

**STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Stormwater Management Law

38 M.R.S. § 420-D

PERMIT APPLICATION



Introduction

Maine's economy relies on clean lakes, rivers, and coastal waters and many of Maine's communities use these water resources to supply drinking water. Unfortunately, many of these water resources are impaired or threatened by activities within their watersheds.

The water resources are affected by rainwater and snowmelt that flow over disturbed areas, parking lots, gravel and paved roads, lawns, and other areas where people have changed the natural cover and regraded the land. The stormwater picks up soil, residues from gas and oil, nutrients, heavy metals, and bacteria and other pathogens. Without proper treatment, the stormwater deposits these pollutants in our lakes, streams, and coastal waterbodies. Replacement of woods and fields by impervious areas such as pavement, buildings, and hard-packed gravel roads also increases the volume of stormwater leaving a site. This increase in flow can cause property damage, erode stream banks, scour stream beds, harm habitat, and add to the pollution of lakes, streams, and coastal waters.

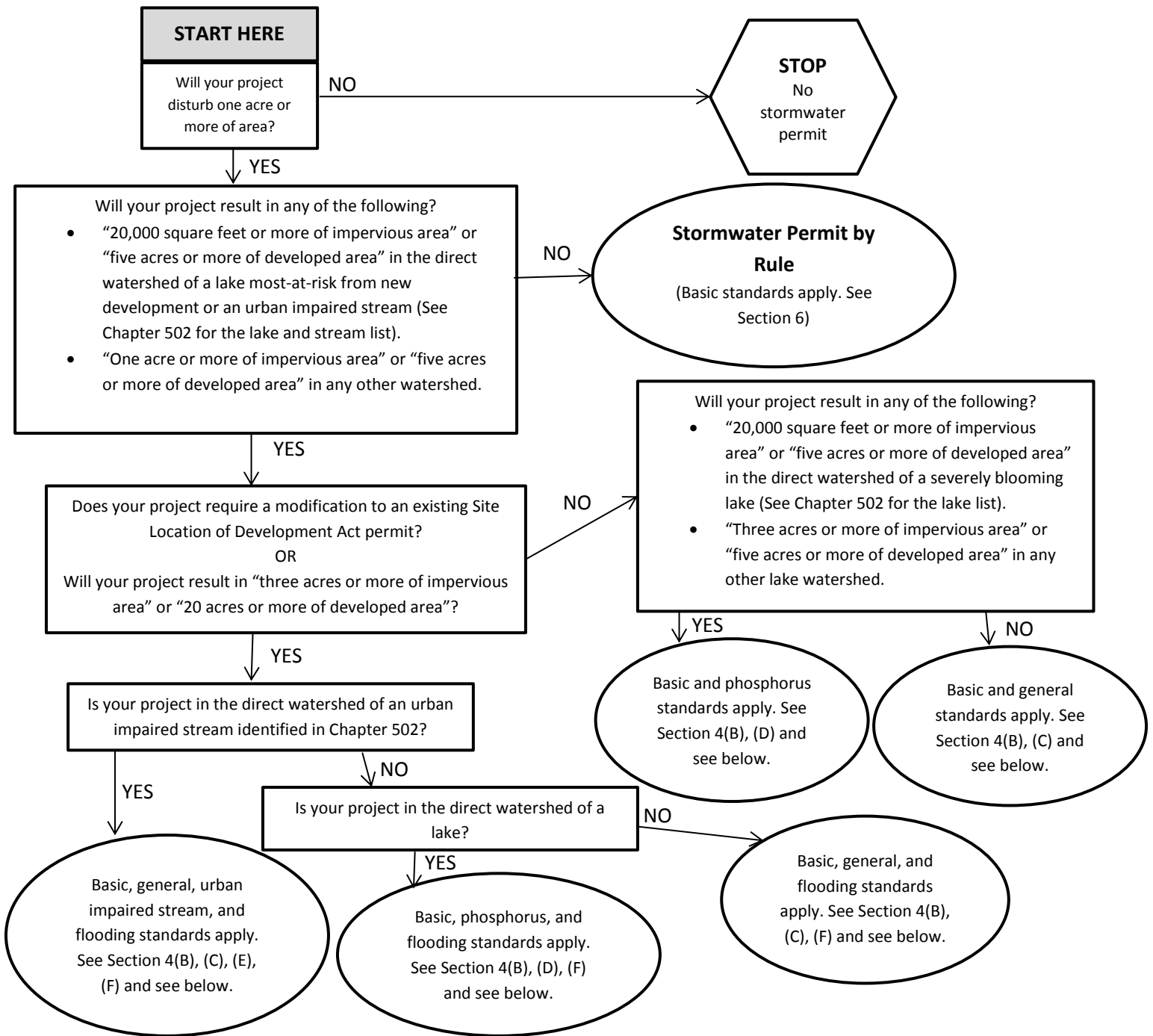
In Maine, stormwater pollution has already affected over 200 lakes and several hundred miles of streams; it has also contributed to the closure of many acres of clam flats. In addition to the effects on business from reduced tourism, property damage, and decreasing coldwater fish populations, a decline in water quality affects the value of shorefront property and the cost of treating drinking water, resulting in higher taxes and fees for all residents and businesses. Regions of the state have suffered significant economic losses due to degradation of waterbodies.

