of the Directors include:

1. Exercising all executive powers of the District.
2. Oversight and approval of all District Investments.
3. Delegation, with oversight, of establishment of all new District Investments and Bank Depository Account(s) to the Executive Director.
4. Establishment and monitoring of all District administrative and fiscal policies and procedures.

Methods of Assigning Authority and Responsibility
The Board of Directors executes contracts for administrative and fiscal services. The Executive Director is the chief official in the day to day operations of the District.

Management’s Control Methods for Monitoring and Following up on Performance
The District Board monitors and follows up on performance through the following methods:
1. Daily contact between Executive Director and Board Chair/President, as necessary.
2. Written and verbal performance evaluations.
3. Regular meetings between the Executive Director and the Board of Directors.

Personnel Policies and Practices
Personnel policies are adopted, amended and referenced as a separate document.

External Influences
External influences consist of any outside sources which have a direct bearing on certain District decisions necessary to keep the District running smoothly and efficiently in both the operations and practices of the District. They include monitoring and compliance requirements imposed by legislative and regulatory bodies. External influences are ordinarily outside an entity’s authority. Some examples are:
4. United States Government
5. State of Maine - Department of Environmental Protection
6. The following municipalities
   a. Scarborough, Maine
   b. Westbrook, Maine
   c. Portland, Maine
   d. South Portland, Maine
7. County of Cumberland
8. Interlocal Agreement August 28, 2009

THE ACCOUNTING SYSTEM

Description
The District’s accounting system consists of the methods and records established to identify, assemble, analyze, classify, record, and report the District’s transactions and to maintain
accountability for the related assets and liabilities. This effective accounting system gives appropriate consideration to establishing methods and records that will:

- Identify and record all valid transactions.
- Describe on a timely basis the transactions in sufficient detail to permit proper classification of transactions for financial reporting.
- Measure the value of transactions in a manner that permits recording their proper monetary value in the financial statements.
- Determine the time period in which transactions occurred to permit recording of transactions in the proper accounting period.
- Present properly the transactions and related disclosures in the financial statements.

The accounts of the District are organized on the basis of grants, and landowner contracts, identified with unique numbers, each of which is considered a separate accounting entity. The District will utilize site base management and budgeting. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenues, and expenditures, or expenses, as appropriate. District resources are allocated to and accounted for in an individual fund based upon the purposes for which they are to be spent and the means by which spending activities are controlled. The various funds are grouped in the financial statements into generic fund types and broad fund categories, as follows:

The Corporation displays net assets in each of the following three classes:

1. Unrestricted Net Assets
2. Temporarily Restricted Net Assets
3. Permanently Restricted Net Assets

As of May 1, 2010 the District funds consisted only of Unrestricted Funds & Temporarily Restricted Funds.

All funds are accounted for using the accrual basis of accounting. Their revenues are recognized when they become earned as current net assets.

Expenses are recognized under the accrual basis of accounting when the related fund liability is incurred.

Budgets and Budgetary Accounting

Estimate of Expenditures and Anticipated Revenues. On or before February 1 of each year, starting with the year following the District’s start-up, the Board prepares and submits to the Participating Landowners an itemized estimate of the expenditures and the anticipated revenues for the following Fiscal Year, which shall be from July 1st through June 30th of each year. Such estimates shall include the following:

1. Anticipated Revenues. An itemized estimate of anticipated revenues during the ensuing fiscal year from each source.
2. Estimate of Expenditures. An itemized estimate of expenditures for each classification for the ensuing fiscal year.
3. Actual Receipts. After the first year of operation, an itemized statement of all actual receipts from all sources to and including July 31st of the previous fiscal year, with estimated receipts from such sources shown for the balance of such year.
4. Actual Expenditures. After the first year of operation, an itemized statement of all actual expenditures to and including July 31st of the previous fiscal year, with estimated expenditures shown for the balance of such year.

Budget. As per the District’s By-Laws, on or before July first of each year, the Board adopts a final budget for the ensuing Fiscal Year which is itemized in the same manner as the estimate of expenditures and revenues. Once adopted, the budget is submitted to the Participating Landowners and includes assessments determined by the Board and allocated among Participating Landowners.

Inventories
Inventories of supplies are considered to be expenditures at the time of purchase and are not included in the general fund balance sheet.

Fixed Assets
The District includes all fixed assets in its balance sheet. This practice is in conformity with Generally Accepted Accounting Principles. All purchases of general fixed assets greater than an amount which will be established every five years by the Board are capitalized and depreciated over their estimated useful lives.

Transactions
Transactions must be clearly identifiable in journals or original entry and must be accumulated throughout the system using references and identifying codes so that all elements of financial statements and reports can be followed to source transactions. A summary of the levels of accumulation follows:

- Financial Statements
- Trial Balance
- Ledgers
- Journals
- Source Documents

The Financial Statements
Monthly financial statements of the District are computer generated and provided to the Executive Director, and the Board of Directors within 15 days of every month-end by the fiscal agent.

These financial statements consist of:

1. Balance Sheet
2. Budget vs. Actual Report - Revenue and Expenses - By Grant/Project
3. Investment Summary

A yearly audit is performed on the general purpose financial statements of the District. These financial statements, which are the responsibility of the District’s management, are then provided to governing and funding agencies of the District, as required, and presented to the Board of Directors for review.

The Trial Balance
Monthly Detailed Trial Balances are run off of the computer and are filed in a trial balance file. Each month’s trial balance must balance. Total debits must equal total credits.
The trial balance is generated from a standard District Chart of Accounts, which is programmed into the District’s computer. The chart of accounts is a list of accounts that is arranged in sequence by assets, liabilities, net assets, revenue, and expenditures. It conforms with generally accepted accounting principles. It is a uniform and systematic way to record the information necessary to produce the balance sheet, statement of revenues, expenditures, and changes in net assets for all District funds, and other records, which make up necessary financial information provided to governing agencies.

The Ledgers

The ledgers represent stored information about a particular asset, liability, revenue or expense broken down by cost center. The District’s ledger system is comprised of the following:

1. Detailed Trial Balance - A computer generated ledger. A detailed trial balance shows current month activity, and year to date totals on every account. A ledger is run for each month and reconciled by the 15th of the following month by the Fiscal Agent.
2. Accounts Receivable Aging - A computer generated ledger. This ledger shows every debtor with an unpaid balance for District business. A Report is run for each month and reconciled by the 15th of the following month by the Fiscal Agent.
3. Accounts Payable Aging - A computer generated ledger. This ledger shows every vendor with an outstanding balance. A Report is run for each month and reconciled by the 15th of the following month by the Fiscal Agent.

The Journals

The journals are a detailed listing of transactions and events of the District which are organized chronologically. The journalizing process produces a summary of items of debits and credits to all ledger accounts. The District’s journals are comprised of the following:

1. Deposit Detail - This report consists of a detailed listing of all deposits made.
2. Check Detail - This report lists all checks written by check number sequence.
3. Unpaid Bills Detail - This report lists all invoices entered into the system, in alphabetical order.
4. General Journal Entry Report - Used to record all transactions and events that do not involve regular activity processed in other special journals, such as adjusting, reversing, and correcting entries.
5. Journal Report - This journal lists all transactions created within the system. The journal report is created at the end of every day in which any transaction occurs and lists transactions accordingly.

The Source Documents

1. Purchase Order - This is comprised of a pre-numbered purchase order.
2. Invoices to Participating Landowners – This is comprised of invoices of annual assessments and other items as necessary.
3. Impervious Surface Calculations – This is comprised of reports from a database detailing the amount of impervious surface attributable to each permittee. This will be used to determine each annual assessment.
4. Vouchers – All purchases require a voucher for payment processing.
5. Contracts and Grants – A file with details of all contracts for work to be performed and grants received.
The Control Procedures

Description

The District’s control procedures are those policies and procedures in addition to the control environment and accounting system that management has established to provide reasonable assurance that specific entity objectives will be achieved. Control procedures have various objectives and are applied at various organizational and data processing levels. They may also be integrated into specific components of the control environment and the accounting system. Generally, they may be categorized as procedures that pertain to:

- Proper authorization of transactions and activities.
- Segregation of duties that reduce the opportunities to allow any person to be in a position to both perpetrate and conceal errors or irregularities in the normal course of his/her duties - assigning different people the responsibilities and authorizing transactions, recording transactions, and maintaining custody of assets.
- Design and use of adequate documents and records to help ensure the proper recording of transactions and events, such as monitoring the use of pre-numbered purchase orders.
- Adequate safeguards over access to and use of assets and records, such as secured facilities and authorization for access to the computer programs and data files.
- Independent checks on performance and proper valuation of recorded amounts, such as clerical checks, reconciliations, comparison of assets with recorded accountability, computer-programmed controls, management review of reports that summarize the detail of account balances (for example, an aged trial balance of accounts receivable), and user review of computer-generated reports.

