

**STATE OF MAINE**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Stormwater Management Law**

38 M.R.S. § 420-D

**STORMWATER**  
**PERMIT BY RULE (PBR) APPLICATION**





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## Section 1. Information Concerning the Application Process

- A. When a project qualifies for a stormwater PBR.** A project qualifies for a stormwater PBR if it results in one or more acres of disturbed area and the following:
- (1) Less than 20,000 square feet of impervious area and 5 acres of developed area in the direct watershed of a lake most at risk or urban impaired stream; and
  - (2) Less than one acre of impervious and five acres of developed area in any other watershed.
- B. When a project does not qualify for a stormwater PBR.** A project does not qualify for a PBR when it takes place on a parcel subject to a Site Location of Development Act permit or an individual permit under the Stormwater Management Law.
- C. Notification.** An applicant must file notice of the project with the department prior to beginning work on the project. The applicant shall use the notification form (Section 2) provided by the department and must include the required submissions (Section 3). The applicant must keep a copy to serve as the permit. The Department is now requiring the submission of stormwater PBR notifications electronically. Instructions on how to file applications electronically: <https://www.maine.gov/dep/land/permits/pbr/index.html>. Email the completed form with attachments to [DEP.PBRNotification@maine.gov](mailto:DEP.PBRNotification@maine.gov)

The stormwater PBR becomes effective 14 calendar days after the department receives the notification form, unless the department approves the notification or finds the notification deficient prior to that date. Within this 14 day period, the department may notify the applicant in writing or through verbal communication that the project is ineligible for stormwater PBR or that additional information or further review is needed. If the department does not inform the applicant that the notification is unacceptable within the 14-day period, the notification is deemed accepted by the department.

By signing the notification form, the applicant is representing that the activity will meet the applicability requirements and standards of the rule. In addition, by signing the notification form the applicant represents that the applicant has sufficient title, right, or interest in the property where the proposed activity is to take place.

- D. Essential habitat.** Essential habitats include areas critical to the survival of threatened and endangered species such as the bald eagle, least tern, roseate tern, and piping plover. If the activity is located in essential habitat, such as near an eagle nesting site, a PBR is only available if the applicant obtains written approval from the Department of Inland Fisheries and Wildlife (IF&W). This approval from IF&W must be submitted to the DEP with the PBR notification form, and the applicant must follow any conditions stated in the IF&W approval.

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**NOTE:** Maps showing areas of essential habitat are available from the Department of Inland Fisheries and Wildlife regional headquarters, municipal offices, the Land Use Planning Commission (for unorganized territories) and DEP regional offices. If the activity is located in essential habitat, IF&W must be contacted to request and obtain a “certification of review and approval.”

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- E. Where to send your PBR application.** Email the completed form with attachments to [DEP.PBRNotification@maine.gov](mailto:DEP.PBRNotification@maine.gov).
- F. Assistance and materials.** Questions concerning your project’s eligibility or application requirements should be directed to the Division of Land Resource Regulation at any of the Department’s regional offices. The following list includes other materials that may also be helpful.

Maine Erosion and Sediment Control Handbook: Best Management Practices (October 2016). Available from the Nonpoint Source Training and Resource Center at the DEP office in Augusta (215-9237) online at: <http://www.maine.gov/dep/land/erosion/escbmps/index.html>

Stormwater Management for Maine: Best Management Practices (March 2016). The Nonpoint Source Training and Resource Center, at the DEP office in Augusta (215-9237) available online at: <http://www.maine.gov/dep/land/stormwater/stormwaterbmps/>

Stormwater Management Law, 38 M.R.S.A. § 420-D. Available from any DEP office or on the DEP's web site at: <http://www.mainelegislature.org/legis/statutes/38/title38sec420-D.html>

Stormwater Management Rules, Chapters 500 and 502. Available from any DEP office. Links to the stormwater rules and other information can be found at: <https://www.maine.gov/sos/cec/rules/06/096/096c500.docx>

General Permit – Construction Activity, Maine Pollutant Discharge Elimination system (MPDES) with Basic Performance Standards Appendices. Also on the web at: <http://www.maine.gov/dep/land/stormwater/construction.html>

