



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

JAMES P. BROOKS
ACTING COMMISSIONER

May 20, 2011

Mr. Dwight Doughty
Department of Transportation
Augusta, ME 04333

RE: Discharge of Bridge Washing Waters

Dear Dwight:

This letter replaces the April 14, 1997 Department of Environmental Protection (DEP) memo from Michael Barden to Robert Ballew, Maine Department of Transportation (MDOT). Before further discussion, I would like to thank you, John Buxton and Jeff Naum of your staff for meeting with Phil Garwood on November 29, 2010 to discuss MDOT bridge maintenance and washing activities and procedures to minimize their adverse effects on Maine's stream environments.

It is my understanding that the MDOT annually conducts cleaning operations on roughly 1,200 bridges within the state of Maine to remove the winter load of sand, debris and de-icing chemicals. In addition to those maintained by MDOT, there are several hundred bridges maintained by municipalities. These cleaning and washing activities are considered necessary to prevent corrosion by the moisture and chloride content of the accumulated road sand and debris, as well as to prevent physical binding of the bridge joints. Corrosion of the structural steel components of the bridge as well as interference with expansion joints threatens the integrity of the bridges and therefore the safety of the bridge users. The materials being washed from the bridges, however, have the ability to cause adverse effects on the stream environments spanned by the bridges and the discharge of such pollutants is subject to regulation by the DEP under the Protection and Improvement of Waters, 38 MRSA § 413.

On December 9, 2010, you provided the DEP with an undated MDOT best management practice (BMP) document entitled "Bridge Cleaning and Washing", as well as Bridge Maintenance Standards BR 602.1 "Removal Winter Maintenance Sand/Debris from Bridges" and BR 602.2 "Water-Blast Cleaning/Flushing", which describe the procedures and guidelines for these activities.

From these documents and the discussion at the meeting, DEP makes the following conclusions:

- MDOT conducts mechanical cleaning activities on the bridges and approaches prior to any washing activities.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143

- The debris collected by mechanical sweeping is disposed of in an environmentally appropriate manner, either off-site or in vegetated approaches or other areas where erosion is not likely to carry the material into surface water.
- Washing activities are conducted during spring high waters in order to maximize the ability of the streams to attenuate any materials washed off the bridges.
- No soaps or detergents are used.
- Mechanical cleaning is not sufficient to reach all of the sand and debris, so pressure washing is the only effective means to remove these materials from crevices and joints. Water also dissolves away more of the salts remaining on the surfaces.

Under 38 MRSA §413(1), a license is required of any person directly or indirectly discharging pollutants to waters of the State. Pollutant is broadly defined to include, among other things, chemicals, petroleum products or by-products, sand and dirt. Notwithstanding these provisions, however, the DEP has exercised discretion on whether to require licenses for particular discharges or types of discharges. Based upon the expectation that MDOT and its contractors will adhere to the described BMPs and standards, the DEP considers bridge cleaning and washing as activities not requiring a license due to their de minimus nature.

This discretion also applies to bridge washing activities conducted by municipalities and their contractors as long as the above BMPs and standards, or substantially similar BMPS and standards, are followed.

If these BMPs and standards are not followed the DEP may reconsider this decision, or proceed with formal enforcement for unlicensed discharges. We also request notification from MDOT of any significant changes to the BMPs and standards.

I would appreciate MDOT's assistance in making this letter available to municipalities through posting on your website or through other outreach activities.

If you have any questions regarding this matter, please feel free to contact me at 287-7700, brian.w.kavanah@maine.gov or Phil Garwood at 441-9034, phil.e.garwood@maine.gov.

Sincerely,



Brian Kavanah, Director
Division of Water Quality Management
Bureau of Land and Water Quality

Cc: Peter Coughlan, DOT, Maine Local Roads Center
Phil Garwood, DEP