Controls over Cash

Checking and Savings

The general fund will have one checking account and one interest bearing savings account. Descriptions are as follows:

1. General Checking - Used to pay all invoices of the District. The general fund checking account will be reconciled every month. A reconciliation will take place within 15 days of the end of the month and be performed by the Fiscal Agent and reviewed by the Treasurer/Executive Director.

2. Savings Account - Used to hold all excess District cash. A monthly reconciliation will take place within 15 days of the month and be performed by the Fiscal Agent.

The Executive Director will receive the Bank Statement unopened for review. After review, the Executive Director will then give the bank statement to the Fiscal Agent for reconciliation.

All unreconciled monthly variances over $50.00 on bank accounts will be given to the Executive Director with explanations for review.

Controls on Investments

Funds can be put in CD and money market accounts to best utilize funds and ensure safety as a top priority.
Petty Cash
The District business office will not maintain a petty cash fund.

Cash Receipts
The cash in the drawer must be equal to the total of the amount in Undeposited Funds Account. The Fiscal Agent makes daily deposits when amounts exceed $500. The reconciliation process is standard for all cash receipts.

Mail Receipts
All mail, including cash receipts mail, is opened by the Fiscal Agent who records all checks received and then sends bills to the Executive Director for approval. The cash receipts are then given to the Fiscal Agent who will then directly entered them into the computer system by the Fiscal Agent. Any money received directly or through the mail is so noted when posted. All cash receipts are entered into the computer system and maintained in the Fiscal Agent’s drawer.

Over the Counter Receipts
All over the counter receipts such as donations, educational fees etc. are collected by the appropriate person. The money is recorded into the computer by the Fiscal Agent.

Cash Disbursements
All cash disbursements are approved by the Executive Director, and then paid by check only.
All computer checks are prenumbered.
All manual checks are prenumbered.
All checks will maintain on their face void after 90 days
Signing checks in advance is prohibited.

The District forbids making checks payable to:
- Cash
- Bearer

Checks are signed by the Executive Director and if over $1,500 for non-budgeted or items not in contracts by the Board Chair, or the Board President or Treasurer, as needed.

Checks are signed by the Executive Director or the Treasurer, as needed. If checks are over $1,500 for non-budgeted or items that are not in contracts approved by the Board, then checks are signed by the Treasurer. In the event that the Treasurer is unavailable to sign checks the Chairman of the Board is authorized to sign checks.

Controls over Charge Accounts and Credit/Debit Cards
The Executive Director is the only individual who may possess a credit/debit card at the District.

Procedures and Rules
1. Authorization – The Board President or Treasurer must provide written authorization prior to the use of a charge account or issuance or use of a District credit/debit card to
the Executive Director. All credit/debit cards will be maintained by the Fiscal Agent at the District office.

2. Use Agreement – The Executive Director and Fiscal Agent must sign an agreement acknowledging that he has read and understands the policies and procedures governing the use of:
   a. District credit/debit card or other charge account.
   b. Restricted Use – The use of a District credit card, debit card or other charge account is subject to the following restrictions:
      c. No personal or private expenditure shall be charged to a District account.
      d. No regular operating expense (e.g. monthly telephone bills, inter-net agreement, etc.) shall be charged to a District credit card account; these expenses can be applied to a Debit Card, however it is expected the Fiscal Agent will initiate each payment, and no automatic payments should will be authorized.
      e. Each expense charged must be accompanied by the actual itemized receipt and brief explanation. (For example, if the expense is for meals or food, note on the receipt if it was for a luncheon meeting and how many meals were included on the bill). In other words, each expense should have the same type of documentation that you would include on a request for reimbursement.
      f. An expense in excess of $400 should be pre-approved unless previously approved by the Board. Capital purchases should never be charged to a credit/debit card.
      g. Travel expenses (e.g. airfare, hotel rooms, conference registrations) should be submitted for payment via a purchase order whenever possible. In the exceptional case when a credit/debit card is used for such expenses, the conference and related travel expense should be pre-approved by the appropriate authority.
      h. Documentation of each expense shall be submitted to the fiscal agent when incurred.
      i. Each purchase must be included as a budgeted item.
      j. No cash advances will be permitted on a District credit/debit card.
      k. Each credit card issued will have a maximum monthly balance of $5,000.

3. Card Payments - All statements shall be submitted with required documentation in a timely manner. No late fees or interest payments shall be honored by the District for payment and shall be the responsibility of the cardholder. Expenses without proper documentation shall be the responsibility of the cardholder.

4. Violations of the District’s credit policy shall result in disciplinary action, including termination of employment or prosecution.

Controls over Accounts Receivable

The District issues annual assessments to each Participating Landowner on or by July 15 and January 15 of each fiscal year and each Participating Landowner must pay its annual assessments no later than the following August 15th and February 15th, respectively.

The Board may from time to time impose other charges, such as surcharges or other fees, as it deems appropriate, to fund special accounts. The district may also receive grants or enter into other contracts with the State of Maine, the Federal Government, or other entity.

These receivables are generated and reviewed monthly by the Fiscal Agent. A list is given to the Board of Directors monthly.
All payments will be made to Long Creek Watershed Management District.
The Fiscal Agent is in charge of handling all mail receipts. At the time of receipt, it will be stamped and logged in a cash receipts book, then it will be entered into the computer.

It is the responsibility of the Fiscal Agent to reconcile the Accounts Receivable Aging to the trial balance within the first 15 days of the new month. These two totals must agree.

A report will be furnished by the 15th of the following month to the Board of Directors for their review.

Controls over Uncollectibles

Each month, the Executive Director, Fiscal Agent will review the outstanding accounts receivable listing and prepare a list of accounts doubtful for collection. The accounts doubtful for collection will be handled in accordance with the Participating Landowner Agreement, Section 9. Upon resolution, the account balances will be written off. The Fiscal Agent will make the necessary entry into the computer from a standard District’s General Journal Entry Form.

Controls over Accounts Payable

The Fiscal Agent receives and sorts all mail. The sorted mail is then sent to the Executive Director. All invoices for services to the District by outside vendors are mailed to the Fiscal Agent.

**Steps to Entering Accounts Payable into the System**

Invoices must include a paper voucher or voucher stamp. The voucher documents that proper processes and controls were observed, and should include the following information:

1. The invoice was matched with the proper purchase order
2. The invoice was reviewed
3. Voucher date
4. Code for debit account posting
5. Approval for payment
6. Initial by data entry

**Payments on Accounts Payable**

It is the policy of the District to pay as many invoices as possible through the District’s accounts payable cash disbursement system. Payments are made for payables according to invoice due dates.

All invoices received will be approved by the Executive Director and then input by the Fiscal Agent in the District accounts payable system.

All payments are made with computer generated accounts payable checks only.

It is the District’s policy to take advantage of all vendor discounts.

Payments are from approved vouchers only. Payments from vendor statements without the voucher are forbidden.

Checks are printed by the Fiscal Agent and signed by the Executive Director or Treasurer.
Month End

At month end, an accounts payable register is to be run. An accounts payable report of unpaid vendors with amounts will be provided to the Executive Director by the 15th of the following month.

It is the responsibility of the Fiscal Agent to reconcile the subsidiary ledgers to the trial balance within the first 15 days of the new month. These two totals must agree.

Periodically

Periodically, vendor statements are compared with the recorded liability. A file of these reconciliations is to be maintained.

Controls over Net Assets

Each separate Net Assets account will remain untouched throughout the entire year. No adjustments or transfers will be made to this account. The Board of Directors has authority for the utilization of unrestricted funds through articles voted at monthly or special meetings. The Executive Director will be responsible in carrying out the actions approved by the Board of Directors.

Controls over Grants by Outside Agencies

The District will receive grants from outside agencies, such as:

1. The United States Government
2. The State of Maine
3. Private Foundations

Grant funds shall be deposited into the appropriate accounts and applied to unique budget line items labeled in revenues. These funds are designated to be spent according to the correspondence agreement between the outside agency and the District. It is the responsibility of the Fiscal Agent to see that these procedures are carried out.

Controls over Miscellaneous Revenues

The Fiscal Agent receives money from other departments that are outside of the accounting department. They are:

1. Donations
2. Other Fundraising Activities

All monies received by the above mentioned programs will be turned over the same, or if necessary next, business day to the Fiscal Agent’s business office.

Controls over General Journal Entries

All general journal entries are to be manually documented on the standard District’s Journal Entry Form.

Appropriate documentation supporting the journal entry is to be attached to the Journal Entry Form.
The Treasurer must approve and initial each Journal Entry Form prior to its input into the computer system. The Treasurer’s approval can be either by signing each form or providing approval through e-mail correspondence to the Fiscal Agent.

It is then the responsibility of the Fiscal Agent to input these entries into the computer system.

Controls over Budget Journal Entries

After the budget has been approved at District meetings, the Fiscal Agent will enter into the computer the entries needed for each corresponding line item to each fund. These entries will be entered into the computer within fifteen days of the approved budget, and will remain untouched throughout the course of the year unless approval by the Board of Directors allows the Executive Director to adjust a specific line item accordingly. Upon approval, the Fiscal Agent will enter the necessary adjustment.