- G. Fees.** Pay the application fee by credit card at the [Payment Portal](#). The *stormwater PBR* fee is set in the Department's fee schedule, available at: <https://www.maine.gov/dep/feeschedule.pdf>.
- H. Appeal and Failure to Comply.** The denial of a PBR by the Department is not a final agency action and is therefore not able to be appealed. Persons aggrieved by an approval of a PBR may appeal the decision within 30 days following final action. Failure to comply with PBR standards may lead to action by department enforcement staff, including fines and revocation of the permit.
- I. Permit Renewals.** An individual permit issued under the Stormwater Management Law may be extended one time using a Stormwater PBR, provided that the approved project has not begun and the permit has not expired. If a Stormwater PBR needs to be extended, the applicant may file a revised Stormwater PBR notification form for a one-time extension.
- J. Approval of variations from plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S. §420-D(8) and is subject to penalties under 38 M.R.S. §349.
- K. Meeting Maine Construction General Permit (MCGP) requirements.** The DEP has made it possible to also meet the requirements of the MCGP when filing for a stormwater PBR. To do so, a separate signature block, stating a Notice of Intent, included in this packet, must be signed. By signing, you agree to meet the MCGP standards and must file a Notice of Termination (NOT) within 20 days of completing permanent stabilization of the project site. A NOT form is included in this packet (Appendix A) and there is no fee for filing one.
- L. Discretionary Authority.** Notwithstanding compliance with the PBR requirements and standards contained in this document and in Chapter 500, the department may require an individual stormwater permit application to be obtained in any case where the department determines that the activity:
- (1) May violate the standards of the Stormwater Management Law;
  - (2) Could lead to significant environmental impacts, including cumulative impacts; or
  - (3) Could have an unreasonable adverse impact on a protected natural resource.

## Section 2. Application Form Instructions

Most of the information requested on the application form is self-explanatory. However, guidance on filling out some requested information on the form is included below.

**Blocks 1 through 4.** “Applicant” refers to the name of the landowner or the entity that has title, right or legal interest in the property. If the applicant is an agency, company, corporation, or other organization, please include the organization's name and the name of a staff person that can be contacted about the application.

**Blocks 5 through 8.** An “agent” is someone who represents the applicant. If the applicant chooses to have an agent, please provide the name of the person chosen and a letter of authorization from the applicant. The agent may be a consultant, contractor, engineer, or other person willing to provide assistance. If the DEP has any questions about the application, the agent will be contacted first. The applicant will always be sent a copy of any letters written about the activity. If an agent is not being retained, do not fill in Blocks 5, 6, 7, and 8.

**Block 9. Location of project.** Write in the street address of the project or the name of the nearest road, street, or route number.

**Blocks 10 and 11. Town and County.** Write in the name of the town or city and county where the project site is located.

**Block 12. Renewal of an individual Stormwater permit or stormwater PBR and/or transfer of a stormwater PBR.** Indicate whether or not that this application is for renewal of an individual stormwater permit, or stormwater PBR and/or the transfer of a stormwater PBR..

**Block 13. Type of direct watershed.** Check the box next to the type of watershed the project is located in. If more than one watershed is affected, please check all that apply. The Department and some municipal offices can help you with this information.

**Block 14. Amount of developed area.** Write in the amount of developed area in square feet or acres that will be created by the project. The definition of “developed area” is found in an appendix to this application pamphlet.

**Block 15. Amount of impervious area.** Write in the amount of impervious area in square feet or acres that will be created by the project. The definition of “impervious area” is found in an appendix to this application pamphlet.

**Block 16. Amount of occupied area (solar projects only).** Indicate the amount of occupied area.

**Block 16A: Amount of disturbed area.** Indicate the amount of disturbed area.

**Block 17. Part of Subdivision.** Indicate whether the project is a subdivision as defined by the Land Use Planning Commission (LUPC), or determined by the municipality in which the project is located.

**Block 18. Is the activity part of a larger project?** Indicate “yes” or “no.”

**Block 19. Identify the waterbody or waterbodies to which the project site area drains.** If your project area drains to a named waterbody, please identify it.

**Block 20. If the site drains to an Impaired Waterbody (C), identify waterbody.**

**Block 21. Brief project description.** In several sentences, describe the project.

**Block 22. Size of lot or parcel and UTM locations, if known.** Indicate the total area of the parcel on which the project is located in either square feet or acres.

**Block 23. Deed Reference Numbers.** Deed reference numbers showing book and page may be obtained at the Registry of Deeds in the County where the project is located or from tax records at the town office.

**Block 24. Tax Map # and Tax Lot #.** This information may be obtained from the local tax bill, tax assessor or town office in the town where the project is located.

