



Attachment 5

Stormwater (SW) and Nonpoint Source (NPS) Plans Requirements and Guidance



1. **Background Information**

- The **Clean Water State Revolving Fund (CWSRF)** is administered by the Maine Department of Environmental Protection (DEP) to fund SW, NPS, wastewater collection and treatment projects across the State of Maine.
- Funding is available for **Standalone Stormwater and Nonpoint Source (SW/NPS) Plans** that are not associated with a construction loan project.
- **Types of SW/NPS Planning Projects:** The following types of projects are eligible for funding. Each type of project must contain the **essential elements** described later in this document.

Stormwater Plans

- Stormwater Asset Management Plans
- Stormwater Utility Development Plans

Nonpoint Source Plans

- Watershed Surveys
 - Stream Crossing Resilience Surveys
 - Stream Geomorphic Assessments
 - Chloride Source Control Needs Assessment and Planning
 - Watershed Management Plan Development
 - Watershed Management Plan Updates
 - Design of Best Management Practice (BMP) Prioritized in a Watershed Plan
- **Funding for SW/NPS Plans:** A total of \$200,000 is available for SW/NPS Plans.
 - Up to \$50,000 is available for principal forgiveness (PF) to each loan recipient to help fund the cost of developing the SW/NPS Plan.
 - Of the \$200,000 available, there is an initial allocation of \$50,000 for Stormwater Asset Management Plan and Stormwater Utility Development projects, and \$150,000 for the remaining NPS project types.
 - If total funds requested is less than the amounts allocated in either of category above, the remaining funding balance may be applied to the other eligible projects.

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Project Timeframe - Projects can start as early as September 2024 after EPA approves the Department's Intended Use Plan and or as late as September 2025. Once a project begins, it can extend up to 18 months. Funds will not be available for reimbursement until November 2024.

- **Eligible Applicants:** Eligible applicants include Municipalities, Utility Districts, County Soil and Water Conservation Districts and Quasi-Municipal entities.
- **Project Area** – The project area may be a watershed, municipality, catchment, single site or other area appropriately scaled to the type of project and shown on a map attached to the application.
- **Local Match:** The PF funds for SW/NPS Plans require a 100% match, which can be in the form of in-kind services.
- **Approval:** The DEP reviews and approves each plan to make sure it contains the necessary **essential elements**.
- **Eligible Expenses** include planning activities (not construction) including, but not limited to:
 - Asset management software and training
 - Consultant services
 - Field surveys and investigations
 - Laboratory analysis
 - Engineering designs
 - Plan development
 - Equipment needed to conduct monitoring/surveys¹
- **Reimbursement Schedule:** Eligible project expenses are reimbursed upon submittal of a monthly pay requisition. A draft plan must be submitted at 80% completion for review, at which time the applicant may request reimbursement for up to 70% of the principal forgiveness. Final review and approval will be given at 100% completion; and at that time, the remaining amount of the principal forgiveness can be reimbursed.

¹ Three bids required prior to purchase.

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2. Scoring Criteria and Description

a. Economic Considerations (total 25 points)

DEP will use data provided by the State of Maine as well as any information provided in Section 1.A. of the application and the formulas below to calculate index scores for the four economic considerations parameters. The tables below will then be used to assign points for each index value. If project area covers multiple towns, scores will be weighted based on the percentage of each in the watershed (or other project area).

- **Unemployment Rate (UR) Index** (up to 7 points)
 $UR\ Index = (Municipal\ UR / State\ Average\ UR)$
- **Poverty Rate (PR) Index** (up to 7 points)
 $PR\ Index = (Municipal\ Poverty\ Rate / State\ Average\ Poverty\ Rate)$
- **Ten-year Population Trend Index** (up to 7 points)
 $Ten\text{-}year\ Population\ Trend\ Index = (Current\ Municipal\ Population - Municipal\ Population\ 10\ years\ prior) / (Municipal\ Population\ 10\ years\ prior)$
- **Median Household Income Index (MHI)** (up to 4 points)
 $MHI\ Index = (State\ Average\ MHI / Municipal\ MHI)$

• **Point Assignments for Each Index**

Unemployment, Poverty and Ten-Year Population Trend Index Scoring

Index	Points Awarded
< 0.75	0 points
0.75 – 0.99	2 points
1.0 – 1.5	4 points
> 1.5	7 points

Median Household Income Index Scoring

Index	Points Awarded
< 1.0	0 points
1.0 – 1.5	2 points
> 1.5	4 points

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b. Environmental Need for Project (total 25 points)

- **NPS Impaired Waterbody (25 points)**
If target waterbody/waterbodies are on DEP's NPS Priority Watershed - Impaired List², the application will receive 25 points.
- **DEP-listed NPS Threatened Waterbody (15 points)**
If target waterbody/waterbodies are on DEP's NPS Priority Watershed - Threatened List², the application will receive 15 points.
- **Protection of Other Waters (10 points)**
If the target waterbody/waterbodies are not on either list above, the project will be awarded up to 10 points based on the information provided regarding the water quality and threats.