Controls over Electronic Transfer of Funds

All electronic transfers of funds are to be handled only by the Treasurer. The President of the Board must sign off on all transfers being made by the Treasurer.

All electronic transfers of funds are to be initiated by the Fiscal Agent. The Executive Director must sign off on all transfers being made by the Fiscal Agent.

These transfers are to be documented on the standard District’s electronic fund transfer sheet or printouts of the transfer request from the bank’s website. This form will be provided to the Treasurer with each transfer. A Statement of Transfers will be provided to the Treasurer each month.

Controls over Electronic Data Processing

The District’s Fiscal Agent utilizes a multi-user computer system to perform electronic data processing. It has incorporated the QuickBooks Premier Pro Non-Profit Edition software to record and process all of the necessary financial information within its accounting system.

A password system is used as a control procedure to ensure that only authorized personnel are able to access the accounting records.

The only people having access to the computer accounting records are the Fiscal Agent and Executive Director. The Executive Director and Treasurer have limited access to view accounts and transactions only. All three individuals have a specific password to access certain applications.

<table>
<thead>
<tr>
<th>Application</th>
<th>Authorized Users</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Ledger/Main Menu</td>
<td>Fiscal Agent, Executive Director</td>
</tr>
<tr>
<td>Accounts Payable/Main Menu</td>
<td>Fiscal Agent, Executive Director</td>
</tr>
<tr>
<td>Payroll/Main Menu</td>
<td>Fiscal Agent, Executive Director</td>
</tr>
<tr>
<td>Accounts Receivable/Main Menu</td>
<td>Fiscal Agent, Executive Director</td>
</tr>
<tr>
<td>Cash Receipts/Main Menu</td>
<td>Fiscal Agent, Executive Director</td>
</tr>
</tbody>
</table>
Controls over Purchases

Purchases (non-contract expenses such as office supplies) under $200 can be initiated by the Fiscal Agent or Executive Director and invoices shall be submitted to the Executive Director for approval prior to payment.

Purchase orders are required for any non-contract expenses over $200.

Purchase orders for non-contract expenses from $200 to $500 will be initiated by the Fiscal Agent, printed, and submitted to the Executive Director for approval.

Purchase orders for non-contract expenses greater than $500 will be initiated by the Fiscal Agent or Executive Director, printed, and submitted to the Treasurer for approval.

Upon receipt of the invoice by the business office, verification that the goods were received by the Executive Director will be submitted to the Fiscal Agent and recorded. The Fiscal Agent will then enter and schedule invoices for payment into the District’s software utilizing all available discounts to the District.

The Fiscal Agent will pay these invoices as scheduled.

All outstanding purchase orders will be reviewed monthly by the Fiscal Agent. If a purchase order is outstanding for more than 30 days, a follow up call will be made by the Fiscal Agent to the Executive Director. This call will be noted on the face of the purchase order with any applicable notes.

Controls over Offsite Backup

It is the policy of the District to make weekly-daily backups of the accounting information and data volumes are rotated so one drive is stored off-site. It is preferred that the Fiscal Agent will take this backup copy home for storage.

Controls over Budgeting

The Executive Director, with cooperation from the Fiscal Agent prepares all individual program budgets. These budgets are prepared and issued in draft form on or around November-December of each year. It is the responsibility of the Treasurer and the Finance Committee to review all individual program budgets.

After review and approval of the budgets by the Treasurer and the Finance Committee, they are then submitted to the Board of Directors for final approval. This happens on or before February 1 of each year.

A copy of the approved budget is then given to the Fiscal Agent for input into the District’s accounting software for reporting purposes.

All budget amendments, if necessary, are approved by the Board of Directors.

Controls over the Safe

A fire proof safe or fire proof filing cabinet is used primarily for storage of accounting journals, ledgers, and all other valuable documents making up the accounting system. Un-deposited money is also stored in the safe along with other financial documents, to ensure their safety.

The Fiscal Agent is the responsible person in seeing that the safe is properly maintained every day. Some of the primary responsibilities are:
1. Unlocking and opening the safe daily.
2. Establishing proper procedures on entering the safe and removing any documents of record from it.
3. Returning all documents and records removed from the safe that day along with any un-deposited money.
4. Closing and locking the safe at the end of every business day.

Holders of the combination to the safe are the Executive Director, Treasurer, and Fiscal Agent.

Controls over Funds

All individual funds for programs outside the General Permit shall not be created without the approval from the Board of Directors. When the Executive Director determines a new fund is necessary to allocate certain District revenue and expenditures, approval by the Board of Directors is mandatory.

Controls over Carry Forwards

The Fiscal Agent shall submit a request to carry forward unexpended funds to the Executive Director. All designated carry forwards must be approved by the Executive Director prior to recording. It is the responsibility of the Fiscal Agent to record the necessary entries to process this upon written approval by the Executive Director. An example of a carry forward would be an unspent budgeted line item for the current year, to which the transaction did not occur until the following fiscal year. It is at the discretion of the Executive Director to allow this transaction to occur. A list of all carry forwards subsequent to year end shall be furnished to the Board of Directors for review within 45 days of year end of the approved annual audit.

Controls over Inter-Fund Transfers

All inter-fund transfers will require prior approval by the Board of Director’s. It is the responsibility of the Executive Director to carry out all transfers upon approval of the Board of Directors.

AREAS OF UNDERSTANDING

1. Due to prior commitments made in the Long Creek Watershed Management Plan original contracts with municipalities, Cumberland County Soil and Water Conservation District will provide Fiscal and Administrative contracted services at the discretion of the Governing Board.
2. After the expiration of the original general permit, is the intention of the District to continue to contract for these services with an outside organization to maintain the day to day and operational affairs of the District.
3. The District may enter into contracts with an agency or agencies that will provide the services of Fiscal Agent and Executive Director. Any reference in this document to a Fiscal Agent or Executive Director refers to two separate individuals. If both services are provided by one organization, these functions will be performed by two different individuals. At no time will the function of both positions be filled by the same individual.
4. In the event these positions are contracted through an outside organization, the term of that contract will be for a period up to five years.
APPENDIX

Acknowledgement of Charge Account Policy

The undersigned acknowledges that (s)he has read and understands the Charge Account Policy of the Long Creek Watershed Management District and agrees to abide by this policy:

3. Restricted Use – The use of a District credit card, debit card or other charge account is subject to the following restrictions:

1) No personal or private expenditure shall be to be charged to a District account.

2) No regular operating expense (e.g. monthly telephone bills, inter-net agreement, etc.) shall be charged to a District credit card account.

3) Each expense charged must be accompanied by the actual itemized receipt and brief explanation. (For example, if the expense is for meals or food, note on the receipt if it was for a luncheon meeting and how many meals were included on the bill). In other words, each expense should have the same type of documentation that you would include on a request for reimbursement.

4) An expense in excess of $100 should be pre-approved. Capital purchases should never be charged to a credit/debit card.

5) Travel expenses (e.g. airfare, hotel rooms, conference registrations) should be submitted for payment via a purchase order whenever possible. In the exceptional case when a credit/debit card is used for such expenses, the conference and travel related expense should be pre-approved by the appropriate authority.

6) Documentation of each expense shall be submitted to the fiscal agent when incurred.

7) Each purchase must be included as a budgeted item.

8) No cash advances will be permitted on a District credit/debit card.

9) Each credit card issued will have a maximum monthly balance of $5,000.

Signature

________________________________________

Printed Name: ___________________________ Date: ___________________________
General Journal Entry Form

<table>
<thead>
<tr>
<th>ACCOUNT #</th>
<th>NAME OF ACCOUNT &amp; EXPLANATION*</th>
<th>DEBIT</th>
<th>CREDIT</th>
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*NOTE: All journal entries must be accompanied by supporting documentation.
Electronic Funds Transfer Form

DATE:

AMOUNT:

TRANSFERRED FROM: □ Savings □ Checking □ Other________________________

TRANSFERRED TO: □ Savings □ Checking □ Other________________________

Name of Account and Explanation:

Transferred by:________________________ (Treasurer) ________________ Date

Approved by: ____________________________ (Board President Executive Director) ___________ Date

Entered by______________________________ (Fiscal Agent) ______________ Date
STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

General Permit—Post Construction Discharge of Stormwater in the Long Creek Watershed

Maine Pollutant Discharge Elimination System Permit
Maine Waste Discharge License

Bureau of Land and Water Quality
MEPDES Permit #MEG190000
Wastewater Discharge License #W-9052-SY-A-N

November 6, 2009 (corrected)
STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

General Permit – Post Construction Discharge of Stormwater in the Long Creek Watershed

Maine Pollutant Discharge Elimination System Permit
Maine Waste Discharge License

February 16, 2015

Bureau of Land and Water Quality
MEPDES Permit #MEG190000
Wastewater Discharge License #W-9052-5Y-B-N
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

GENERAL PERMIT -- POST CONSTRUCTION DISCHARGE OF STORMWATER IN THE LONG CREEK WATERSHED

MEPDES Permit #MEG190000

MEPDES Permit #MEG190000
Wastewater Discharge License #W-9052-5Y-AB-N

Table of Contents

ORDER .................................................. 3

REGULATORY SUMMARY ................. 3

CONCLUSIONS ...................................... 5

ACTION ............................................. 6

Part I. __ General Permit Coverage .......................................................... 2

7

Part II. __Definitions ................................................................. 4

10

Part III. __Procedure ................................................................. 7

13

Part IV. __Requirements ................................................................. 9

16

Part V. __Relationship to Other General Permits .................................. 10

18

Part VI. __Standard Conditions .................................................................... 18

Applicable to all Permits

Fact Sheet
Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, § 1251, et seq. and Conditions of Licenses, 38 M.R.S.A. Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (Department) is hereby renewing combination Maine Pollutant Discharge Elimination System (MEPDES) Permit #MEG190000/ Waste Discharge License (WDL) #W-9052-5Y-B-N, Long Creek Post-Construction Stormwater Discharge (General Permit), with its supportive data, agency review comments, and other related materials on file, the Department FINDS THE FOLLOWING FACTS:

**REGULATORY SUMMARY**

On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine. From that point forward, the program has been referenced as the MEPDES permit program.