**Block 25. DEP staff previously contacted.** Write the name of any staff person you may have consulted with regarding your project.

**Block 26. Project started prior to application?** Check yes or no regarding whether any part of the project, including land clearing has been started before the application was submitted to the department. Is this application being submitted after the project was completed (“After the Fact”)? Check yes or no. [Note: After-the-fact projects are subject to double application fees.]

**Block 27. Resubmission of PBR application?** If an application was previously submitted to the DEP for this project and was then either withdrawn by the applicant or returned as deficient by the DEP, check yes. Enter the prior DEP application number (e-g.#00000) and the name of the project manager you were assigned.

**Block 28. Written Notice of Violation.** If you have received a written notice of violation from the DEP for all or part of this project, check yes. If you checked yes, write in the name of the staff person as identified on the notice of violation.

**Block 29. Detailed directions to the project site.** Provide detailed directions to the project site from a known location or landmark so that a site visit may be made, if necessary. Include highway and street numbers as well as names. Also provide distances from known locations or landmarks and any other information that may be helpful in locating the site.

**Block 30A. Submissions for New stormwater PBR.** This block outlines what attachments to the application form are required. This is a summary of application requirements.

**Block 30B. Submissions for renewal of an individual stormwater permit or PBR and/or transfer of a stormwater PBR.** This block outlines what attachments to the application form are required. This is a summary of application requirements.

<b>1 Name of Applicant:</b>		<b>5 Name of Agent:</b>			
<b>2 Applicant's Mailing Address:</b>		<b>6 Agent's Mailing Address:</b>			
<b>3 Applicant's Daytime Phone:</b>		<b>7 Agent's Daytime Phone:</b>			
<b>4 Applicant's Email Address:</b>		<b>8 Agent's Email Address:</b>			
<b>9 Location of Project: (Road, Street, Rt.)</b>		<b>10 Location Town:</b>	<b>11 Location County:</b>		
<b>12 Is this PBR for renewal of an individual Stormwater permit or Stormwater Permit-by-Rule?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Is this PBR for transfer of a Stormwater Permit-by-Rule?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If Yes, DEP Permit Number:</b> _____ <b>Prior Project Manager (if known):</b> _____ <b>NOTE:</b> If either box is checked Yes, skip to Box 30B below.					
<b>13 Type of Direct Watershed: (Check all that apply.)</b> <input type="checkbox"/> Lake not most at risk <input type="checkbox"/> Lake most at risk <input type="checkbox"/> Lake most at risk, severely blooming <input type="checkbox"/> River, stream or brook <input type="checkbox"/> Urban impaired stream <input type="checkbox"/> Freshwater wetland <input type="checkbox"/> Coastal wetland <input type="checkbox"/> Wellhead of public water supply		<b>14 Amount of Developed Area:</b> Total _____ acres <b>OR</b> Total _____ SF  <b>15 Amount of Impervious Area:</b> Total _____ acres <b>OR</b> Total _____ SF  <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"><b>16 Amount of Occupied Area (Solar Projects Only):</b> Total _____ acres</td> <td style="width:50%;"><b>16A Amount of Disturbed Area:</b> Total _____ acres</td> </tr> </table>		<b>16 Amount of Occupied Area (Solar Projects Only):</b> Total _____ acres	<b>16A Amount of Disturbed Area:</b> Total _____ acres
<b>16 Amount of Occupied Area (Solar Projects Only):</b> Total _____ acres	<b>16A Amount of Disturbed Area:</b> Total _____ acres				
<b>17 Part of a Subdivision?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		<b>18 Is this Activity Part of a Larger Project?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>19 Name of Waterbody(ies) Drained to:</b>		<b>20 Name of Impaired Waterbody (if applicable)</b>			
<b>21 Brief Project Description:</b>					
<b>22 Size of Lot or Parcel:</b> Total _____ acres <b>OR</b> Total _____ SF		<b>UTM Northing, if known:</b>	<b>UTM Easting, if known:</b>		
<b>23 Deed Reference Numbers:</b> Book: _____ Page: _____		<b>24 Map and Lot Numbers:</b> Map: _____ Lot: _____			
<b>25 DEP Staff Previously Contacted:</b>		<b>26 Project started prior to Application?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>If yes, Completed?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>27 Resubmission of PBR Application?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes→	<b>If Yes, Prior Application Number:</b>		<b>Prior Project Manager:</b>		
<b>28 Written Notice of Violation?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes→	<b>If Yes, Name of DEP Enforcement Staff Involved:</b>				
<b>29 Detailed Directions to the Project Site:</b>					