Multiple Waterbodies: If the project includes multiple waterbodies that fall into different categories, points will be awarded by weighing the watershed areas falling into each category. For example, if the project includes one impaired water and one threatened water and the watersheds are the same size, the application will receive 20 points.

c. Environmental Benefit of Project (total 50 points)

a. Project addresses impairment/threat/stressor (up to 25 points)

High (25 points)

- The application provides relevant evidence, analysis or other resource-specific information that demonstrates that the project will directly address one or more of the most important or likely causes of impairment or threats to the quality, hydrology, habitat and/or biota of the receiving water. **OR**
- Where the causes and/or threats to impairment are not fully understood, it is clear that the project as designed will advance understanding of the causes/threats/stressors to the quality, hydrology, habitat and/or biota of the receiving water.

Medium (15 points)

- Application states that the project will directly address one or more of the most important or likely causes of impairment or threats to the quality, hydrology, habitat and/or biota of the receiving water. However, this assertion is not supported by relevant evidence, analysis, or other resource specific information. **OR**

² [Maine DEP's Nonpoint Source Priority Watersheds List](#)

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- Where the causes and/or threats to impairment are not fully understood, it is not clear that the project as designed will advance that understanding of those causes, threats, or stressors to the quality, hydrology, habitat and/or biota of the receiving water.

Low (0 points)

- Minimal or no evidence is provided to demonstrate that the project will directly address one or more of the most important or likely causes of impairment or threats to the quality, habitat and/or biota of the receiving water. **OR**
- Where the causes and/or threats to impairment are not fully understood, the project as designed will not advance that understanding of those causes, threats, or stressors to the quality, hydrology, habitat and/or biota of the receiving water.

b. Likelihood that the Project will be Implemented (up to 15 points)

High (15 points)

Application indicates a clear pathway and timeline for implementation of the resulting project's recommendations, including identification of funding that has already been secured or will be pursued and parties responsible for overseeing implementation.

Medium (7 points)

Application provides some information about the timeline, funding and/or responsible parties but not enough details to assure a pathway for implementation of the project's recommendations.

Low (0 points)

Minimal or no information provided about the timeline, funding and/or responsible parties for implementation of the project's recommendations.

c. Part of a Comprehensive Watershed Approach

(10 points awarded if the project meets any of the following)

- Proposed project implements or is integral to the implementation of priority action items included in an existing DEP-approved watershed-based management plan or watershed protection plan.
- Proposed planning effort supports or contributes to the development or update of a watershed-based management plan or a watershed protection plan.
- The proposed planning effort is clearly and comprehensively addressing a watershed-wide need (e.g., watershed-wide stream crossing resilience survey).

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d. Summary Table of Scoring Criteria

Criteria	Points
1. Economic Considerations	25
Unemployment rate index	7
Poverty rate index	7
Ten-year population trend index	7
Median household income index	4
2. Environmental Need for Project	25
DEP NPS Priority Watershed - Impaired List ²	25
DEP NPS Priority Watershed - Threatened List ³	15
Protection of Other Waters	10
3. Environmental Benefit of Project	50
a. Addresses impairment/threat/stressor	
High rating	25
Medium rating	15
Low rating	0
b. Likelihood that project will be implemented after completion	
High rating	15
Medium rating	7
Low rating	0
c. Part of a comprehensive watershed approach	10
Total Points Available	100 points

³ [Maine DEP's Nonpoint Source Priority Watersheds List](#)

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3. Project Description and Essential Elements for Each SW/NPS Category

a. Stormwater Asset Management Plan (AMP)

Description: Stormwater asset management planning includes conducting an inventory of a stormwater system and developing a plan and long-term funding strategy regarding the timing and location for stormwater-related repairs, replacements, or rehabilitation. Project scope can include all stormwater assets in an area or similar assets within a project area (e.g., all outfalls in the watershed).

Essential Elements:

- Inventory of assets within the project focus area, including the type, age, service history and remaining service life. Inventory should utilize computerized asset management software.
- Condition Assessment and Prioritization of Assets, and Schedule for Asset Repair/Replacement
- Asset Management Plan including a Capital Improvement Plan (CIP) to maintain, rehabilitate, and replace stormwater assets that have reached the end of their service life.

b. Watershed Surveys

Description: This category typically applies to lake watershed surveys to identify and prioritize site specific sources of external phosphorus load to the lake. (FMI - [Citizen Guide to Volunteer Lake Watershed Surveys](#).) Watershed surveys could also be conducted to identify sources of priority stressors for streams or coastal waters.

Essential Elements:

- Comprehensive survey of the target watershed conducted.
- Map of identified NPS problem sites.
- List of sites, including information on each problem site identified including location, description of problem, recommendations, site prioritization and cost ratings/estimates.

c. Stormwater Utility Development Plan

Description: This category refers to planning associated with the design and development of a stormwater utility that would generate revenue and manage a stormwater system. Project would address all aspects of the operation and funding of the utility and provides a comprehensive strategy to garner support for adoption.