On December 3, 2008, USEPA, in consultation with the State of Maine, made a preliminary determination that a designation of certain stormwater discharges in the Long Creek watershed is appropriate because the discharges are contributing to applicable water quality violations. This designation became final on October 28, 2009.

On October 29, 2009, the Department approved Long Creek Post-Construction Stormwater Discharge General Permit # MEG190000/WDL #W-9052-5Y-A-N, for the discharge of post-construction stormwater to Long Creek in the municipalities of South Portland, Portland, Westbrook and Scarborough, Maine.
REGULATORY SUMMARY (cont’d)

Subsequent to issuance of the permit, the Department determined that the definition of the Long Creek Watershed incorrectly included Clark’s Pond in the watershed of Long Creek. The designation decision issued by the USEPA does not include Clark’s Pond, nor did the Department issue preliminary notice of the general permit to landowners, whose property drains to Clark’s Pond.

Based on the above findings, the Department concluded that a corrected general permit was required to accurately reflect the designated watershed of Long Creek as not including Clark’s Pond.

On November 6, 2009 – The Department issued corrected general permit MEG 190000/WDL #W-9052-5Y-A-N. The permit envisioned a ten-year program of implementation and compliance with the Long Creek Watershed Management Plan dated 2009, or subsequent modifications of the Plan of to attain the water quality standards assigned to Long Creek.
CONCLUSIONS

Based on the findings in the attached PROPOSED DRAFT Fact Sheet dated February 16, 2015, and subject to the conditions listed in Parts I, II and III of this General Permit (GP), the Department makes the following CONCLUSIONS:

1. The discharge(s) covered under this GP, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.

2. The discharge(s) covered under this GP, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.

3. The provisions of the State’s antidegradation policy, Maine law, 38 M.R.S.A. § 464(4)(F), will be met, in that:
   
   (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
   
   (b) Where high quality waters of the State constitute an outstanding natural resource, that water quality will be maintained and protected;
   
   (c) The standards of classification of the receiving water body are met or not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
   
   (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
   
   (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharge(s) covered under this GP will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

5. The cumulative effect of the designated dischargers’ compliance with this general permit, or equally stringent individual permits or alternative general permits, will result in compliance with the water quality standards applicable to Long Creek by December 31, 2020.
ACTIONS

Based on the findings and conclusions as stated above, the Department is hereby issuing MEPDES Permit # MEG190000/WDL #W-9052-5Y-B-N, for the discharge of post-construction stormwater to Long Creek in the municipalities of South Portland, Portland, Westbrook and Scarborough, Maine, SUBJECT TO THE ATTACHED CONDITIONS, including:

1. Authorization to discharge under this general permit is conditioned upon Long Creek Watershed Management District’s satisfactory implementation of the Long Creek Watershed Management Plan, as approved by the Department.

2. Inspection and maintenance details of the Long Creek Watershed Management Plan must be submitted to, and approved by, the Department, before any permittee may obtain coverage under this permit.

3. Monitoring and assessment details of the Long Creek Watershed Management Plan must be submitted to, and approved by, the Department, before any permittee may obtain coverage under this permit.

4. The attached Standard Conditions included as Part VI of this general permit.

5. The expiration date of this permit is five (5) years from the date of signature below.

6. This permit becomes effective 60 days following the date of signature below and expires at midnight five (5) years after that date. If the GP is to be renewed, it shall remain in force until the Department takes final action on the renewal. Upon reissuance of a renewal of the GP, persons wishing to continue coverage shall apply for coverage under the renewed GP not later than 30 days prior to the effective date of the new GP.

DONE AND DATED AT AUGUSTA, MAINE, THIS _____ DAY OF ______________, 2015.

COMMISSIONER OF ENVIRONMENTAL PROTECTION

BY: _______________________________
    Patricia W. Aho, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of Public Notice _____ Nov. 6, 2014 ________.

Date filed with Board of Environmental Protection ________________________
This Order prepared by Rod Robert, BUREAU OF LAND & WATER QUALITY
PART I. General Permit Coverage

A. General coverage of this permit. An operator of property from which there is a designated discharge is required to obtain a Maine Pollutant Discharge Elimination System permit. A designated discharge is a storm water discharge from a property (parcel) in the Long Creek Watershed on which there is a total discharging impervious area equal to or greater than one acre. This general permit authorizes the direct discharge of stormwater from such a parcel to Long Creek or its tributaries, including discharges to municipal separate storm sewer systems or other private or public conveyance systems that convey stormwater to Long Creek or its tributaries. Discharges must meet the requirements of this general permit and applicable provisions of Maine's waste discharge and water classification statutes and rules. Compliance with this general permit authorizes a person to discharge stormwater, pursuant to Water Pollution Control Law, 38 M.R.S.A. § 413, as described below. Discharges listed in Part I(E) are excluded from coverage under this general permit.

The Department has determined that the cumulative effect of the designated dischargers’ compliance with this general permit, or equally stringent individual permits or alternative general permits, will result in compliance with the water quality standards applicable to the Long Creek and its tributaries by December 31, 2020.

Coverage under this general permit is required if the total impervious area on a parcel is equal to or greater than one acre on or after the effective date of this permit, unless the discharge is authorized under an individual permit or alternate general permit (as described in Part V), or the Department determines that there is no discharge from the property to waters of the state within the Long Creek Watershed other than groundwater.

This general permit is effective October 29, 2009 and authorization to discharge under this general permit expires at midnight October 29, 2014.

B. Authority. A waste discharge permit is required for the direct or indirect discharge of pollutants to surface waters of the State. A general permit may be issued for point, pursuant to federal law, Title 33 USC, §1251. The Department may issue a general permit authorizing the discharge of certain pollutants pursuant to 06-096 CMR 529. The similarity of discharges has prompted the Department to issue this General Permit (GP) for those discharges of stormwater, located in fresh waters (Class AA, A, B, C, GPA) and marine waters (Class SA, SB and SC) pursuant to Maine law 38 MRSA, §464, sub-§4A. A violation of a condition or requirement of a general permit constitutes a violation of Maine's water quality laws and the federal Clean Water Act, and subjects the discharger to penalties under Organization and Powers Maine law, 38 M.R.S.A. §349, and §309 of the
Clean Water Act. Nothing in this general permit is intended to limit the Department’s authority under the waste discharge and water classification statutes or rules. This general permit does not affect requirements under other applicable Maine statutes such as Site Location of Development (Site Law), Stormwater Management, and Natural Resources Protection (NRPA), and Department rules.

This general permit does not prevent a municipality from adopting stricter standards than contained in this general permit, or in state or federal law.
PART I  General Permit Coverage (cont’d)

C. **Authorization.** To be covered under this general permit, an operator of a property with a designated stormwater discharge must submit to the Department a Notice of Intent (NOI) form and associated materials in accordance with the requirements of Part III of this permit. Upon review of the NOI, the Department may grant or deny authorization to discharge in accordance with Part III. If denied, the operator(s) must resubmit an NOI or submit an application for an individual or an alternative General Permit.

D. **Continuation of general permit coverage.** Once granted, coverage under this general permit continues provided there are no changes in the discharge as described in the NOI and all requirements of this general permit are met. If changes occur or are proposed, the permittee who filed the NOI must notify the Department, as specified in this general permit. Upon reissuance of an updated general permit, a permittee wishing to continue coverage shall submit a new NOI to the Department.

If this permit is not revoked or replaced prior to the expiration date, and the Department makes a determination that it is to be reissued, with or without changes, this permit will be administratively continued and remain in force and effect until the Department issues a new general permit. In that case, any permittee who was granted permit coverage prior to the expiration date remains covered by the continued permit provided there are no changes in the discharge and all requirements of this permit are met.

