

5. PORTLAND STORMWATER MANAGEMENT STANDARDS AND MAINE DEP CHAPTER 500 STORMWATER MANAGEMENT

I. INTENTION

The goal of the City of Portland's Stormwater Management Program is to address the effects of development on both the quantity and quality of stormwater runoff in order to protect and improve water quality and meet Clean Water Act requirements. The Technical Manual standards support the review criteria contained in Portland's site plan and subdivision ordinances and with the stormwater management requirements within Chapter 32. Please see Chapter 32 of the City Code of Ordinances for regulations governing stormwater systems, illicit discharges and Post-Construction Stormwater Management Plans in Portland.

II. APPLICABILITY IN PORTLAND

PROJECTS REQUIRING STATE PERMITS:

Projects that require a Stormwater Permit pursuant to 38 M.R.S.A. Sec. 420-D (Stormwater Management Law) and projects that may substantially affect the environment and require a site location of development (Site Law) permit pursuant to 38 M.R.S. A Sec 481-490 shall be reviewed for conformance with Chapter 500 under the City's Delegated Review Authority or by the Maine Department of Environmental Protection.

PROJECTS REQUIRING MUNICIPAL REVIEW IN PORTLAND:

The City of Portland's applicability requirements for all development within Portland, which are specified below, supersede the applicability thresholds specified within the Chapter 500 Rules. The City of Portland conducts reviews under the City's Code of Ordinances, specifically Chapter 32 Stormwater and Chapter 14 Land Use Code. With the intent of improving water quality within Portland's urban environment, the City has adopted codes and regulations that require development proposals of a scale smaller, than the thresholds established under the state laws, to comply with the provisions of Chapter 500.

As outlined in the Article 14 of the City of Portland Land Use Code, the developments specified below shall comply with the Urban Impaired Stream, Basic, General, and Flooding Standards of the most recent version of the Maine Department of Environmental Protection (Maine DEP) Chapter 500 Rules for Stormwater Management (<http://www.maine.gov/dep/land/stormwater/storm.html>)

- A. Development within Urban Impaired Stream Watersheds: All development, except single and two-family homes subject to City of Portland review under the minor residential site plan application, shall be required to comply with the Urban Impaired Stream Standard pursuant to Maine DEP Chapter 500 Stormwater Management Rules if they are located within the following watersheds:

- Capisic Brook,
- Fall Brook,
- Nasons Brook,
- As listed in the most recent version of the Maine DEP Chapter 502 Rules.

Developments which will result in the creation of up to 1,000 square-feet of new impervious area or up to 10,000 square-feet of new non-impervious developed area, as defined under Definitions in the Maine DEP Chapter 500, are considered de minimis and are exempt from the Urban Impaired Stream Standard. Development within the Long Creek watershed shall be subject to the requirements set forth by the Long Creek Watershed Management District.

The City of Portland has an approved Compensation Fee Utilization Plan (CFUP) and can therefore receive in-lieu-fee payments to meet the UIS Standard.

- B. Basic Erosion and Sedimentation Control Standards for all Development: All development subject to City of Portland site plan review, including but not limited to minor and major site plans, shall comply with the Basic Standard pursuant to Maine DEP Chapter 500 Stormwater Management Rules; single and two-family homes (minor residential applications) shall be exempt from the Inspection and Maintenance Documentation Requirements of Appendix B1c.
- C. Stormwater Management Plans for New Development: Except as provided in below, the following development proposals shall submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including General and Flooding standards:
1. Minor site plans which will result in the creation of more than 1,000 square-feet of new impervious area or 10,000 square-feet of new non-impervious developed area, as defined under Developed Area and listed under Definitions of Chapter 500.
 2. Major site plans.
 3. Subdivisions as defined in Article 15 of the Land Use Code, except for those projects which do not result in the creation of more than 1,000 square-feet of new impervious area or 10,000 square-feet of new non-impervious developed area, as defined under Developed Area and listed under Definitions of Chapter 500.

