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## Officials propose plan to restore Long Creek (Jan. 30, 2009)

By Nate Jones

*Staff Writer*

Last week more than 80 representatives of retail, commercial and manufacturing companies from Scarborough and South Portland rallied with local and state officials to review a proposed plan that could affect businesses in both towns for the next 10 years. The plan, which could cost some companies an annual enrollment fee as high as \$150,000, isn't focused on rebounding declining revenues or increasing commercial space occupancy in light of the national economic downturn, but improving the water quality of the Long Creek watershed, Maine Department of Environmental Protection (DEP) Commissioner David Littell said.

"The pollution of Long Creek is immense, nine times federal benchmarks," Conservation Law Foundation Staff Attorney Steve Hinchman said. "If we don't get a grip on the pollution problem now, [Casco Bay] is the eventual home for all this pollution, which could ruin one of [the] Maine coast's gems."

The Long Creek watershed, spanning from County Road in Westbrook to the Portland Jetport, has been a concern of DEP and the United States Environmental Protection Agency (EPA) even before a petition concerning the federal Clean Water Act was filed in March 2008. As was reported in the *Sentry* in June, Jeff Varricchione, a biologist with DEP said he has seen shopping carts, tires and other objects in the creek during the last nine years, which can disturb the natural balance of the different habitats there. Cumberland County Soil and Water Conservation District Senior Project Manager Tamara Pinard also studied Long Creek and found that salt, sand and oils collected by nearby catch basins has also affected the natural habitat of the stream.

"We live in Maine, we deal with winter, we use salt and sand," she said. "We're just much more aware of the effect that can have on a habitat now."

Last month, the DEP and EPA released a "preliminary determination" statement that could require businesses within the watershed to obtain a National Pollutant Discharge Elimination System permit as is required by the Clean Water Act. Littell said the structure of the new permit had yet to be decided but it was important to establish clear guidelines to help Long Creek rebound from years of pollution.

"This isn't something we're going to fix overnight," he said. "It took [40 years] to bring Long Creek down, it will take some time to bring it back."

Casco Bay Estuary Partnership Director Curtis Bohlen said compliance with the DEP and EPA determination would mean installing modern storm water treatment systems which can cost up to \$50,000 per impervious acre. According to a study provided by the Long Creek Restoration Project, of 110 landowners within the watershed, General Growth Properties Inc. – owners of the Maine Mall – have the largest amount of impervious surface at 49.6 acres. By Bohlen's estimates it would take nearly \$2.5 million to bring the Maine Mall property into compliance – \$13 million for the entire watershed – and in addition, maintenance and inspections of the new systems could cost up to \$10,000 a year.

"This is big money," he said.

In a pre-emptive effort to lessen the financial burden of compliance with the proposed EPA and DEP ruling, community representatives from South Portland, Scarborough, Westbrook and Portland joined forces with area businesses and non-profit organizations to form the Long Creek Restoration Project in 2007. Last week, the group unveiled a plan they believe could not only help businesses save money, but restore the Long Creek Watershed sooner rather than later.

"All of New England is really struggling with the fact that we built our society without knowing how to treat storm water within a watershed. To get a system in place that will clean this watershed is critical," Hinchman said. "This [proposed plan] looks like it could help us do this in all the other watersheds that need to follow fairly quickly."

The Long Creek Restoration Project's plan is primarily focused on creating an all-encompassing entity for businesses within the entire watershed, Bohlen said. Per the group's proposal, a steering committee formed of various stakeholders would oversee the activity of a new branch of the conservation district formed solely with the purpose of restoring Long Creek. The new branch would collect fees from individual landowners to fund high-priority projects within the entire watershed, an approach Fairchild Semiconductor Facilities Engineer Dave Russell said makes sense.

"We need to cross property boundaries to be the most effective," he said. "It's the best way of tackling this financially and it's what's best for [Long Creek]."

The project offers landowners with functioning storm water systems an added incentive.

"There are credits to be earned if an existing storm water treatment system is working as it was designed to," Bohlen said. "These things were built to meet criteria that was present 20 years ago and they were built in good faith. The fact that it's not what the stream needs today isn't anybody's fault."

Additional "credits" – which would lower the overall enrollment fee – could be earned by planting trees and incorporating updated storm water systems with ongoing redevelopment, Bohlen said. Russell said Fairchild expected to receive some credits for "bio filters" they incorporated into their catch basins two years ago.

"[Bio filters] is the new type of technology the plan recommends," he said.

While the annual enrollment fees could be anywhere between \$2,500 to \$3,000 per impervious acre – a fraction of the cost of seeking compliance individually – the program does not include landowners with less than one acre of impervious surface

and some smaller landowners may still chose not to enroll, Bohlen said.

"The payoff is very high, but almost impossible to do if we don't do it collectively," Bohlen said.

Other landowners may opt out of the program for a reason other than size; ecomaine Communications Specialist Shelley Dunn said ecomaine's South Portland facility had already been brought up to meet federal standards three years ago.

"If the contract [to participate in the plan] requires action, we've already done that," she said. "[Enrollment fees] could be an expense ratepayers wouldn't want to pay, but we certainly want to stay in communication with the group."

Littell said the DEP permitting process could work hand-in-hand with the new effort.

"We're very hopeful that stakeholders will move forward and we will be able to make the body of the permit consistent with what's in the plan," he said. "It's all about lowering the cost and getting the cleanup done."

Pinard said some landowners are already showing interest in the project, although they have not yet drafted any contracts for enrollment.

"Everyone is going to make their own economic decision," Russell said. "Everything we're seeing is pretty good information. It's most likely best to join the program because it is the most cost effected way of going."