Coverage under this general permit ceases if:

1. **Notice of termination.** The permittee submits a Notice of Termination;

2. **Individual permit.** An individual permit is issued for the permittee’s discharges;

3. **General permit not reissued.** This general permit expires following a formal decision by the Department not to reissue this permit; or

4. **Reissuance or replacement of general permit.** This general permit is replaced by a new general permit and the permittee does not submit a new NOI to the Department in accordance with the new general permit to maintain authorization to discharge.
PART I  General Permit Coverage (cont’d)

E.  Limitations on coverage.

1.  Compliance with this general permit-- This general permit does not authorize a stormwater discharge unless it is in compliance with the requirements of this general permit. If the Department determines that the requirements of this general permit have not been met, the Department may notify the Long Creek Watershed Management District and the permittee and may:

   a. Authorize coverage under this general permit after appropriate controls and implementation procedures designed to bring the discharge into compliance with this general permit have been implemented as determined by the Department;

   b. Require an individual waste discharge permit;

   c. Inform the permittee that the discharge is prohibited; or

   d. Take enforcement action to address the violation(s).

Compliance with Part I(E)(1) does not preclude any enforcement activity under Maine law for an underlying violation.

2.  Other permit-- A stormwater discharge is not authorized by this general permit if it requires an individual waste discharge permit or coverage under another waste discharge general permit. Other waste discharge general permits include the Maine Construction General Permit, which applies to disturbances of 1 or more acres, only during a site’s construction phase, and the Long Creek Post Construction Discharge and Multisector Multi-Sector Combined General Permit.

3.  Discharge of hazardous substances, chemicals, or oil-- This general permit does not authorize the discharge of stormwater containing hazardous substances, chemicals, or oil.

4.  Waste discharge license (groundwater)-- A waste discharge license (“WDL”) may be required for the discharge of stormwater through any well or wells, including drywells and subsurface fluid distribution systems. For complete requirements, see Rules To Control The the Subsurface Discharge of Pollutants, 06096-06-096 CMR 543 (effective October 6, 2006), and Stormwater Management, 06-096 CMR 500 Appendix D (last amended December 27, 2006).

A “subsurface fluid distribution system” is an assemblage of perforated pipes, drain tiles, or similar mechanisms intended to distribute fluids below the surface of the ground. A “well” is a bored,
drilled, or driven shaft the depth of which is greater than the largest surface dimension, whether
the shaft is typically dry or contains liquid; or a dug hole the depth of which is greater than the
largest surface dimension; or a subsurface fluid distribution system. “Well injection” means the
subsurface discharge of fluids into or through a well.
PART II. Definitions

In addition to the definitions found in Chapter 520 of the Department's rules (effective January 12, 2001) and applicable statutory definitions in the waste discharge and water classification laws, the following terms in section B(1-44) have the following meanings as when used in this general permit. GP.

A. Applicant. “Applicant” means a person who files an NOI pursuant to Part III of this general permit.

B. Department. “Department” means the State of Maine Department of Environmental Protection.

C. Discharge. “Discharge” means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to waters of the State other than groundwater. "Direct discharge" or "point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged. For the purposes of this permit, the Department views a direct discharge of stormwater as occurring when the runoff is not attenuated (infiltrated, filtered and/or detained for a long enough period to allow treatment), as evidenced either by channelized flow, or by the lack of sufficient land area (based on soils, vegetative cover, slope, flow path distance and relative size of contributing impervious area) before it becomes channelized or reaches a receiving waterway or water body.

D. Impervious area. “Impervious area” means the total area of a parcel, right-of-way or easement that consists of building and associated constructed facilities; areas such as asphalt or concrete, that are covered with a low-permeability material; or areas such as gravel roads and unpaved parking areas that are compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, roads, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater.

The demolition and removal of impervious area is subtracted from the total impervious area when calculating the total impervious area, provided that the area where impervious area has been demolished and removed is restored so that it no longer has reduced permeability, and is permanently stabilized using vegetation in conformance with standards in the Maine Construction General Permit, Appendix A.

4 See Water Classification Program, 38 M.R.S.A. § 466(5) (definition of "direct discharge") and 06-096 CMR 520 (definition of "point source").
E. **Long Creek Watershed**—“Long Creek Watershed” means all areas that discharge to Long Creek or its tributaries from the headwaters down to, but not including, Clarks Pond.
PART II Definitions (cont’d)

F. **Long Creek Watershed Management District** - “Long Creek Watershed Management District” (or “District”) means the entity established to provide oversight over implementation of the Long Creek Watershed Management Plan.

G. **Long Creek Watershed Management Plan** - “Long Creek Watershed Management Plan” (or “Plan”) means a plan developed jointly by the municipalities of South Portland, Portland, Westbrook and Scarborough, along with other entities, and approved by the Maine Department of Environmental Protection, for the purpose of restoring the water quality of Long Creek—dated July 2009 or modifications, as approved by the DEP.”

H. **Municipal separate storm sewer system** (“MS4”) - “Municipal Separate Storm Sewer System” or (“MS4”) means conveyances for stormwater, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, Maine Department of Transportation (MaineDOT), Maine Turnpike Authority (MTA), State agency or Federal agency or other public entity that discharges directly to waters of the State other than groundwater.

I. **Notice of Intent** (“NOI”) - “Notice of Intent” or ”NOI" means a notification of intent to seek coverage under this general permit, as provided in Part III(A), made by the applicant to the Department on an NOI form(s) provided by the Department.

J. **Notice of Termination** (“NOT”) - “Notice of Termination” or ”NOT" means a notification of intent to end coverage under this general permit on a form provided by the Department.

K. **Operator** - “Operator” means the person who has control over a parcel, or a right of way or easement located on a parcel, with a designated discharge of stormwater to Long Creek or its tributaries. The owner of a parcel will be considered by the Department to be the operator, unless there is a written agreement, which provides another person with authority to make decisions with respect to stormwater discharges from the impervious area and associated areas of the parcel needed for stormwater management.

L. **Parcel** - “Parcel” means the block or piece of land a person owns or has sufficient title, right or interest in regardless of size, and regardless of whether the block of land is divided into lots.
1. The parcel includes:

   a. All contiguous land in the same ownership, where “contiguous land” is defined as two areas that touch at more than one point; and

   b. Non-contiguous areas if the areas are considered part of the same parcel by the department for purposes of permitting under the Stormwater Management Law or Site Law, and a permit under one of those laws is required.
PART II Definitions (cont’d)

2. Areas located on opposite sides of a public or private road are considered separate parcels of land unless:
   a. The road was established by the owner of land on both sides of the road on or after January 1, 1970; or
   b. The areas are considered part of the same parcel by the department for purposes of permitting under the Stormwater Management Law or Site Law, and a permit under one of those laws is required.

M. Permittee—“Permittee” means a person who is authorized to discharge post-construction stormwater under this general permit.

N. Person—“Person” means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity. Each “person” is regarded as a separate and distinct entity, except that a combination of persons is treated as a single person if:
   1. Together they pursue a common scheme of development, as defined in rules adopted pursuant to the Site Location of Development Law, 38 M.R.S.A.§481 et. seq., resulting in a discharge requiring authorization even though individual persons in the combination own separate parcels that may not result in a discharge requiring approval if the parcels were considered separately; or
   2. One person engages in a transaction, with another person with the intent to evade the intent and purpose of the designation.

O. Post-construction stormwater discharges—Stormwater discharges from or associated with impervious area.

P. Stormwater—”Stormwater” means the part of precipitation including runoff from rain or melting ice and snow that flows across the surface as sheet flow, shallow concentrated flow, or in drainage ways. “Stormwater” has the same meaning as "storm water".

Q. Stream—“Stream” means a river, stream, or brook as defined in the Natural Resources Protection Act at 38 M.R.S.A. § 480-B.
R. **Watershed.** “Watershed” means the land area that drains, via overland flow, drainage ways, waterbodies, or wetlands to a given waterbody or wetland.
Part III. Procedure

A. Who must submit the Notice of Intent (NOI)\textsuperscript{-} An NOI must be filed by the operator or an agent of the operator if the total impervious area on a parcel in the Long Creek watershed is equal to or greater than one acre at any point in time on or after the effective date of this permit.

___ If the project also requires a permit pursuant to the Stormwater Management Law or Site Law, then the NOI must be filed at the same time as the Stormwater Management or Site Law application.

4. Existing impervious area.- If there is one acre or more of existing impervious area on the parcel on the effective date of this general permit, then the applicant must file an NOI within 180\textsuperscript{-}30 days after receiving notice from the Department.

2. Future impervious area.- If a person will construct or cause to be constructed any impervious area on a parcel on or after the effective date of this general permit so that the total impervious area on the parcel will be one acre or more at any point in time, then the applicant shall file an NOI at least 14 days prior to the beginning of construction.