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Essential Elements:

- Needs and feasibility assessment (if not already completed)
- Detailed presentation of proposed scope, funding strategy and management of the utility
- Clear guidance on priorities for use of the funds generated by the stormwater utility
- Education and outreach program strategy

d. Stream Crossing Resilience Surveys

Description: This category applies to surveys of municipal and/or private stream crossings within a watershed or other focus area with the goal of installing and replacing crossings in an effective and cost-efficient manner while meeting goals of restoring and maintaining stream habitat connectivity and integrity and enhancing the resilience and stability of roads and culvert crossings. (Note: Surveys of MaineDOT crossings are not eligible.)

Essential Elements:

- Site assessment and field measurements required for Stream Smart crossings (See [Stream Smart Road Crossing Guide](#))
- Evaluation of habitat and geomorphological issues (e.g., fish passage, ponding and sediment accumulation upstream, scouring at the downstream end, alignment with the natural channel and associated bank failures, capacity to accommodate increased stormflows associated with climate change)
- Prioritization of assessed culverts and estimate of relative costs and potential funding sources.

e. Stream Geomorphic Assessments

Description: This category includes studies that identify and evaluate fluvial geomorphological issues in a stream and provide recommendations that address the issues and enhance habitat in the stream. Projects can range from a simple reconnaissance survey to detailed geomorphic analysis with preliminary design of site-specific solutions.

Essential Elements:

- Historical context
- Characterization of condition of stream reach(es) and the reasons for geomorphic instability
- Identification of opportunities to improve habitat
- Prioritization of projects, preliminary relative costs, and potential funding sources

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f. Chloride Source Control Needs Assessment and Planning

Description: This category includes a range of potential activities intended to assess chloride sources and related winter maintenance issues and develop approaches to reducing chloride use and water quality impacts. Activities may include:

- Surveying the watershed/focus area to identify and assess principal sources of meltwater chloride to groundwater and streams.
- Developing site-specific chloride-reduction plans
- Planning the implementation of innovative site and stormwater management to reduce chloride use or mitigate the impact of groundwater chloride on stream baseflow.
- Conducting an inventory of existing winter maintenance equipment and identifying equipment and associated costs that would allow reductions.
- Developing a municipal strategy for reduction of chloride use and mitigation of chloride impacts.

Essential Elements will depend on the nature of the project but will generally include:

- Evaluation and summary of the survey, site, equipment or needs.
- Recommendations
- Estimated costs and potential funding sources associated with recommendations.

g. Watershed Management Plan Development

Description: This category applies to efforts that result in an effective watershed management plan that addresses the impairment of or threats to a receiving water. This would most often be a nine-element watershed-based management plan as defined by EPA⁴, but could include lake watershed protection plans⁵ or protection plans for waterbodies with complex current or future stressors. A project may include all aspects of plan development, including drafting of the final plan but could also be limited to collection and evaluation of information to support plan development.

Essential Elements will depend on the nature of the project but will generally include:

- Summary of water quality monitoring and watershed assessment
- Evaluation and identification of stressors and/or NPS sites
- Recommendations and timeline
- Estimated costs and potential funding sources associated with recommendations.

⁴ For a description of the nine minimum elements required for watershed-based plans, see Appendix C of the EPA NPS program guidelines <https://www.epa.gov/sites/production/files/2015-09/documents/319-guidelines-fy14.pdf>

⁵ See [Lake Watershed-based Protection Plans Guidance](#)

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h. Watershed Management Plan Update

Description: This category applies to projects that result in an effective update⁶ of an existing or expired watershed-based management plan⁷ that addresses the impairment to a receiving water. This would most often be an update of a nine-element watershed-based management plan as defined by EPA³. A proposal may include all aspects of a plan update effort, including drafting of the final product but could also be limited to collection and evaluation of information to support plan update.

Essential Elements will depend on the nature of the project but will generally include:

- Summary of water quality monitoring and watershed assessment
- Evaluation and identification of stressors and/or NPS sites
- Recommendations and timeline
- Estimated costs and potential funding sources associated with recommendations.

i. Design of Best Management Practice (BMP) Prioritized in a Watershed Plan

Description: This category refers to the design of one or more typically large, structural BMP(s) critical to the restoration or protection of a waterbody as identified in a watershed-based management plan or protection plan⁶. The design(s) should be, at a minimum, of sufficient detail to provide an accurate estimate total cost of BMP implementation to inform future funding efforts.

Essential Elements:

- 90% engineering design(s)
- Preliminary cost estimate(s)
- Potential funding sources

⁶ See [Guidance for Updating Maine Watershed-based Plans](#)

⁷ See list of [Maine DEP-approved Watershed-based Plans](#)