Maine's Stormwater Management Law requires some new projects to provide stormwater management as part of their design. The Department of Environmental Protection reviews these stormwater management systems to determine whether they will meet standards in the law to minimize the impacts of stormwater on private and public property.

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Flowchart for Chapter 500 Stormwater Management Rules

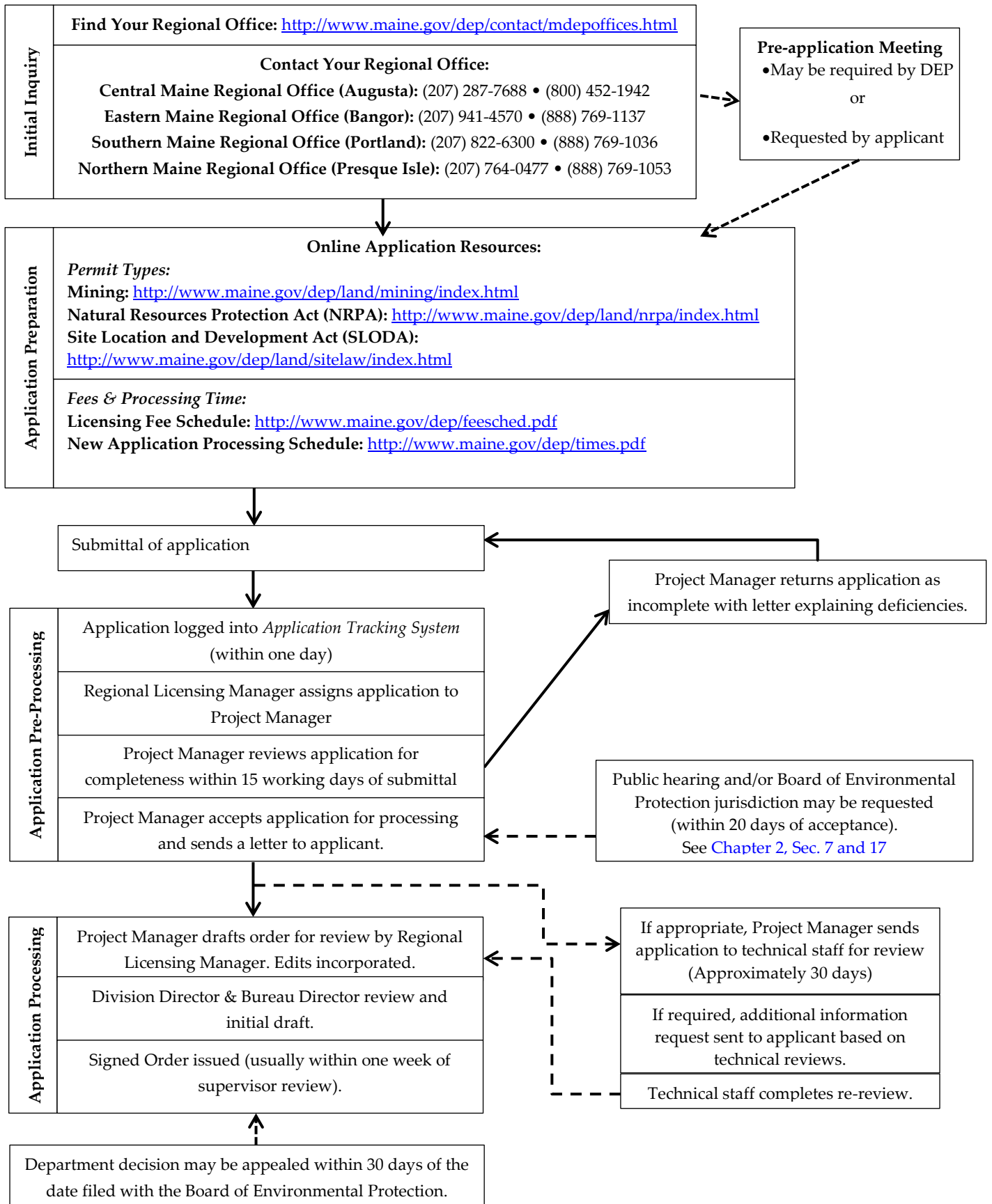


Other standards and/or additional controls may apply to your project:

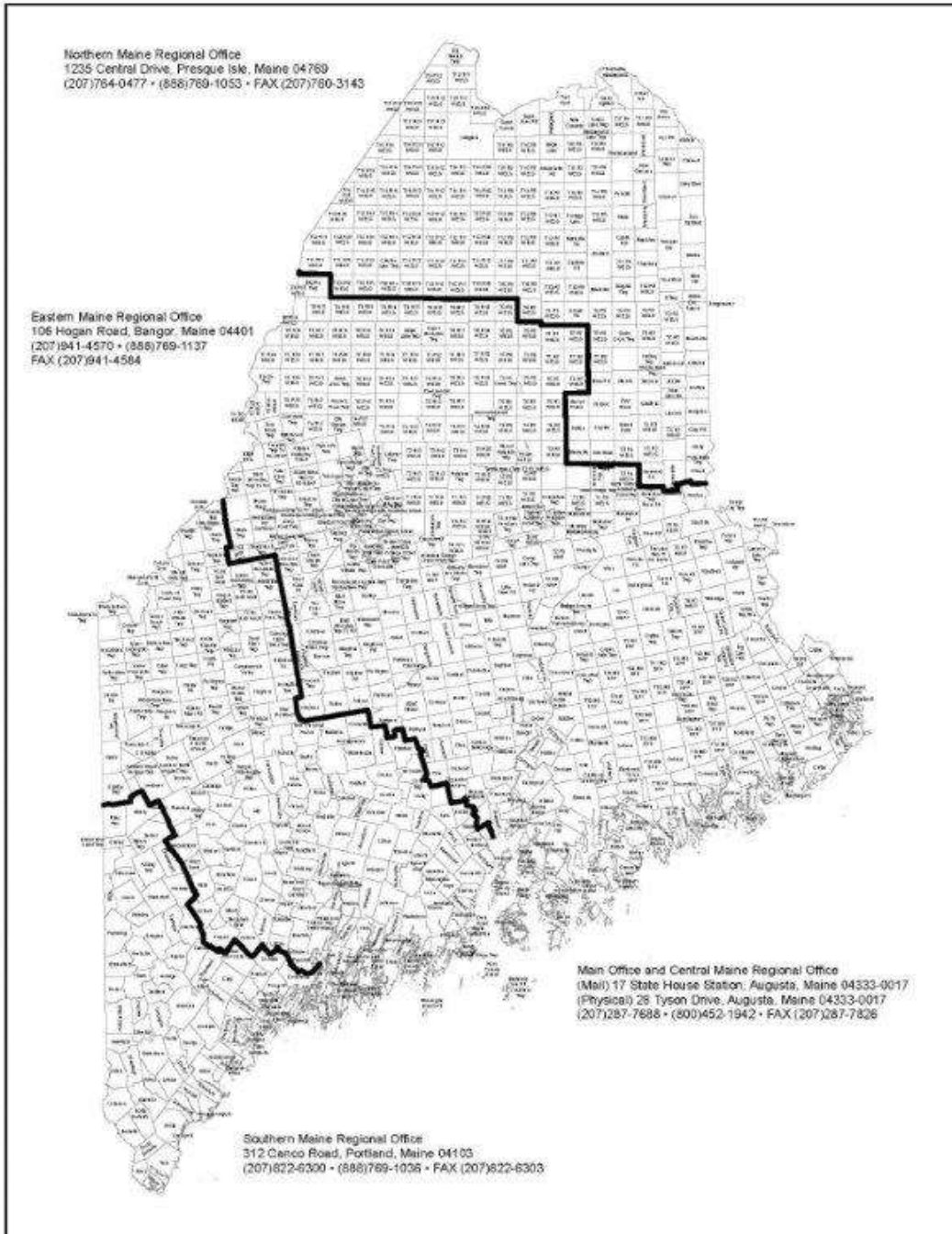
Easements and Deed Restrictions See Section 4(G)	Redistribution of Stormwater Discharges See Section 4(H)	Discharge to Wetlands See Section 4(I)	Discharges to Public Storm Water Systems See Section 4(J)	Additional Controls See Section 5
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Flowchart for General Licensing