B. Filing of NOI.- By submitting an NOI, the applicant agrees to comply with the standards of this general permit.

C. Approval of NOI.- If Stormwater Management Law or Site Law approval is not required, the NOI is deemed approved 14 calendar days after the Department receives the complete NOI unless the Department approves or denies the NOI, or extends the review period, prior to that date.- If the Department does not contact the applicant within this 14-day period regarding the NOI, the applicant’s NOI is deemed approved. The Department may extend the 14-day review period if the Department notifies the applicant of such extension within the 14-day period.

If a Stormwater Management Law or Site Law permit or modification is required, the 14 day review period does not apply. The Department will approve or deny the NOI at the same time it issues a decision on the Stormwater Management Law or Site Law permit or modification application.

D. Effective Date of Coverage under this General Permit.- The applicant is authorized to discharge post-construction stormwater under the terms and conditions of this general permit as follows:

1. Not under Construction.- If a project is not under construction, authorization under this general permit will take effect upon approval of the NOI.-
PART III  Procedure (cont’d)

2. Under Construction

a. If the project is under construction and no Construction General Permit is required, authorization under this general permit will take effect upon approval of the NOI.

b. If the project is under construction and a Construction General Permit has been obtained, authorization under this general permit will take effect upon approval of the NOI and the filing of a Notice of Termination pursuant to the Construction General Permit.

E. Submission.

1. General procedure

a. The operator shall file the NOI using a form provided by the Department.

b. The NOI must contain all information specified by this General Permit and must be signed and certified in accordance with 06-096 CMR 521(5).

c. Copies of the initial NOI form shall be provided by the applicant to the municipal office of the town or city in which the discharge will occur and to the District at the time it is submitted to the Department.

d. A new NOI will be submitted to the municipality, LCWWD, and the Department within thirty (30) days of any change in an operator’s contact information.

2. Contents of Notice of Intent (NOI)

a. The designated discharge operator’s contact's name, email (if any), address, and telephone number.

b. Facility/Site information including name, address and location of the designated discharge, Global Positioning System (GPS) reference data if available, and ownership status as a Federal, State, Tribal, Private or other public entity.

c. Evidence demonstrating that the operator has entered into a binding contract with the Long...
Creek Watershed Management District. The contract must provide for participation of the operator in implementation of the Long Creek Watershed Management Plan.

d. Such other information as the Department may determine is reasonably necessary to determine that the requirements of this general permit will be met. Additional information may be required by the Department on a site specific basis following submission of the NOI, if the Department determines that such information is reasonably necessary to determine whether or not to authorize the discharge under this general permit.
PART III  Procedure (cont’d)

3. _Deficient NOI_. If any portion of the NOI does not meet one or more of the minimum requirements of this part, the applicant will be notified of the deficiency within the review period. It is the responsibility of the applicant to make all required changes and resubmit the NOI. The review period will commence anew upon the received submittal date of the revised NOI.

F. **Notice of Termination (NOT) and Property Transfer**. The permittee shall submit to the Department and to the LCWWD a Notice of Termination (NOT) on a form provided by the Department within 20 days of ceasing a designated stormwater discharge to the Long Creek watershed from the area subject to this general permit, or if impervious area discharging to Long Creek or its tributaries is reduced to less than one acre on the parcel.

G. **Right of Entry**. Employees and agents of the Department may enter any property at reasonable hours in order to determine compliance.

H. **Changes in the activity or operator**. Coverage under this general permit will be continued provided there are no changes in the discharge as described in the NOI and associated submissions, and all requirements of this general permit are met. If the permittee proposes to expand or relocate impervious area beyond what was indicated in the original NOI, or to change the location of the discharge, then updated information must be submitted with a new NOI prior to any earth-moving activity. Information concerning minor changes on a site that do not affect the nature or amount of stormwater runoff may be submitted in a letter to the Department and the LCWWD that describes the changes.

If the operator of the property subject to this permit changes, the new operator must file an NOI if he or she wishes to continue coverage under this general permit within two weeks of the property transfer. The former permittee is not required to file an NOT if the new operator files an NOI to continue authorization under this general permit for a continuing discharge.

If a parcel with one or more acres of impervious area is divided on or after the effective date of this general permit, then stormwater from or associated with the impervious area on the resulting parcels continues to require a permit for post-construction stormwater discharges without regard to the size of the impervious area on the resulting parcels. If a parcel with one or more acres of impervious area is divided on or after the effective date of this general permit and a resulting parcel contains no impervious area, then post-construction stormwater discharges from or associated with the resulting parcel no longer require a permit. However, if any amount of impervious area is later created on the resulting parcel that had no impervious area, post-construction discharges will require a permit.
I. Individual permit - A permittee whose discharge is covered under this general permit may at any time apply for an individual waste discharge permit pursuant to the Department's rules. When an individual permit is issued to a person previously subject to this general permit, the applicability of this general permit to that person is automatically terminated on the effective date of the individual permit. Alternatively, an individual permit may be required by the Department in accordance with the provisions of General Permits for Certain Discharges, 06-096 CMR 529(2)(b)(3).

Part IV - Requirements

A. Plan participation - The permittee must participate in implementation of and in conformity with the Long Creek Watershed Management Plan dated July 2009, or a subsequent modification of the Plan, provided the modification has been approved by the Department. Annual progress reports shall be submitted by the permittee, no later than May 31st of each calendar year and will include activities of the previous calendar year. The Long Creek Watershed Management District may submit an annual report on behalf of all permittees participating in the Plan.

B. Implementation of Plan - The permittee shall support implementation of the Plan through the Long Creek Watershed Management District, including making appropriate payments, supplying the necessary easements within an agreement with the District, and cooperating with the District on Plan implementation in accordance with the schedule approved by the Department (See Parts IV.C., D and E.). The District determines the cost amount that each permittee shall pay based upon factors listed in the plan. If a permittee agrees to carry out some activity on the property in exchange for a reduced cost, then that activity is also an enforceable requirement of this general permit for that permittee. The failure of the permittee to make timely payments of costs for implementation of the plan, or to carry out agreed upon activities, will be grounds for termination of coverage under this general permit. In addition, if the Long Creek Watershed Management District fails to implement the plan as approved by the Department, the Department will take action to modify or revoke the general permit, if appropriate.

C. Funding mechanism - The funding mechanism for the Plan must be operational and the Long Creek Watershed Management District must be able to receive contributions within 180 days of the effective date of this general permit, unless the Department extends the Notice of Intent filing period, in which case the funding mechanism must be operational at the end of the filing period. Otherwise, coverage under this general permit will cease, and individual permits for stormwater discharges will be required. The Plan must result in compliance with the water quality standards applicable to Long Creek and its tributaries by December 31, 2020.

D.C. Required activities - The permittee shall abide by its agreement with the Long Creek Watershed Management District and support implementation of the following activities as described in the Plan.
Otherwise, coverage under this permit may be terminated and an individual permit required.

1. **Construction of Tier 1, Tier 2, in-stream and riparian projects.** Construction of Tier 1, Tier 2, in-stream and riparian projects must be completed as follows.
Part IV Requirements (cont’d)

a. If operators on 100% of properties from which there is a designated discharge participate in implementation of the Plan through this permit, permittees shall support the Long Creek Watershed Management District implementation of all identified Tier 1 and Tier 2 projects in the plan, along with all identified in-stream and riparian projects in the plan, by December 31, 2020.

b. If less than 100% of all impervious area is covered under this general permit, then permittees shall support the Long Creek Watershed Management District construction of projects that provide a commensurate percentage of water quality benefits as provided in the Plan. For example, if permittees representing 80% of the total impervious area covered by the Residual Designation submit NOIs, then the projects that would produce 80% of the benefits of the entire plan, as determined by the Department, must be constructed.

c. Once a funding rate for a permittee is established, it cannot be increased during the term of the general permit due to another permittee defaulting on payment. The funding rate may be adjusted during the next re-issuance of the general permit.

d. Required projects may change as new opportunities for stormwater treatment projects emerge over time, provided any revised project would accomplish at least as much benefit to Long Creek and its tributaries as the project it would replace in the Plan, and is approved by the department.

2. **Inspection and Maintenance**

   Inspection and maintenance of stormwater treatment practices constructed in accordance with sub-section 1 above is required, along with pollution prevention and good housekeeping practices on property covered by the Plan, as approved by the Department.

3. **Monitoring and assessment**

   Implementation of a monitoring and assessment plan, as approved by the Department, is required for use in measuring progress in restoring Long Creek.

**E.D. Periodic assessment of the Plan**

The Department will periodically reassess whether the Plan and its implementation are sufficient to provide for necessary improvement in water quality prior to any reissuance of this general permit and will provide for stricter or more relaxed requirements as necessary. In approving the Plan and any modifications, the Department is making a determination that implementation of the Plan will result in attainment of Best Professional Judgment that practices are meeting expectations and providing a reasonable assurance of meeting water quality standards by December 31, 2020. The Department may require any or all dischargers to apply for individual permits if the Department determines that any requirements in this general permit are not met.