**SUBMISSIONS**

<b>30A For a new Stormwater PBR:</b> <input type="checkbox"/> This Form (signed and dated) <input type="checkbox"/> Photos of Area <input type="checkbox"/> Fee <input type="checkbox"/> ESC Plan <input type="checkbox"/> Dept. of Inland Fisheries & Wildlife Approval (if in Essential Habitat) <input type="checkbox"/> Location Map <input type="checkbox"/> Site Plan <input type="checkbox"/> List of persons to whom notice was provided and a signed copy of the Public Notice Filing and Certification form.	<b>30B For renewal of an individual Stormwater permit or Stormwater PBR and/or transfer of a Stormwater PBR:</b> <input type="checkbox"/> This Form (signed and dated) <input type="checkbox"/> Copy of original Stormwater permit or PBR <input type="checkbox"/> Fee <input type="checkbox"/> For a transfer: A copy of the deed, lease, purchase option or other evidence of applicant's title, right or interest in project site, and proof of legal name if the applicant is a corporation or other legal entity. <input type="checkbox"/> List of persons to whom notice was provided and a signed copy of the Public Notice Filing and Certification form.
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**FEE:** Pay by credit card at the Payment Portal. The SW Permit-by-Rule fee may be found here: <https://www.maine.gov/dep/feeschedule.pdf>.

**Attach payment confirmation from the [Payment Portal](#) when filing this notification form.**



**CERTIFICATION / SIGNATURE for NEW STORMWATER PBR or RENEWAL**

**Applicant Statement:**

I am applying for a Stormwater PBR or permit renewal and have attached the required submissions. I have read the requirements and I affirm that my project satisfies the applicable stormwater management standards. I authorize staff of State and Federal agencies having jurisdiction over this activity to access the project site for the purpose of determining compliance with the rules.

**“I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”**

Signature (may be typed): \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Print or Type Name: \_\_\_\_\_

**CERTIFICATION / SIGNATURES for TRANSFER of a STORMWATER PBR**

**Current Permittee Statement:** By signing below, the current permittee certifies that they agree to the transfer of the Stormwater PBR identified on this application form to the applicant named on this form.

Signature (may be typed): \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Print or Type Name: \_\_\_\_\_

**Applicant Statement:** By signing below the applicant certifies that they have received, read, and understand and will comply with the Stormwater PBR being transferred.

**“I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”**

Signature (may be typed): \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Print or Type Name: \_\_\_\_\_

**NOTICE OF INTENT TO COMPLY with the MAINE CONSTRUCTION GENERAL PERMIT  
(Must be Completed by All Applicants)**

**Applicant Statement:** With this Stormwater PBR form and my signature below, I am filing notice of my intent to carry out work that meets the requirements of the Maine Construction General Permit (MCGP). I have read and will comply with all of the MCGP standards. In addition, I will file a Notice of Termination (NOT) within 20 days of project completion.

If this form is not being signed by the landowner or lessee of the property, attach documentation showing authorization to sign. *If typing your signature below, you are agreeing to and acknowledging the above information is true.*

Signature (may be typed): \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Print or Type Name: \_\_\_\_\_

### Section 3. Stormwater PBR Submissions.

**Submissions.** Applicants for a stormwater PBR, **renewal of an individual Stormwater permit or stormwater PBR and/or transfer of a stormwater PBR** must submit the notification form, fee and other information for the Department's review and approval. This information includes a location map, site plan, erosion and sedimentation control plan, and photographs of the area to be developed. Also, if the project is located in Essential Habitat, approval from the Maine Department of Inland Fisheries and Wildlife will need to be submitted. Specific submission requirements are described below. For a transfer: A copy of the deed, lease, purchase option or other evidence of applicant's title, right or interest in project site, and proof of legal name if the applicant is a corporation or other legal entity.

- 1. Plan preparation.** An erosion and sedimentation control plan accompanying a stormwater PBR must be designed by a professional who is registered, licensed, or certified in a related land-use field, or by education, training, or experience is knowledgeable in erosion and sedimentation control, or has received specific training in erosion and sedimentation control at a department-sponsored erosion and sedimentation control workshop.

