

# Example Regional Stormwater Utility Program

## Long Creek, Maine

Background Information	
<i>Name of Utility</i>	Long Creek Watershed Management District and Reclamation Project
<i>State</i>	Maine
<i>Regional</i>	Yes
<i>Partners</i>	Association of approximately 100 public and private landowners in a 3.45 square mile area.
<i>Population</i>	N/A; Portions of Portland, South Portland, Scarborough and Westbrook
<i>Year Established</i>	2009
<i>Governance</i>	<p>Board representing members and specified in interlocal agreement. There are up to 16 Governing Board members of the LCWMD as follows:</p> <ul style="list-style-type: none"> <li><b>Portland (2)</b> - one municipal official or employee and one private Participating Landowner or non-profit representative</li> <li><b>Scarborough (2)</b> - one municipal official or employee and one public or private Participating Landowner</li> <li><b>South Portland (7)</b> - two municipal officials or employees, four private Participating Landowners and non-profit representative</li> <li><b>Westbrook (3)</b> - one municipal official or employee and two private Participating Landowners</li> <li><b>Main Department of Transportation and the Maine Turnpike Authority</b> - one representative from each</li> </ul>
<i>Contact</i>	<p>Tamara Lee Pinard, LCWMD Executive Director            Cumberland County Soil &amp; Water Conservation District            35 Main Street, Suite 3            Windham, ME 04062            (207) 892-4700</p>

The primary goal of the District is to restore Long Creek and associated tributaries so that the watershed can be removed from the State's Impaired Water's list. The watershed is approximately 4.5 square miles and crosses the municipal boundaries of Portland, South Portland, Scarborough and Westbrook Maine. Also included in the water shed are the Portland Jetport, a portion of the Maine Turnpike and Interstate 295, Maine's largest retail mall and significant retail and commercial development.

*Description*

The District, which is managed by the Cumberland County Soil and Water Conservation District, is a public-private partnership of major landowners in the defined area of the watershed. In the late 1990's, the EPA served notice that it was going to require all significant landowners (greater than 1 acre impervious area) in the watershed to undertake major retrofits within their properties to address the watershed's conditions. A study group was formed and proposed to the EPA that a District be formed to undertake improvements on a collective basis in lieu of the individual permit required improvements. EPA agreed to not require improvements at the individual property level, if the landowner agreed to join the District and fulfill all responsibilities within the District.

*Method of Billing*

Annual assessment to members, invoiced twice per year.

*Annual Revenue*

FY 2016 \$1.5 million  
(FY 2016 Expenses, \$1.9 million, balance paid from balances)

**Stormwater Program Paid by Revenue**

*Program Management*

Pays for Administration, including Management Operations and Maintenance (labor, vehicle usage, etc) of the stormwater system for the regional program.

*MS4 Compliance*

N/A

*Operation & Maintenance*

Landowners (public and private) are responsible for onsite operations and maintenance.

*Capital Improvements*

Capital Improvement Projects are paid for through either debt service or direct funding of regional facilities. Initial project undertaken was to finalize a restoration master plan that has guided the District’s activities and rehabilitation projects since the inception of the District. To date, the District has completed approximately \$3.5 million in retrofit projects in addition to projects that have been undertaken separately by the municipalities in the watershed. An additional \$2 million in projects are anticipated over the next 3 years. The District continues to evaluate and monitor the changes in water quality parameters to guide future capital and BMP approaches.

**Rate Structure**

<i>Basis of Fee</i>	Impervious acreage; \$3,000/IA initial; \$800/IA maintenance annual (currently)
<i>ERU Impervious Area</i>	N/A
<i>ERU Relation</i>	N/A
<i>Single Family Rates</i>	No
<i>Special Rates</i>	N/A
<i>Non-Residential Rate Structure</i>	Measured impervious acreage.
<i>Fees by Service</i>	No
<i>Basin Specific Fees</i>	No
<i>Exempted Parcels</i>	Roadways (although subject to requirements such as sweeping, etc.) and all parcels with less than 1 acre impervious area.
<i>Credits Policy</i>	Credits are authorized for land owner projects that provide regional benefit. Credits are issued through a formal application process and are negotiated on a case by case basis.
<i>Rate (\$/mo or \$/yr)</i>	\$3,000 per IA initial; \$800/IA maintenance

**Additional Information**

<i>Website</i>	<a href="http://www.restorelongcreek.org/index.htm">http://www.restorelongcreek.org/index.htm</a>
<i>Description of Program</i>	See attachment.

## Long Creek Watershed Management District Program Description

The Long Creek Watershed Management District (the “District”) was created in 1999 and became operational in 2000. The primary goal of the District is to restore Long Creek and associated tributaries so that the watershed can be removed from the State’s Impaired Water’s list. The watershed is approximately 4.5 square miles and crosses the municipal boundaries of Portland, South Portland, Scarborough and Westbrook Maine. Also included in the watershed are the Portland Jetport, a portion of the Maine Turnpike and Interstate 295, Maine’s largest retail mall and significant retail and commercial development.

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The City of South Portland with support from the other three municipalities obtained funding to evaluate the types of regional solutions that were appropriate and would address the water quality issues in the watershed. That evaluation identified approximately 30 short- and long-term retrofit projects that would be required as well as a base of best management practices that would be required. The Watershed Management Plan also recommended an institutional structure that, among other things, proposed that the District be managed by the Cumberland County Soil and Water Conservation District. The institutional structure also ensures that the projects undertaken by the District can qualify for governmental grants and low-interest loans. The District is governed by a Board of Directors representing a cross-section of the landowners within the watershed. The Management Plan also developed a contractual structure obligating all members to ensure certain maintenance procedures were followed on their properties and that they pay associated fees.

In 2000, the District commenced operations which included beginning the process of executing agreements with members as well as undertaking the financing of design and (eventually) construction of identified projects. The District assesses fees to land owners with more than 1 acre of impervious area (IA). Each participating landowner signs a contract that binds them to pay the fees and participate in Project programs and related efforts. They are assessed an initial fee of \$3,000 per IA plus an ongoing maintenance fee that is approximately \$800 per IA. The intent is that in the future (around 2025), the project will disappear (when the creek is no longer listed as an impaired waterway). The private participants believe that their ultimate costs are less than if they had been required to implement the EPA-mandated retrofit projects on their individual properties.

To date, the District has completed approximately \$3.5 million in retrofit projects in addition to projects that have been undertaken separately by the municipalities in the watershed. An additional \$2 million in projects are anticipated over the next 3 years. The District continues to evaluate and monitor the changes in water quality parameters to guide future capital and BMP approaches.