**F.E. Conditional authorization**

Authorization to discharge under this general permit is conditioned upon the Long Creek Watershed Management District’s satisfactory implementation of the Long Creek Watershed Management Plan, as approved by the Department.
PART V. Relationship to Other General - and Individual Permits

A. The requirements of this general permit apply unless one of the following conditions applies:

1. An individual permit is applied for and obtained; or

2. An operator with a project having both post-construction stormwater and industrial stormwater discharges obtains authorization through an alternative general permit, such as a combined general permit that the Multi-Sector General Permit which includes both the Long Creek Post Construction Discharge of Stormwater and Multi-Sector Multi-Sector discharge requirements.

B. For construction activity, the requirements of this permit apply upon termination of requirements under the Maine Construction General Permit (MCGP), pursuant to Part III.D.2.b., if applicable. The MCGP authorizes stormwater discharges from construction activity including, but not limited to, clearing, grading, excavation, and filling, where total land disturbance total is equal to or greater than one acre, and where stormwater runoff discharges to waters of the state in the Long Creek Watershed other than groundwater.

PART VI. Standard Conditions

A. Removed substances. Solids, sludges, filter backwash or other pollutants removed or resulting from the treatment of wastewaters shall be disposed of in a manner approved by the Department.

B. Monitoring requirement. The Department may require monitoring of an individual discharge as may be reasonably necessary in order to characterize the nature, volume or other attributes of that discharge or its sources.

C. Other information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, he or she shall promptly submit such facts or information.

D. Endangered species. Pursuant to State and Local Cooperation Law, 12 M.R.S.A. § 12806, a
state agency or municipal government shall not permit, license, fund or carry out projects that will:

1. Significantly alter the habitat identified under Conservation of Endangered Species Law, 12 M.R.S.A. § 12804, subsection 2 of any species designated as threatened or endangered under this subchapter; or

Part VI Standard Conditions (cont’d)

E. **Individual permit or alternative general permit.** When an individual permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative general permit, the applicability of this permit to the individual permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual permit is denied to an operator otherwise subject to this permit, or the operator is denied coverage under an alternative general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Commissioner.

F. **Other standard conditions.** Pursuant to General Permits for Certain Wastewater Discharges, 06-096 CMR 529(3)(h), the following conditions also apply to discharges pursuant to this general permit and are incorporated herein as if fully set forth.

1. **Chapter 523, Section 2 (applicable to all discharges)**

2. **Chapter 523, Section 3 (applicable to certain categories of discharges)**
STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Fact Sheet – Post Construction Discharge of Stormwater in the Long Creek Watershed

Maine Pollutant Discharge Elimination System Permit

Bureau of Land and Water Quality

February 3, 2015 (Draft)

MEPDES Permit #MEG190000
Maine Pollutant Discharge Elimination System (MEPDES) Fact Sheet
and Supplemental Information for Issuance of a General Permit for Post-Construction Discharge of Stormwater in the Long Creek Watershed

AGENCY: Maine Department of Environmental Protection (DEP)
ACTION: Notice to Issue MEPDES General Permit

CONTENTS

Summary……………………………………………………………………………………………..2
A. Background………………………………………………………………………………………3
B. Use of general permit option………………………………………………………………………..5
C. The General Permit -- Information concerning certain provisions ………………… 6


• The texts of Maine statutes can be found at:
  http://www.mainelegislature.org/legis/statutes/
• The text of Department rules can be found at:
  http://www.state.me.us/sos/cec/rcn/apm/06/chaps06.html
• The text of the Clean Water Act can be found at:
  http://www.epa.gov/npdes/pubs/cwatxt.txt
• The text of Title 40, Part 122 of the Federal rules can be found at:
  http://www.access.gpo.gov/nara/cfr/waisidx_08/40cfr122_08.html
• The text of the U.S. Environmental Protection Agency Preliminary Residual Designation of stormwater discharges to Long Creek pursuant to the Clean Water Act may be found at:
  http://www.epa.gov/region1/npdes/stormwater/assets/pdfs/LongCreekRD.pdf
• The Long Creek Watershed Management Plan and supporting information can be found at
  www.restorelongcreek.org,
• Additional information concerning stormwater in Maine may be found at:

Summary: The Maine Department of Environmental Protection (“DEP”) is issuing a MEPDES general permit for post-construction discharges of stormwater from property with one acre or more of impervious area in the Long Creek watershed located in the municipalities of South Portland, Westbrook, Portland and Scarborough, Maine. This permit covers the discharge of stormwater from such properties to Long Creek and its tributaries, or to a municipal separate storm sewer system or other conveyance that discharges to Long Creek or its tributaries. The general permit describes permit coverage and limitations, definitions, requirements, procedures, and standard conditions. There is also a section addressing the relationship of this permit to other programs.
A. Background

1. Clean Water Act

Section 301(a) of the Clean Water Act (CWA) provides that “the discharge of any pollutant by any person shall be unlawful” unless the discharge is in compliance with certain other sections of the Act. 33 U.S.C. 1311(a). The CWA defines “discharge of a pollutant” as “(A) any addition of any pollutant to navigable waters from any point source, (B) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.” 33 U.S.C. 1362(12). A “point source” is any “discernible, confined and discrete conveyance” but does not include “agricultural storm water discharges and return flows from irrigated agriculture.” 33 U.S.C. 1362(14).

The term “pollutant” includes, among other things, “garbage… chemical wastes, biological materials …and industrial, municipal, and agricultural waste discharged into water.”

2. Maine Pollutant Discharge Elimination System (MEPDES) Permits

A MEPDES permit authorizes the discharge of a pollutant or pollutants into receiving water under certain conditions. The MEPDES program relies on two types of permits: individual and general. An individual permit is a permit specifically tailored for an individual discharger or situations that require individual consideration. Upon receiving the appropriate permit application(s), the permitting authority develops a draft permit for public comment for that particular discharger based on the information contained in the permit application (e.g., type of activity, nature of discharge, receiving water quality). Following consideration of public comments, a final permit is then issued to the discharger for a specific time period (not to exceed 5 years) with a provision for reapplying for further permit coverage prior to the expiration date.

In contrast, a general permit (GP) covers multiple facilities/sites/activities within a specific category for a specific period of time (not to exceed 5 years). For GPs, the Department develops and issues the permit in advance, with dischargers then generally obtaining coverage under the permit through submission of a Notice of Intent (NOI). A GP is also subject to public comment prior to issuance. For the case of this GP, the Department is the permitting authority. The permitting authority reviews the permittee and geographic area and develops appropriate permits considering technology and water quality. In addition, the Department may issue a permit that has different requirements from a National Pollutant Discharge Elimination System (NPDES) permit issued by the U.S. Environmental Protection Agency (EPA) for similar types of discharges, as long as it satisfies the regulatory requirements of the NPDES program, the CWA, and state law.
A. Background (cont’d)

Under 40 CFR 122.28, general permits may be written to cover categories of point sources having common elements, such as facilities that involve the same or substantially similar types of operations, that discharge the same types of wastes, or that are more appropriately regulated by a general permit. Given the possible number of pesticide operations requiring MEPDES permit coverage and the discharges common to these operations, the Department believes that it makes administrative sense to issue the GP, rather than issuing individual permits to each Operator.

Courts have approved of the use of general permits. See e.g., Natural Res. Def. Council v. Costle, 568 F.2d 1369 (D.C. Cir. 1977); EDC v. US EPA, 344 F.3d 832, 853 (9th Cir. 2003). The general permit approach allows the Department to allocate resources in a more efficient manner and to provide more timely coverage and may significantly simplify the permitting process for the majority of pesticide dischargers. As with any permit, the CWA requires the GP to contain technology-based effluent limitations, as well as any more stringent limits when necessary to meet applicable state water quality standards. State water quality standards apply in all surface Waters of the State and the territorial seas, defined in section 502(8) of the CWA as extending three miles from the baseline. Pacific Legal Foundation v. Costle, 586 F.2d 650, 655-656 (9th Cir. 1978); Natural Resources Defense Council, Inc. v. U.S. EPA, 863 F.2d 1420, 1435 (9th Cir. 1988).

3. History of the Long Creek General Permit

On December 3, 2008, EPA Region 1, in consultation with the State of Maine, determined that a designation of certain stormwater discharges in the Long Creek watershed was appropriate because they are contributing to applicable water quality violations. EPA’s “Preliminary Residual Designation Pursuant to Clean Water Act” can be found online at (http://www.epa.gov/region1/npdes/stormwater/assets/pdfs/LongCreekRD.pdf).

This preliminary designation was published in the Federal Register on December 31, 2008 (http://www.restorelongcreek.org/docs/FR_notice_12-31-08.pdf). The preliminary designation requires that property with one acre or more of impervious area that discharges to Long Creek obtain a permit under the Clean Water Act.

On October 28, 2009 EPA issued its final designation decision order.