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**NOTE:** An applicant may use erosion and sedimentation control BMPs described in the "Citizen's Guide to Best Management Practices for Use with Maine Construction General Permit" or in "Maine Erosion and Sediment Control BMPs," Maine Department of Environmental Protection.

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- 2. Location map.** The Notification form must be accompanied by a photocopy of a portion of a 7.5 minute USGS topographic map or a DeLorme Atlas map showing the site's location and approximate property boundaries, if the size of the parcel and scale of the map allows it. A USGS topographic map can be useful for showing the general contour and topography of the project site.
- 3. Site plan.** Submit a scaled plan showing, at a minimum, the locations of structures and roads, the extent of disturbed land, pre-construction site topography, post-construction site topography, on-site and adjacent surface waterbodies, and all erosion and sedimentation control measures to be used on the site. Such measures include, but are not limited to, sedimentation barriers, ditch lining, rip rap, and culvert inlet and outlet designs.

An applicant may substitute the following information for surveyed pre-development and post-development site topography on the location plans:

- a. the locations of high points on the site,
  - b. the locations of any ponds or other runoff storage depressions on the site,
  - c. the locations and flow direction of any drainage ditches, brooks, or streams,
  - d. the locations of any catch basin inlets or culvert inlets, and
  - e. arrows showing the general direction(s) of overland drainage for the site.
- 4. Erosion and Sedimentation Control plan.** In addition to a site plan, an erosion control plan must be included which contains, at a minimum, permanent stabilization measures to be taken (e.g. paving or planting vegetation), installation details of the erosion control measures proposed to be used, seeding and mulching rates, and a construction schedule with the proposed construction dates and timeframe for major earth moving and construction events. See Section 4A of this packet for expanded and more detailed guidance on erosion and sedimentation control plans. **This plan and its details may be included on the site plan instead of being a separate submission.**

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**NOTE:** A person who conducts, or causes to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials shall take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource as defined in 38 M.R.S. § 480-B. Sediment control measures must be in place before the activity begins. Measures must remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken. The site must be maintained to prevent unreasonable erosion and sedimentation. See 38 M.R.S. § 420-C (in part). Other or additional standards may apply, under the Natural Resources Protection Act, to a project located in or adjacent to a protected natural resource.

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5. **Photos.** Provide photographs of the project site that show the existing character and topography of the area proposed for development.
6. **Certificate of Good Standing.** If new applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.
7. **Public Notice.** The Department's Chapter 2 rules require a Stormwater PBR applicant to provide public notice within 30 days prior to submitting the PBR application to the Department (see Chapter 2, §13). In the notice, the applicant must provide the information included in the Department's Notice of Intent to File form, found at the end of this Booklet. Notice must be mailed to abutters and all persons owning land within 1,000 feet of the proposed project. The applicant also must provide a copy of the Notice of Intent to File and a duplicate of the PBR application to the municipal office. Please see the Public Notice Filing and Certification form and the Notice of Intent to File form at the end of this Booklet for further information and instructions.

#### **Section 4. Stormwater PBR Standards**

**A. *IN ACCORDANCE WITH THE EROSION AND SEDIMENTATION CONTROL PERFORMANCE STANDARDS REQUIRED BY CHAPTER 500, ALL PROJECTS MUST COMPLY WITH THE FOLLOWING STANDARDS, AT A MINIMUM:***

1. **Pollution prevention.** Minimize disturbed areas and protect natural downgradient buffer areas to the extent practicable. The discharge may not result in erosion of any open drainage channels, swales, upland, or coastal or freshwater wetlands.

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**NOTE:** Buffers improve water quality by helping to filter pollutants in run-off both during and after construction. Minimizing disturbed areas through phasing limits the amount of exposed soil on the site through retention of natural cover and by retiring areas as permanently stabilized. Less exposed soil results in fewer erosion controls to install and maintain. If work within an area is not anticipated to begin within two weeks time, consider leaving the area in its naturally existing cover.

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2. **Sediment barriers.** Prior to construction, properly install sediment barriers at the edge of any down-gradient disturbed area and adjacent to any drainage channels within the disturbed area. Maintain the sediment barriers until the disturbed area is permanently stabilized.
3. **Temporary stabilization.** Stabilize with mulch or other non-erodable cover any exposed soils that will not be worked for more than 7 days. Stabilize areas within 75 feet of a wetland or waterbody within 48 hours of the initial disturbance of the soil or prior to any storm event, whichever comes first.

