

Chapter 573: SNOW DUMPS: BEST MANAGEMENT PRACTICES FOR POLLUTION PREVENTION

SUMMARY: Proper siting, operation and management of snow dumps provides reasonable assurance that this activity will not result in the discharge of pollutants to waters of the State. Based on the best professional judgment of the Department of Environmental Protection, this rule establishes water body setbacks and best management practices (BMPs) for certain snow dumps that, when followed, will not result in a discharge of pollutants to waters of the State and will not require a waste discharge permit pursuant to 38 M.R.S.A. §413(1).

- 1. Definitions.** The definitions contained in *Definitions for the Waste Discharge Permitting Program*, 06-096 CMR 520 (effective January 12, 2001) and *Protection and Improvement of Waters*, 38 M.R.S.A. §361-A are applicable to this rule. In addition, as used in this rule, the term:
 - A. Snow dump means a facility or area that is used for the storage and disposal of snow and incidental materials collected in the process of removing snow from public or private ways or parking areas.
 - B. Incidental materials means pollutant as defined at 38 M.R.S.A. §361-A(4-A).
 - C. Significant sand and gravel aquifer means the area delineated by the Department of Conservation, pursuant to 38 M.R.S.A. §403(2) as the primary recharge area for a sand and gravel aquifer capable of yielding more than ten gallons per minute.
- 2. Statutory prohibition.** The discharge of snow removed from public or private ways or parking lots directly into the fresh surface waters of the State is prohibited. 38 M.R.S.A. §413(2-B). Such discharges may not be licensed pursuant to 38 M.R.S.A. §413(1).
- 3. License required.** A waste discharge permit pursuant to 38 M.R.S.A. §413(1) is required for
 - A. Discharges of snow removed from public or private ways or parking lots directly into estuarine and marine waters,
 - B. Discharges of meltwater to ground water from snow dumps that are located wholly or partially within a significant sand and gravel aquifer,
 - C. Discharges of meltwater to waters of the State from snow dumps that do not meet the minimum water body setbacks and BMPs for pollution prevention established in sections 5 and 6 of this rule, and
 - D. Discharges of meltwater to waters of the State from snow dumps that comply with the setbacks and BMPs established in section 5 and 6 but that discharge pollutants to waters of the State or cause a violation of applicable state water quality standards, as provided in section 7.

Certain snow dumps, including those for which no practicable upland alternative exists, may qualify for coverage under a general permit, when available.

- 4. Snow dumps meeting water body setbacks and BMPs.** The owner or operator of a snow dump that does not require a permit pursuant to section 3(A) or (B) and that complies with the minimum water body setbacks and BMPs for pollution prevention established in sections 5 and 6 is not considered to discharge pollutants to waters of the State and does not need to obtain a waste discharge permit pursuant to 38 M.R.S.A. §413(1), except as provided in section 7.
- 5. Snow dump setbacks from water bodies.**
 - A. Great ponds and river impoundments classified GPA as described in 38 M.R.S.A. §480-B(5) and 38 M.R.S.A. §465-A – 500 feet from the normal high water line
 - B. Natural lakes and ponds less than 10 acres in size as described in 38 M.R.S.A. §465-A – 500 feet from the normal high water line
 - C. Rivers and streams in minor drainage basins as described in 38 M.R.S.A. §468 – 75 feet from the normal high water line
 - D. Rivers and streams in major river basins as described in 38 M.R.S.A. §467 – 75 feet from the normal high water line
 - E. Freshwater wetlands as defined at 38 M.R.S.A. §480-B(4) – 75 feet from the upland edge
 - F. Estuarine and marine waters as described in 38 M.R.S.A. §469 – 75 feet from the maximum high tide line or upland edge of adjacent coastal wetlands
- 6. Snow dump best management practices.**
 - A. The owner or operator of a snow dump shall employ a litter removal program for all areas from which snow is collected for disposal in a snow dump.
 - B. The use of sand, salt, or sand/salt mixtures in areas from which snow is removed for disposal in a snow dump must be minimized or restricted.
 - C. Where there is a potential for runoff of meltwater beyond the snow dump boundaries to permanent or intermittent surface waters, a silt barrier, preferably properly installed hay bales for sedimentation control, must be installed and maintained along all down-gradient boundaries of the snow dump.
 - D. Where there is a potential for runoff of meltwater beyond the snow dump boundaries to permanent or intermittent surface waters, a vegetative cover must be maintained, where practicable, between the edge of all down-gradient snow dump boundaries and the nearby surface waters. Any vegetative cover must be maintained in such a manner and practicable width to maximize filtration of runoff from the snow dump.
 - E. Prior to July 15th of each year, or once all snow/ice in the snow dump has melted, whichever is later, litter, refuse and other incidental materials collected during snow removal and storage must

be removed from the surface of the snow dump and surrounding area, including surface waters, and properly disposed of in accordance with State and local rules and regulations.

7. Performance standard

A snow dump may not be operated in such a manner as to discharge pollutants to waters of the State or cause a violation of applicable state water quality standards. The Department may provide technical assistance to a snow dump owner or operator to modify or eliminate a snow dump to ensure discharges and violations of water quality standards do not occur. Notwithstanding compliance with the water body setbacks and BMPs established in sections 5 and 6 of this rule, a waste discharge permit pursuant to 38 M.R.S.A. §413(1) will be required for snow dumps that discharge pollutants to waters of the State or violate applicable state water quality standards.

Nothing in this rule prevents the Department from enforcing the State's pollution control laws against owners or operators of snow dumps that engage in activities that result in the discharge of pollutants to waters of the State or the violation of applicable state water quality standards.

AUTHORITY: 38 M.R.S.A. §413(2-B)

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