In 2006, prior to EPA’s designation determination, the City of South Portland had received an EPA grant to develop a comprehensive watershed management plan for Long Creek. A steering committee was established, consisting of both private and public sector stakeholders. Subcommittees were also established to work through the technical and policy issues for Long Creek. Participants sought to develop a plan that would provide an economically efficient approach to restoring water quality in Long Creek. EPA’s determination caused participants to become interested in developing a plan to provide an implementation scheme that would allow for complying with permit requirements.
A. Background (cont’d)

On December 3, 2008, USEPA, in consultation with the State of Maine, made a preliminary determination that a designation of certain stormwater discharges in the Long Creek watershed is appropriate because the discharges are contributing to applicable water quality violations. This designation became final on October 28, 2009.

On October 29, 2009, the Department approved Long Creek Post-Construction Stormwater Discharge General Permit # MEG190000/WDL #W-9052-5Y-A-N, for the discharge of post-construction stormwater to Long Creek in the municipalities of South Portland, Portland, Westbrook and Scarborough, Maine.

Subsequent to issuance of the permit, the Department determined that the definition of the Long Creek watershed incorrectly included Clark’s Pond in the watershed of Long Creek. The designation decision issued by the USEPA does not include Clark’s Pond, nor did the Department issue preliminary notice of the general permit to landowners, whose property drains to Clark’s Pond.

On November 6, 2009 – The Department issued corrected general permit MEG 190000/WDL #W-9052-5Y-A-N. The permit envisioned a ten-year program of implementation and compliance with the Long Creek Watershed Management Plan, dated July 2009, or subsequent modifications of the Plan to attain the water quality standards assigned to Long Creek.

This general permit provides designated property owners with a means to comply with the requirements of the designation and provides a means for restoration of Long Creek to proceed through implementation of the Long Creek Watershed Management Plan.

B. Use of the General Permit Option

Section 301(a) of the Clean Water Act (the Act) provides that the discharge of pollutants to waters of the United States is unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit, unless such a discharge is otherwise authorized by the Act. Title 38 M.R.S.A. Section 413 of Maine’s waste discharge law provides that no person may directly or indirectly discharge or cause to be discharged any pollutants without first obtaining a license from the Department. Standards and requirements are specified in statute and rule. Although such permits are generally issued to individual discharges, EPA’s and Maine’s regulations authorize the issuance of “general permits” to categories of discharges (see 40 CFR Section 122.28 and 06-096 CMR 529(2)).

As the NPDES permitting authority in Maine, DEP is authorized to issue a general permit if there are a number of point sources operating in a geographic area that:

• Involve the same or substantially similar types of operations;
• Discharge the same types of wastes;
• Require the same effluent limitations or operating conditions;
• Require the same or similar monitoring requirements; and
• In the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.
B. Use of the General Permit Option (cont’d)

Upon reviewing these factors and the circumstances of the Long Creek designation, DEP has determined that designated stormwater discharges may be appropriately controlled through a general permit process given that they are of similar nature, largely from roads, commercial parking lots and buildings and will best be dealt with using a collective, watershed-wide approach. This general permit meets the requirements of 06-096 CMR 529, “General Permits for Certain Wastewater Discharges” and 06-096 CMR 521(9), “Storm water discharges.”

C. The General Permit -- Information concerning certain provisions.

"Parts" as used below, refer to the enumerated parts of the general permit.

**Part I -- General permit coverage**

The general permit authorizes the direct discharge of stormwater from designated discharges in the Long Creek watershed. Designated discharges are those discharges from property with one acre or more of impervious area that flow to Long Creek or its tributaries, or to a municipal separate storm sewer or other public or private system that discharges to Long Creek or its tributaries.

**Part II -- Specialized Definitions**

The general permit makes use of existing state definitions when possible. These include “impervious area,” “parcel,” “common scheme of development” (within “parcel” definition), “peak flow,” “person,” “stormwater,” “stream,” and “watershed.” Federal definitions used in the general permit include "municipal separate storm sewer system (MS4),” “Notice of Intent” (NOI), and “Notice of Termination.” (NOT). The term “direct discharge” in the permit and fact sheet refers to a “point source” discharge. “Discharge” is a separately defined term.
Part II -- Specialized Definitions (cont’d)

These definitions differ from the use of the terms in EPA’s residual designation, where “direct discharge” refers to the conveyance of stormwater from a property directly to Long Creek or its tributaries and “indirect discharge” refers to the discharge of stormwater from a property to Long Creek and its tributaries through an MS4 system or other public or private storm sewer conveyance. In the latter case, a discharge that reaches Long Creek indirectly through an MS4 may still meet the definition of a “direct discharge” as it is used in Maine regulations and as it appears in the Part II definitions of this permit.

Part III -- Procedure

This part of the general permit specifies NOI and NOT requirements, including associated submissions. The NOI must include evidence that the owner has a contract with the Long Creek Watershed Management District to participate in implementation of the Long Creek Watershed Management Plan. An NOT is required within 20 days of ceasing stormwater discharge. In cases of property transfer, the seller is required to file an NOT and the buyer files an NOI to continue general permit coverage within 14 days of the property transfer. An owner may also choose to file an application for an individual permit at any time. When an individual permit is issued, prior coverage under the general permit ceases.

Part IV -- Requirements

This part of the general permit specifies that the permittee must participate in implementation of and comply with the Long Creek Watershed Management Plan. Implementation of the plan is the legal responsibility of the permittee, even though work will be carried out by a third party, the Long Creek Watershed Management District (District). The permittee is therefore responsible for both making necessary payments and carrying out other work as agreed to in a contract with the District, and for ensuring that the District carries out the specified restoration work in the watershed.

The Long Creek Watershed Management Plan (Plan) identifies restoration projects, including structural best management practices (BMPs) that can be installed in specified catchment areas of the watershed (the land area from which stormwater flows to a single runoff discharge point), and in-stream and riparian work. A technical committee recommended these projects after an assessment of various options. Structural BMP projects were sorted into Tiers 1, 2 and 3 based on the amount of benefit in relation to installation costs, with Tier 1 projects being the most economical and Tier 3 projects being the least economical for the benefits they produced. Based on its evaluation of the proposed projects, the DEP has concluded that installation of all of the Tier 1 and 2 projects, implementation of all of the proposed in-stream and riparian projects, along with on-going maintenance work, will be sufficient to allow Long Creek to meet the state’s water quality standards. The Plan provides for treatment of stormwater within priority catchment areas, which in combination with the identified in-stream and riparian restoration work, and non-structural management practices, such as street sweeping, provides the most treatment for a given amount of funding. The DEP recognizes that retrofitting existing developed area may be expensive and that the most economical approaches should be taken first. The DEP further recognizes that this approach means that the stormwater runoff on some individual properties may not be treated by on-site structural controls. This is an acceptable and appropriate approach to take so long as the collective effort of all permitted parties, both under the general permit and under individual permits, results in water quality standards being met in Long Creek.
Part IV -- Requirements (cont’d)

The general permit requirements include flexibility in terms of the amount of work that must be completed under the Plan. The funding level of projects that must be completed, in terms of percentage of total cost funded, must equal or exceed the percentage of impervious area that is included on the property of participating operators. Operators that do not participate in the Plan will be responsible for treating their own discharges through an individual permit, which will reduce to overall amount of projects needing to be completed under the Plan. The permit also provides that a fee rate for a permittee cannot be increased due to another permittee defaulting on payment during the term of the general permit. This provision was included to provide predictability to property owners, who might otherwise not feel comfortable in entering into a contract to participate in the Plan. If a large number of property owners were to default on payments to the District, the amount of time needed to implement the required projects may necessarily be extended to a subsequent permit cycle. Rates would then be adjusted during the following cycle to allow completion of the projects, in addition to on-going costs for monitoring and maintenance work.

The DEP recognizes that over the life of the Plan, conditions in the watershed will change. New opportunities to provide economical stormwater treatment will arise, particularly with redevelopment projects that will involve soil disturbance. The Plan and the list of required projects may be changed from time to time, provided a new project provides at least as much benefit as the project it would replace, and is approved by the DEP.

The general permit requires that continual inspection and maintenance of stormwater treatment practices be carried out in accordance with the Plan, and that a water quality monitoring plan for Long Creek be established and carried out by the Long Creek Watershed Management District in order to measure progress in restoring Long Creek. The Department will periodically assess progress being made with respect to meeting water quality standards in Long Creek by December 31, 2020.

Part V -- Relationship to other General and Individual Permits

This part of the general permit addresses the fact that it may not apply where an individual permit has been issued for a discharge, or where an owner is already required to have separate NPDES stormwater coverage, such as for an industrial discharge, or for a construction activity. In the case of industrial activities requiring coverage for stormwater discharges, the DEP expects to issue a combined Industrial and Long Creek Post-Construction General Permit that will cover stormwater discharges from both industrial activity and from impervious area. In the case of construction projects, this post-construction general permit would apply upon termination of the construction general permit.

Part VI -- Standard Conditions

This part lists a short set of standard conditions applicable to all MEPDES permits, and references other standard conditions applicable under existing rules.