4. **Removal of temporary sediment control measures.** Remove any temporary sediment control measures, such as silt fence, within 30 days after permanent stabilization is attained. Remove any accumulated sediments and stabilize.

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**NOTE:** It is recommended that silt fence be removed by cutting the fence materials at ground level to avoid additional soil disturbance.

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5. **Permanent stabilization.** If the area will not be worked for more than one year or has been brought to final grade, then permanently stabilize the area within 7 days by planting vegetation, seeding, sod, or through the use of permanent mulch, or riprap, or road sub-base. If using vegetation for stabilization, select the proper vegetation for the light, soil and moisture conditions; amend areas of disturbed subsoils with topsoil, compost, or fertilizers; protect seeded areas with mulch or, if necessary, erosion control blankets; and schedule sodding, planting, and seeding to avoid die-off from summer drought and fall frosts. Newly seeded or sodded areas must be protected from vehicle traffic, excessive pedestrian traffic, and concentrated runoff until the vegetation is well-established. If necessary, areas must be seeded and mulched again if germination is sparse, plant coverage is spotty, or topsoil erosion is evident. One or more of the following may apply to a particular site.
- (a) Seeded areas. For seeded areas, permanent stabilization means a 90% cover of healthy plants with no evidence of washing or rilling of the topsoil.
  - (b) Sodded areas. For sodded areas, permanent stabilization means the complete binding of the sod roots into the underlying soil with no slumping of the sod or die-off.
  - (c) Permanent Mulch. For mulched areas, permanent mulching means total coverage of the exposed area with an approved mulch material. Erosion control mix may be used as mulch for permanent stabilization according to the approved application rates and limitations.
  - (d) Riprap. For areas stabilized with riprap, permanent stabilization means that slopes stabilized with riprap have an appropriate backing of a well-graded gravel or approved geotextile to prevent soil movement from behind the riprap. Stone must be sized appropriately. It is recommended that angular stone be used.
  - (e) Agricultural use. For construction projects on land used for agricultural purposes (e.g., pipelines across crop land), permanent stabilization may be accomplished by returning the disturbed land to agricultural use.
  - (f) Paved areas. For paved areas, permanent stabilization means the placement of the compacted gravel subbase is completed.
  - (g) Ditches, channels, and swales. For open channels, permanent stabilization means the channel is stabilized with a 90% cover of healthy vegetation, with a well-graded riprap lining, or with another non-erosive lining such as concrete or asphalt pavement. There must be no evidence of slumping of the channel lining, undercutting of the channel banks, or down-cutting of the channel.
6. **Winter construction.** “Winter construction” is construction activity performed during the period from November 1 through April 15. If disturbed areas are not stabilized with permanent measures by November 1 or new soil disturbance occurs after November 1, but before April 15, then these areas must be protected and runoff from them must be controlled by additional measures and restrictions.

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**NOTE:** For guidance, see “Maine Erosion and Sediment Control Handbook: Best Management Practices (October 2016).”

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7. **Stormwater channels.** Ditches, swales, and other open stormwater channels must be designed, constructed, and stabilized using measures that achieve long-term erosion control. Ditches, swales, and other open stormwater channels must be designed to handle, at a minimum, the expected volume of run-off. Each channel should be constructed in sections so that the section's grading, shaping, and installation of the permanent lining can be completed the same day. If a channel's final grading or lining installation must be delayed, then diversion berms must be used to divert stormwater away from the channel, properly-spaced check dams must be installed in the channel to slow the water velocity, and a temporary lining installed along the channel to prevent scouring. Permanent stabilization of channels is addressed under Appendix A(5)(g) above.
8. **Roads.** Gravel and paved roads must be designed and constructed with crowns or other measures, such as water bars, to ensure that stormwater is delivered immediately to adjacent stable ditches, vegetated buffer areas, catch basin inlets, or street gutters.
9. **Culverts.** Culverts must be sized to avoid unintended flooding of upstream areas or frequent overtopping of roadways. Culvert inlets must be protected with appropriate materials for the expected entrance velocity, and protection must extend at least as high as the expected maximum elevation of storage behind the culvert. Culvert outlet design must incorporate measures, such as aprons or plunge pools, to prevent scour of the stream channel. The design must take account of tailwater depth.
10. **Parking areas.** Parking areas must be constructed to ensure runoff is delivered to adjacent swales, catch basins, curb gutters, or buffer areas without eroding areas downslope. The parking area's subbase compaction and grading must be done to ensure runoff is evenly distributed to adjacent buffers or side slopes. Catch basins must be located and set to provide enough storage depth at the inlet to allow inflow of peak runoff rates without by-pass of runoff to other areas.
11. **Additional requirements.** Additional requirements may be applied on a site-specific basis.