4. Other projects that the Planning Authority determines that special conditions warrant a stormwater management plan; and
5. Projects that require a Stormwater Permit pursuant to 38 M.R.S.A. Sec. 420-D (Stormwater Management Law), a development that may substantially affect the environment and requires a site location of development (Site Law) permit pursuant to 38 M.R.S.A. Sec 481-490; and certain projects that may be eligible for license by rule for the infiltration of stormwater pursuant to 38 M.R.S.A. Sec 413.

Exemption:

1. Minor residential, as defined in the Technical Manual - Section 16.
- D. Redevelopment Projects: All projects not subject to requirements of an existing Site Law or Stormwater Management Law Permit that include redevelopment of non-roof impervious area greater than 5,000 square-feet and are subject to City of Portland review shall provide stormwater quality treatment in accordance with the General Standards for no less than 50% of the redeveloped impervious area. The runoff from any upgradient area must be either directed away from the stormwater treatment measure or that measure must be sized to treat the runoff from the upgradient area.
- E. Low Impact Development and Stormwater Quality Treatment: Developments that are not required to comply with the General and Flooding standards are encouraged to incorporate Low Impact Development (LID) and stormwater quality treatment techniques in their design to the maximum extent practicable; however, only projects that meet or exceed the General and Flooding Standards may qualify for a credit from the Stormwater Service Charge in accordance with the Stormwater Credit Manual. A separate application must be completed and submitted to the City for consideration of Stormwater Service Charge credits.

III. STORMWATER MANAGEMENT STANDARDS

Developments as specified under Section II Applicability in Portland must comply with the most recent version of the Maine Department of Environmental Protection (Maine DEP) Chapter 500 Rules for Stormwater Management (<http://www.maine.gov/dep/land/stormwater/storm.html>), including but not limited to the standards for Urban Impaired Stream, Basic, General, and Flooding Standards for the suitability, design, installation, and maintenance of systems to comply with the General and Flooding Standards are provided in Volume III of the Maine Stormwater Best Management Practices Manual.

Developments shall also comply with Chapter 32 Stormwater of the City Code and with the Subdivision and Site Plan Ordinances contained in the Land Use Code.

IV. SUBMISSION REQUIREMENTS

Applicants are required to submit a stormwater management and drainage plan as part of development review application and to provide the following submission items to demonstrate compliance with the applicable stormwater management standards:

- Urban Impaired Stream Standard: Calculations for the Compensation Fee or Mitigation Credit per the tables provided in Chapter 500 Rules and other associated Maine DEP regulations. (Note: The City of Portland has an approved Compensation Fee Utilization Plan (CFUP) and can therefore receive in-lieu-fee payments to meet the UIS Standard.)
- Basic Standard: An Erosion & Sediment Control management plan, notes, and details per the Chapter 500 Rules
- General Standard: Written narrative demonstrating compliance, site plans showing grading and drainage infrastructure, site plan showing water quality treatment area(s) with table showing compliance, BMP sizing calculations, construction details, and a Post-Construction Stormwater Inspection & Maintenance Plan per Maine DEP Chapter 500 Appendix B with reporting requirements per Chapter 32 of City of Portland Code of Ordinances, and a Stormwater Maintenance Agreement.
- Flooding Standard: Subcatchment plans with flow paths, full hydrology computations/model output of pre- and post-development conditions, summary of pre- and post-development flowrates, and a written request for waiver with rationale for waiver as noted in Section 5.II.F. (as applicable)

The following references provide guidance on LID techniques:

- *LID Guidance Manual for Maine Communities*, prepared for the Maine Coastal Program, dated September 21, 2007.
- *Low-Impact Development Design Strategies – An Integrated Design Approach*, prepared by Prince George’s County, Maryland & Department of Environmental Resources, Programs and Planning Division, dated June 1999.