<http://www.maine.gov/dep/times.pdf>



Statewide Map Identifying Regional Office Boundaries



Section 1. Information Concerning the Application Process

This document is to be used when applying for a permit pursuant to the Stormwater Management Law, 38 M.R.S.A. § 420-D. An applicant may apply for a transfer or minor revision of an individual stormwater management project. There are separate forms to be used for stormwater transfer or minor revision applications. An individual stormwater permit may be extended one time using the stormwater Permit by Rule (PBR) notification form provided that the approved project has not begun and the permit has not expired. A permit may only be extended once using a stormwater PBR.

A. Pre-application meetings. A pre-application meeting is required for all new stormwater applications. This meeting provides an opportunity for the applicant to meet with department staff who will review the application. The purpose of the meeting is to help the applicant understand the application review process, identify areas of concern and exchange information before commitment to a final design. The requirement for this meeting may be waived upon mutual agreement of the department and the applicant; however, the department has noted that applications for which a pre-application meeting has been held are generally more complete and less likely to be returned as incomplete for processing than applications for which no pre-application meeting was held. There is no charge to the applicant for this meeting.

- (1) Scheduling. To schedule a pre-application meeting, send a written request, including the Stormwater Pre-application Request Form (See Section 2 Forms) and attachments, to the DEP regional office serving the town where the project is located. A state map identifying regional office boundaries is located on page iii. **Exception:** A pre-application request for a project located in a town served by the Northern Maine Regional Office should be sent to the Eastern Maine Regional Office in Bangor. To confirm which office serves the town where the project is proposed, call any DEP office.

Central Maine Regional Office Bureau of Land Resources 17 State House Station Augusta, ME 04333 Tel: (207) 287-7688 1-800-452-1942	Southern Maine Regional Office Bureau of Land Resources 312 Canco Road Portland, ME 04103 Tel: (207) 822-6300 or 1-888-769-1036	Eastern Maine Regional Office Bureau of Land Resources 106 Hogan Road Bangor, ME 04401 (207) 941-4570 or 1-888-769-1137
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- (2) Pre-application submissions. The written request for a pre-application meeting should include a phone number where the applicant or agent may be reached during the day; a brief description of the project; the approximate acreage of the area to be disturbed, developed area, and impervious area; the location of project shown on a United States Geological Survey seven-and-one-half-minute topographic map or other regional map; and a plan or preliminary sketch of the project. Two copies of the pre-application materials need to be submitted with your request.

B. Public notice. An applicant for a Stormwater permit is required to provide public notice of their application. A blank copy of the notice form is in Section 2 (Form B) of this publication. A copy of this form or one containing identical information must be used to notify abutters, municipal officials, and local newspapers. The rules concerning notice are contained in “Rules Concerning Processing of Applications and Other Administrative Matters”, 06-096 CMR 2 (referred to as “Chapter 2”).

- (1) Newspaper. Publish the public notice once in a newspaper circulated in the area where the project is located. The public notice must appear in the newspaper within 30 days prior to filing a new or amendment application, or a resubmitted application returned as incomplete pursuant to Chapter 2.

- (2) Abutting property owners. Provide a copy of the public notice to the owners of abutting property. Their names and addresses can be obtained from town tax maps or local officials. Abutters must receive public notice within 30 days prior to filing a new or amended stormwater application, or a resubmitted application returned as incomplete pursuant to Chapter 2. For the purposes of this application, an abutting property owner means any person who owns property that is **BOTH** 1) adjoining and 2) within 1 mile of the delineated project boundary, including owners of property directly across a public or private right of way.
- (3) Municipal or plantation office. Provide a copy of the public notice together with a duplicate of the entire application to the appropriate town or city clerk. The notice must be received within 20 days prior to filing a new or amendment application, or a resubmitted application returned as incomplete pursuant to Chapter 2.