**B. *IN ACCORDANCE WITH THE INSPECTION AND MAINTENANCE PERFORMANCE STANDARDS REQUIRED BY CHAPTER 500, ALL PROJECTS MUST COMPLY WITH THE FOLLOWING STANDARDS:***

1. Inspect disturbed and impervious areas, erosion control measures, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. Inspect these areas at least once a week as well as before and after a storm event, and prior to completing permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards and conditions in the permit, shall conduct the inspections.
2. Maintain all measures in effective operating condition until areas are permanently stabilized. If best management practices (BMPs) need to be maintained or modified, additional BMPs are necessary, or other corrective action is needed, implementation must be completed within 7 calendar days and prior to any storm event (rainfall).
3. Keep a log (report) summarizing the inspections and any corrective action taken. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, materials storage areas, and vehicles access points to the parcel. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and location(s) where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to department staff and a copy must be provided upon request. The permittee shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.

## Section 5. Definitions

The following definitions are taken directly from the  
Maine Construction General Permit, July 21, 2006 and Chapter 500, Section 3, August 12, 2015.

- A. **Common plan of development or sale.** A “common plan of development or sale” means a subdivision as determined by the Land Use Planning Commission (LUPC), or a subdivision under municipal law as determined by the municipality where the subdivision is located.
- B. **Developed area.** “Disturbed area” excluding areas that are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. An area is not considered developed if planting to restore the previous cover type and restoration of any altered drainage patterns occur within one calendar year of disturbance. “Same vegetative cover type” may include hydrologically improved cover type. For example, an area that was previously a pasture may be replanted as forest.
- C. **Direct watershed of a waterbody or wetland.** The land area that drains, via overland flow, natural or man-made drainage systems, or waterbodies or wetlands, to a given waterbody or wetland without first passing through an upstream waterbody classified as GPA.
- D. **Disturbed area.** All land areas that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a project.

“Disturbed area” does not include routine maintenance but does include re-development and new impervious areas. “Routine maintenance” is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces while maintaining the original line and grade, hydraulic capacity and original purpose of the facility is considered routine maintenance. Cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered “disturbed area.”

A disturbed area continues to be considered as disturbed area if it meets the definition of “developed area” or “impervious area” following final stabilization.

- E. **Erosion and sedimentation control best management practices (erosion control BMPs).** Methods, techniques, designs, practices, and other means to control erosion and sedimentation, as approved or required by the department.

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**NOTE:** For guidance, see “Maine Erosion and Sediment Control Handbook: Best Management Practices (October 2016).”

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- F. **Erosion control mix.** A type of mulch that consists primarily of organic material such as shredded bark, stump grindings, composted bark, or fragmented wood generated as a by-product from log handling at wood mills. It includes a well-graded mixture of particle sizes with a mineral content that is less than 20% by weight, and is free from construction debris, refuse, and contaminants.
- G. **Impervious area.** The total area of a parcel that consists of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. A natural or man-made waterbody is not considered an impervious area but is treated as an immediate runoff surface in curve number calculations.

- H. Stormwater.** The part of precipitation, including runoff from rain or melting ice and snow, that flows across the surface as sheet flow, shallow concentrated flow, or in drainageways.
- I. Watershed.** The land area that drains, via overland flow, drainageways, waterbodies, or wetlands to a given waterbody or wetland.

**APPENDIX A**

**NOTICE OF TERMINATION  
for use with CONSTRUCTION GENERAL PERMIT**

PLEASE TYPE OR PRINT IN *BLACK INK ONLY*

<b>Name of Applicant (Owner):</b>		<b>Applicant Mailing Address:</b>	
<b>Town/City:</b>		<b>State:</b>	<b>Zip Code:</b>
<b>Daytime phone (with area code):</b>		<b>E-Mail address if available:</b>	
<b>Name of Agent:</b>		<b>Agent Phone #:</b>	<b>Permit Number:</b>
<b>Project Location (Town/City):</b>		<b>UTM Northing:</b>	<b>UTM Easting:</b>
<b>Map #:</b>	<b>Lot #:</b>	<b>County:</b>	
<b>Name of waterbody(ies) to which the disturbed area drains:</b>			<b>PBR or MCGP Application Number:</b>
<b>Name/Description of Project:</b>			

