

Frequently Asked Questions

What is the Long Creek Restoration Project?

The Long Creek Restoration Project is a collaborative, community-based initiative convened by the City of South Portland and led by a Steering Committee made up of representatives from the four Long Creek watershed municipalities (South Portland, Portland, Westbrook and Scarborough), area businesses, non-profit organizations, and state agencies.

What is the Long Creek Restoration Project's mission?

The Long Creek Restoration Project's mission is to develop and implement a cost-effective, environmentally-responsible, and equitable plan for restoring and protecting Long Creek and its watershed.

Who has been involved in Long Creek Restoration Project?

A number of the watershed's private and public landowners and stakeholders have served on the Project's Steering Committee, including the Portland Regional Chamber, Fairchild Semiconductor, National Semiconductor, Marriott Sable Oaks, CB Richard Ellis/Boulos Property Management, Bramlie Development Corporation, Portland International Jetport, the Maine Mall, Maine, Cleaves and Company (Maine Wetlands Bank), ecomaine, the Maine Department of Transportation, and the Maine Turnpike Authority, among others. Other participating organizations and agencies include the South Portland Land Trust, Casco Bay Estuary Partnership, Cumberland County Soil and Water Conservation District, the Conservation Law Foundation, and MEDEP.

Who developed the draft Watershed Management Plan?

The Long Creek Restoration Project's Steering Committee has overseen the Project's work since its formation in August, 2007. The Long Creek Restoration Project hired FBEnvironmental, who, working with Woodard and Curran and Field Geology Services, has undertaken extensive field work and analysis. The results of their work are set out in Sections 1 through 6 of the draft Watershed Management Plan. Subcommittees were formed to provide guidance to the technical consultants and in the development of the implementation approach set out in Section 7.

What is the problem in the watershed?

Years of urbanization have significantly impaired the stream's health, as well as its ability to support recreation and wildlife, such as brook trout. The cause of the stream's degradation is increasing volumes of stormwater runoff – and the various pollutants associated with it – flowing into its waters from impervious areas such as parking lots, roadways, and rooftops. As a result, Long Creek no longer complies with state and federal water quality standards and is classified as one of 31 “urban impaired” streams in Maine. State and federal law require that Long Creek be restored to meet water quality standards. The US Environmental Protection Agency (EPA) has announced a “preliminary designation” that will involve new regulatory requirements for landowners with watershed parcels with one or more acres of impervious area (roof-tops, parking lots, road, and driveways). (See below).

Why develop a watershed management plan?

New regulatory requirements will go into effect regardless of whether the Long Creek Restoration Project implements its collaborative plan. The Watershed Management Plan will provide the opportunity to comply with these new requirements at lower cost to landowners and in a manner that is more effective in restoring

water quality. Having a watershed management plan is also important to seeking public and private grant funding for watershed improvement.

There are other important reasons to develop a watershed management plan. Restoring Long Creek is important to the health of Clark's Pond -- once a popular place to swim and fish -- and to the ecological health of the Fore River and Casco Bay. The collaborative plan can also have other important benefits, such as attracting private and federal dollars for green jobs and green infrastructure. In addition, a restored Long Creek has the potential to be a significant asset to the area, providing aesthetic, recreational and other amenities.

What does the draft Watershed Management Plan include?

Section 1 describes the purpose of the plan and the technical work, and the stakeholder involvement in developing the plan, including the roles of the Project's various committees. Section 2 describes the watershed, including its soils, geology, hydrology, population, and development. Section 3 describes applicable water quality standards, and the degree and causes of "impairment" (failure to meet water quality standards) in the watershed. Section 4 describes the goals and objectives in restoring the watershed, and the reasons for evaluating various approaches to restoration.

Section 5 describes proposed steps to restore the watershed. These proposed steps were developed by the Technical Consultants with advice from the Technical Advisory Committee, a subcommittee of the Project. Key proposed steps include:

- Coordinated restoration of stream banks and stream channels in priority locations.
- A coordinated program of structural retrofits of stormwater systems in the watershed, prioritized by environmental and cost-effectiveness. This program builds in an iterative approach that allows for evaluation of effectiveness.
- Proposed revisions of municipal codes to remove barriers to effective treatment of stormwater runoff and encourage "low impact development."
- A coordinated and cost-effective pollution-prevention program that includes maintenance measures such as street-sweeping.

Section 6 describes a specific recommendation to adopt a methodology that allows for monitoring and evaluation of effectiveness of restoration activities. Section 7 describes a funding and administrative approach to implementing the Plan.

What is the US Environmental Protection Agency (EPA)'s "preliminary designation" of stormwater discharges as requiring permits?