C. Assistance and materials. Department staffs are available to answer questions. Direct questions concerning application requirements to the project manager, or, if a project manager has not yet been assigned, to the Land Division's Licensing Coordinators in Augusta (207) 287-7688, Bangor (207) 941-4570 or Portland (207) 822-6300. The applicant should obtain copies of the Stormwater Management Law, and the Stormwater Management Rules before compiling an application. The following list includes other materials that may also be helpful.

Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.

Available from Cumberland County Soil and Water Conservation District, 35 Main Street, Windham, Maine 04062 (892-4700), or on the DEP website at <http://www.maine.gov/dep/land/erosion/escbmps/index.html>

Natural Resources Protection Act (NRPA), 38 M.R.S.A. §§ 480-A et. seq. Available from any DEP office or on the DEP website at <http://www.maine.gov/dep/land/laws/index.html>

Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development (Revised March 2016). Available on the DEP website at <http://www.maine.gov/dep/land/stormwater/stormwaterbmps/index.html>

Rules Concerning Processing of Applications, 06-096 CMR 2. Available from any DEP office or on the DEP website at <http://www.maine.gov/dep/bep/information.html>. These rules include requirements for notice, "title, right or interest", public access to information, hearings and other subjects.

Stormwater Management for Maine: Best Management Practices (March, 2016). Available on the DEP website at <http://www.maine.gov/dep/land/stormwater/stormwaterbmps/>

Stormwater Management Law, 38 M.R.S.A. §420-D. Available on the Maine Legislature's web site at www.mainelegislature.org/legis/statutes/38/title38sec420-D.html

Stormwater Management Rules. Chapters 500, 501, and 502. Available from any DEP office or on the DEP's website at <http://www.maine.gov/dep/land/rules/index.html>

Maine General Permit-Construction Activity. Maine Pollutant Discharge Elimination System (MPDES). Available from any DEP office or on the DEP website at <http://www.maine.gov/dep/land/stormwater/construction.html>

D. The application. The application submitted to the department should include completed forms (see Section 2 for blank forms), and applicable submissions described in Section 3 of this publication. The submissions necessary to

demonstrate that the standards will be met may vary depending upon the applicable standards, project location, site conditions, and project design, including proposed BMPs. In addition, if the applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing. Any questions concerning which submission requirements apply can be addressed as part of the pre-application meeting.

- (1) Organization. Organize the application in the following manner:
 - (a) Place completed copies of the forms, on pages 9-14, at the front of the application. Also, include information demonstrating that the applicant has sufficient title, right or interest in all of the property proposed for use, such as a copy of the deed, a lease, an easement, an option to buy, or a statement concerning the ability and intent to use eminent domain.
 - (b) Organize the submissions in the order followed in Section 3 of this publication. Divide the subsections with tabs.
 - (c) Provide two (2) copies of the application and any attachments to the department. **Provide one additional copy if proposing to use infiltration.** Other additional copies may be required by the project manager later.
- (2) Combining figures. Plans, drawings and maps may be combined as long as all details are clearly shown. Adhere to the following specifications, unless variations are specifically approved prior to submission of the application:
 - (a) Sheet size 24" X 36"
 - (b) Use a scale of 1" = 100';
 - (c) Maximum vertical exaggeration of 5X; and
 - (d) **Folded individually** to fit 8 ½" by 11" folders for ease in filing.
- (3) Professional assistance. Professional assistance may be necessary to satisfactorily complete the application requirements. Plans, drawings and maps must be prepared by appropriate professionals. All work performed by a professional engineer or other licensed professional must be dated, stamped, and signed by the professional. A "certified geologist" or "certified soil scientist", is a professional licensed pursuant to 32 M.R.S.A. §§ 4901 et.seq. A "registered engineer" is a professional licensed pursuant to 32 M.R.S.A. §§ 1351 et.seq. A "licensed site evaluator" is a professional licensed under authority established by 22 M.R.S.A. § 42(3-A).
- (4) Keep a copy. Retain a copy of the application, as filed with the department, in order to facilitate communications with the department's staff during the review process.
- (5) Fees. Attach the appropriate application fee to the application. All fees must be paid at the time the application is submitted to the department. Checks should be made payable to: Treasurer, State of Maine. The fee schedule is updated every November 1 and can be found on the DEP web site at <http://www.maine.gov/dep>