I am filing notice of my Notice of Termination indicating that permanent stabilization has been completed or, if the project was a common plan of development or sale, that the requirements of the Construction General Permit (MCGP) at Part IV(B)(2) have been completed. I have attached all the required submittals. *Notification forms cannot be accepted without the necessary attachments.*

- ALL: Photographs showing the completed project and affected area, except as provided in Part IV(B)(3)(c) of the MCGP.
- If this form is not being signed by the landowner or lessee of the property, attach documentation showing authorization to sign; OR
- Check here to reference documentation showing authorization to sign that was submitted with the Notice of Intent if the documentation showing authorization to sign applies and is still current.

I authorize staff of the Departments of Environmental Protection to access the project site for the purpose of determining compliance with the general permit.

<b>Signature of Applicant:</b>	<b>Date:</b>
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*Retain your records.* The permittee is required to retain copies of any forms, submissions, reports, or other materials required by this general permit for a period of at least three years from the completion of permanent stabilization.

OFFICE USE ONLY			Staff	Staff	
NOI #	FP	Date	Acc. Date	Def. Date	After Photos



## PUBLIC NOTICE FILING AND CERTIFICATION

The Department's Chapter 2 rules, *Processing of Applications and Other Administrative Matters*, require an applicant for a Natural Resources Protection Act Permit by Rule (NRPA PBR) or Stormwater Management Law Permit by Rule (Stormwater PBR) to provide public notice within 30 days prior to submitting the PBR to the Department (see Chapter 2, §13). In the notice, the applicant must provide the information included in the Department's Notice of Intent to File form.

Notice must be mailed to abutters and all persons owning land within 1,000 feet of the proposed project. ("Abutter" for the purposes of public notice means any person who owns property that is contiguous with the property on which the project requiring a license from the Department is proposed.) The applicant also must provide a copy of the Notice of Intent to File and a duplicate of the PBR application to the municipal office.

1. **Abutters and Others Owning Land Within 1,000 Feet:** You must mail a copy of the Notice of Intent to File to abutters and all persons owning land within 1,000 feet of the proposed project. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
2. **Municipal Office:** You must mail a copy of the Notice of Intent to File and a duplicate of the entire application to the municipal office. The municipal office must receive notice within 30 days prior to the filing of the application with the Department.

**ATTACH a copy of the list of persons to whom notice was provided.**

### CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

1. A mailing of the Notice of Intent to File was sent to all abutters and all other persons owning land within 1,000 feet of the proposed project within 30 days prior to filing of the application; and
2. A mailing of the Notice of Intent to File and a duplicate copy of the application was sent to the town office of the municipality in which the project is located.

\_\_\_\_\_  
*Signature of Applicant or Authorized Agent*

\_\_\_\_\_  
*Date*

**PUBLIC NOTICE:  
NOTICE OF INTENT TO FILE**

Please take notice that:

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*(Name and Mailing Address of Applicant)*

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*(Phone Number and Email Address of Applicant)*

is intending to file a Stormwater Management Law Permit by Rule (Stormwater PBR) application with the Maine Department of Environmental Protection (DEP) pursuant to the provisions of 38 M.R.S. § 420-D and 38 M.R.S. § 344(7) on or about:

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*(Anticipated Filing Date)*

The application is for:

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*(Description of the Project)*

at the following location:

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*(Project Location)*

The application will be filed for public inspection at the Department of Environmental Protection's office in  Portland,  Augusta,  Bangor, or  Presque Isle during normal working hours.

MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103

MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333

MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

MDEP, Northern Maine Regional Office, 1235 Central Drive, Presque Isle, Maine 04769

A copy of the application may also be seen at the municipal office in \_\_\_\_\_, Maine.  
*(City/Town)*

The DEP review period for a Stormwater PBR application is 14 calendar days. A decision made by the Commissioner to approve a PBR is appealable to the Board of Environmental Protection. An aggrieved person must file the appeal within 30 days of the date of a final license decision of the Commissioner. An appeal must be filed in accordance with Section 23 of the Department's Chapter 2 rules, *Processing of Applications and Other Administrative Matters*. For more information, please visit:

<https://www.maine.gov/dep/publications/is-appeal.html>.