

Final Determination under Section 402(p) of the Clean Water Act

On December 3, 2008, EPA made a preliminary determination that the following discharges require permits under the National Pollutant Discharge Elimination Program of the federal Clean Water Act:

Designated Discharges: Storm water discharges from properties on which there are impervious surfaces or areas equal to or greater than one acre in the Long Creek watershed.

The Record of Decision of the preliminary determination is incorporated into this final determination. A copy of the Record of Decision for the preliminary residual determination may be viewed at the following sites:

- <http://www.regulations.gov>: Type in the key words “residual designation” and then search for docket ID No. EPA-R01-OW-2008-0910.
- <http://www.epa.gov/region01/npdes/stormwater/assets/pdfs/LongCreekRD.pdf>
- <http://www.epa.gov/region01/npdes/stormwater/index.html> (scroll to “Residual Designations”/“Long Creek”)

At the time of the preliminary determination, and again when Maine invited comment on July 9, 2009 on the proposed permits to be issued for the Long Creek watershed, EPA invited comment on the preliminary determination. EPA received a number of comments during the comment period. Those comments, a summary of those comments and a response to the significant comments have been placed in the administrative record for this final determination.

Having reviewed those comments on the preliminary residual designation and having determined that no changes to it are appropriate, EPA is finalizing the determination.

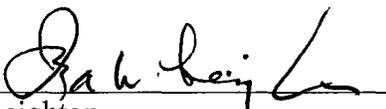
This final determination is made consistent with §402 (p) of the Clean Water Act, 33 U.S.C. §1342 (p), and related regulations found at 40 C.F.R. §122.26, and pursuant to the CWA, 33 U.S.C. §§1251 et seq., and 40 C.F.R. §122.26 (a)(9)(i)(D) by the Regional Administrator of EPA Region I that storm water controls and NPDES permits are needed for discharges to waters of the United States from the designated discharges described above.

For purposes of this final residual designation, the Long Creek watershed includes all areas that discharge directly to Long Creek or its tributaries or that discharge indirectly to Long Creek or its tributaries through Municipal Separate Storm Sewer Systems (MS4s) or other private or public conveyance systems.

For purposes of this final residual designation, “impervious surface” or “impervious area” means the total area of a parcel or right-of-way that consists of building and associated constructed facilities; areas that are covered with a low-permeability material such as asphalt or concrete; or areas such as gravel roads and unpaved parking areas that are

compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, roads, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of storm water.

This final residual designation shall not apply to any discharge already subject to the NPDES permitting program.

Signed: 
Ira Leighton
Acting Regional Administrator
EPA Region I

Date: 10/28/09