- (6) Location. Send the application to the office serving the town where the project is located, except that projects in the area served by the Northern Maine Regional Office should be sent to the Eastern Maine Regional Office in Bangor.
- (7) Timing. Submit the application sufficiently in advance of the date of construction to allow time for review. Projects incorporating solely vegetative stormwater management methods have a statutory maximum timeframe of *45 calendar days from the date an application is accepted for processing*. Projects incorporating structural methods of stormwater management have a statutory maximum timeframe of *90 calendar days from the date an application is accepted for processing* See 38 M.R.S.A. § 420-D (2). The review period begins when an application is determined to be complete and acceptable for processing. Keep in mind that, as provided in the Stormwater Rules and the department's administrative statutes, certain activities may allow the review time to be extended if additional time is needed.

E. Processing.

- (1) Acceptance review. Upon submission and payment of all applicable fees, the application is assigned a project number and given to a project manager. Within 15 business days, the project manager will determine if the application is complete and acceptable for processing. Once this review is complete,
 - (a) The applicant will receive a letter, including the application number, the project manager's name, and the deadline for processing of the application, stating that the application is acceptable for processing; or
 - (b) The application will be returned with a letter stating that the application is not acceptable for processing as filed and identifying deficiencies in the application.
- (2) Application review. The project manager makes a recommendation for final action based upon his or her review of the application, including knowledge gained from any comments received, and any site visit. Additional information may be requested. "Acceptance of an application as complete for review does not constitute a determination by the department on the sufficiency of that information and does not preclude the department from requesting additional information during processing."
38 M.R.S.A. §344 (in part).
- (3) Correspondence and questions. Correspondence and questions concerning the application should be directed to the project manager. The assigned application number should be included in all correspondence.

F. Final action and appeal. Depending on the nature of the project, a final decision on the application may be made either by the Commissioner or by the Board of Environmental Protection. A draft copy of the Findings of Fact and Order is made available, upon request, for review by all interested parties at least 5 working days prior to final action by the Commissioner, or 15 working days prior to final action by the Board. Persons aggrieved by a decision may appeal the decision within 30 days following final action.

If an application is approved, a permit is issued and sent to the applicant. The applicant must become familiar with any conditions placed on the approved project. Failure to comply with conditions of approval may lead to action by department enforcement staff, including fines and revocation of the permit.

Section 2. Forms

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

August 2024

Stormwater Pre-Application Form

(for all Stormwater Management Law projects requiring full permits under Chapter 500 and for the stormwater component of Site Location of Development projects. Pre-application meetings will not be scheduled until the Department has received this form and required attachments. If you have questions about the required attachments, please discuss them with the licensing Coordinator in Augusta or Portland).

Name of project: _____

Name of applicant: _____

Project location (town) _____ Size of Parcel: _____

Watershed: _____ Phosphorus plan required: Yes ___ No _____

Square feet/acres of proposed new impervious area and developed area: _____

Square feet/acres of proposed new developed area: _____

Prior/ Current permit? Yes ___ No ___ If yes, DEP permit #: _____

Redevelopment? Yes ___ No _____

Existing square feet/acres of impervious area created prior to 11-16-05: _____

Existing square feet/acres of impervious area created after 11-16-05 _____

Describe existing development and when it was constructed:

Description of proposed project: _____

If **infiltration** of stormwater is being considered, please check here _____ and include as much information as possible related to depth to seasonal high groundwater and bedrock.

Impacts to Protected Natural Resources or Significant Wildlife Habitat? _____ If yes, please

explain: _____

Submit the following information with the pre-application form for all projects:

- Site layout and topography with two-foot contour lines
- Subwatershed maps
- Streams, wetlands, and other waterbodies with identified setbacks
- Land cover types
- Proposed BMP's and approximate locations
- On-site soil types

Please submit two copies of this form and all attachments.

Application Form Instructions

Block 1. Name of applicant. Write in the name of the landowner or 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. If applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.

Block 2. Applicant's full mailing address. Copies of all correspondence will be mailed to this address.

Block 3. Applicant's daytime phone number, including the area code. This should be a number where the applicant may usually be reached during normal office hours. If the applicant is not available during normal office hours, it may be helpful to have an agent. (see Block 5).