The US Environmental Protection Agency (EPA) has announced a "preliminary designation" under the Federal Clean Water Act affecting Long Creek watershed landowners with parcels with one or more acres of impervious area (roof-tops, parking lots, road, driveways). This "designation" decision will require designated property owners to undertake storm water management measures after the Maine Department of Environmental Protection (MEDEP) has sent notice to affected landowners. For information about EPA's preliminary designation, please see EPA's notice. (See link available through the home page of this website.) EPA's preliminary designation was published in the Federal Register on December 31, 2008 and is available through the same link. Please note that EPA has requested comments on this preliminary designation by February 17, 2009.

What properties are covered by the EPA's preliminary designation?

Under the preliminary designation, parcels in the Long Creek watershed with one acre or more of impervious area are covered. MEDEP has provided a list of parcels with one acre or more of impervious area, based on available information. Please see the link on the home page of this website.

How does the Long Creek Restoration Project relate to the U.S. Environmental Protection Agency (EPA)'s "preliminary designation"?

The Long Creek Restoration Project is separate from the US Environmental Protection Agency's "preliminary designation," which will require watershed landowners with parcels in the Long Creek watershed with one acre or more of impervious area to obtain a discharge permit. The Long Creek Restoration Project has been working to get out in front of new regulatory requirements by creating a program that can provide an alternative for landowners. The Long Creek Restoration Project has developed a draft Watershed Management Plan that can provide the foundation for a program that is less costly alternative for landowners and is effective in restoring water quality. The Long Creek Restoration Project will ask the Maine Department of Environmental Protection (MEDEP), which will be administering EPA requirements, to allow each landowner the choice of participating in this program as an alternative to obtaining an individual discharge permit. The MEDEP has indicated its willingness to issue a general permit to provide coverage to property owners who are participating in the implementation of the Watershed Management Plan, after it has given its approval of the plan.

What is the expected timing of new requirements under the EPA designation?

EPA has requested comments on the preliminary designation by February 17, 2009. Thereafter, EPA will review the preliminary designation and determine whether to make any changes. MEDEP will then be charged with developing a Long Creek general permit and with administering permit requirements. MEDEP has indicated that it will issue a draft Long Creek general permit after EPA's review of the preliminary designation. MEDEP will allow at least 30 days for public comment on the draft general permit. After considering public comments on the draft general permit, MEDEP will issue a final general permit. MEDEP will then issue a notice to landowners covered by the designation providing them a period of time to evaluate whether they wish to comply with the general permit or obtain an individual discharge permit. MEDEP has indicated that it expects to finalize a general permit and issue notice to landowners sometime in 2009.

Is the draft Watershed Management Plan the same as a draft permit?

No. The draft Watershed Management Plan is a planning document that reflects the work of the Long Creek Restoration Project to identify and prioritize on a planning level the most cost-effective and environmentally effective actions that could be undertaken in the watershed. The Plan can form the foundation for a coordinated program funded collectively by a group of public and private landowners who choose to participate. The draft plan does not identify permit requirements for individual landowners. It is a planning document rather than a regulatory document, and is designed to evolve.

What happens next after the draft Watershed Management Plan is approved by the Long Creek Restoration Project?

After the Long Creek Restoration Project Steering Committee approves a draft Watershed Management Plan, the draft Plan will be submitted to the municipalities and to EPA and MEDEP for approval. Approval by MEDEP and EPA will be a necessary prerequisite to asking MEDEP to allow landowners to choose the alternative of participating in a program to implement the Watershed Management Plan in lieu of obtaining an individual discharge permit. Approval of the Plan may also be needed in order to qualify for certain grant opportunities, such as additional funding through Section 319 of the Clean Water Act.

Approval of the Watershed Management Plan will be the first of two steps necessary to develop a program that can provide an alternative for public and private landowners. The first step will be approval of the draft Watershed Management Plan. The second step will be completion of a "program start up" period, in which the Long Creek Restoration Project engages in an iterative process of communicating with individual landowners, working out program design details, and determining what fees a landowner would pay if the landowner chooses to participate. It is necessary to complete the Watershed Management Plan to obtain funding for the "program start up" period. "Program start up" work will include seeking private and public grant dollars to help fund implementation of the coordinated program to the maximum extent possible.

A key task of "program start-up" will be to meet with landowners to determine whether they are interested in participating in the program and to develop the terms of participation in light of information gathered. This work will precede the date when landowners are asked to make a decision on whether they wish to meet their permit obligations by participating in the coordinated program to implement the Watershed Management Plan, or by obtaining an individual permit.