

Chapter 573: SNOW DUMPS: EXEMPTION FROM WASTE DISCHARGE LICENSE

SUMMARY: These regulations describe the conditions which snow dumps must meet in order to be exempt from having to obtain a waste discharge license, pursuant to 38 M.R.S.A. §413.

1. Definition. "Snow dump" means a facility that is used for the storage and disposal of snow and incidental materials collected in the process of removing snow from parking areas and public and private ways.

2. Exemption for Certain Snow Dumps

A. A waste discharge license shall not be required for the on-site storage or disposal of snow removed from parking areas or the direct discharge of snow removed from bridges, docks, wharves, parking areas or roadways which abut water bodies.

B. Snow dumps used for the off-site storage or disposal of snow removed from parking areas or public and private ways shall be exempt from the requirement to obtain a waste discharge license provided that:

- (1) The snow dump is not located on a coastal or inland wetland;
- (2) The snow dump is not located on land which is an aquifer recharge area;
- (3) The snow dump is located no closer than 500 feet to the normal high water line of any great pond;
- (4) The snow dump is located no closer than 100 feet to a tributary to a great pond or to a river or stream with a drainage area of 100 square miles or less above the location of the snow dump;
- (5) The snow dump is located no closer than 20 feet to the maximum high tide line of a tidal water body or to the edge of a river or stream which has a drainage area greater than 100 square miles above the location of the snow dump;
- (6) A silt barrier is placed along the downgradient edge of the snow dump;
- (7) Prior to July 1 of each year, trash and refuse incidental to snow removal is removed from the surface of the snow dump area; and
- (8) A plant cover is maintained between the snow dump and all permanent and intermittent water bodies located within 500 feet downgradient of the snow dump or, if the snow dump is located on a paved or gravel surface, dirt, sand and gravel is removed from or incorporated into the snow dump site by July 1 of each year.

3. Snow Dumps Located Below the Maximum High Tide Mark, Below the Normal High Water Line of Rivers and Streams or on Wetland

No person may establish or maintain a snow dump below the maximum high tide mark of a tidal water body, on or in a river or stream or coastal or inland wetland without first obtaining from the Department of Environmental Protection, a waste discharge license and a wetlands alteration permit or a stream alteration permit, whichever is applicable. A license and permit shall be granted only if the snow dump will comply with the statutory requirements of the applicable laws administered by the Department and only if no practicable alternative up-land location exists for the snow dump.

AUTHORITY: 38 M.R.S.A. §413(2-B)

EFFECTIVE DATE: September 1, 1988

EFFECTIVE DATE (ELECTRONIC CONVERSION): May 4, 1996

BASIS STATEMENT

Snow from snow removal operations contains pollutants normally associated with winter road maintenance. The snow will typically contain dirt, salt and sand from highway de-icing and products of car exhausts. This regulation provides siting and operating criteria that will prevent surface waters, ground waters and wetlands from being adversely affected by snow dumps. The criteria in Section 2.B. are consistent with the requirements of Section 10 of the Federal River and Harbor Act of 1899 and Section 404 of the Clean Water Act which are administered by the U.S. Army Corps of Engineers and the Environmental Protection Agency.