Block 4. Applicant's E-mail Address. Please list E-mail Address, if available, in order for the license to be e-mailed to the applicant. Without an E-mail Address, the license will be sent via regular mail and will not be received as quickly.

Block 5. Name of agent. If the applicant chooses to have an agent, please provide the name of the person chosen to represent the applicant in the application process 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 retained, do not fill in Blocks 5, 6, 7, and 8.

Block 6. Agent's full mailing address. All original correspondence will be sent to this address.

Block 7. Agent's daytime phone #. Write in the telephone number where the agent can be reached during normal office hours. If the DEP has any questions about the application, they will use this number. Quick answers can help minimize delays in the application process.

Block 8. Agent's E-mail Address. If available, in order for the license to be e-mailed to the applicant. Without an E-mail Address, the license will be sent via regular mail and will not be received as quickly.

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

Block 10. Town. Write in the name of the town or city where the project site is located. This may be different from the applicant's mailing address.

Block 11. County. Write in the name of the county where the activity site is located.

Block 12. Type of direct watershed. Check the box next to the type direct watershed of the project. If more than one watershed is affected, please check all that apply.

Block 13. Amount of disturbed area. Write in the amount of disturbed area in acres that will result from project construction. This includes all land areas that are stripped, graded, grubbed, filled, or excavated during site preparation or construction. (See Chapter 500, Section 3(F))

Block 14. Amount of developed area. Write in the amount of developed area in acres that will be created by the project. Developed area is “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.” (See Chapter 500, Section 3(D))

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.

Block 16. Applicable standards. Check the box next to the stormwater standards that the project is required to meet. Check all standards that apply.

Block 17. Type of stormwater control. Indicate whether stormwater management for the project will include vegetative controls or structural controls. Check all that apply.

Block 18. Exceptions &/ or waivers requested. Indicate whether an exception and/or waiver to an applicable standard are being requested as part of the application. Check all that apply.

Block 19. Proposed Start Date and brief project description. Enter proposed start date and, in several sentences, describe the project. A more detailed narrative may be provided and labeled “Block 19.”

Block 20. Size of lot or parcel. Indicate the total area of the parcel on which the project is located in either square feet or acres.

Block 21. Title, right or interest. Check whether you own, lease, have an option to buy, or have a written agreement to use the property. Please attach a copy of your deed, or other legal documents establishing title, right, or interest in that site and label it as “Block 20.”

Block 22. Deed Reference Numbers. Write in the deed reference numbers showing book and page. This information may be obtained at the Registry of Deeds in the County where the project is located.

Block 23. DEP staff previously contacted. Write in the name(s) of any DEP staff that is familiar with the project or project site. Include staff that have visited the site and/ or have discussed the proposed activity in detail with you during any pre-application meetings.

Block 24. Tax Map# and Tax Lot #. Write in the town tax map number(s) and lot number(s) for the property where the activity is located. 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. Project started prior to application? Check yes or no regarding whether any part of the project, including land clearing has been started before that application was submitted to the department.

Block 26. Resubmission. If an application was submitted to the DEP and was then either withdrawn by the applicant or returned as deficient by the DEP, check yes. If the application was returned as deficient, a pre-submission meeting is required to ensure that the information is complete. Call the appropriate regional office to set up a pre-submission meeting with the project manager. If you checked yes on Block 25, write the original application number and the name of the project manager as shown on the deficiency letter.
(Example application number: L-19054-L6-A-N)

Block 27. 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 28. 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 29 and 30. Submissions. This block outlines what attachments to the application form are required. This is a summary of application requirements. For a more specific list of submissions, see the Submissions Checklist provided as Section 2, Form E of this application packet. ***IF AT LEAST TWO COPIES OF ALL APPROPRIATE ATTACHMENTS ARE NOT INCLUDED, THE APPLICATION WILL BE RETURNED.***

Block 31. Fees. Write in the amount of application fees enclosed with the application (see **current** Licensing Fee Schedule located on the DEP website) (<http://www.maine.gov/dep/feesched.pdf>). Make check payable to “Treasurer, State of Maine.”

Does the agent have an ownership interest in the project? If yes, attach sheet to explain.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND RESOURCES

FOR DEP USE
L- _____
ATS# _____
FEES PAID _____
DATE RECEIVED _____

Stormwater Application Form

PLEASE TYPE OR PRINT IN INK

This application is for (Check the one that applies):		<input type="checkbox"/> New application		<input type="checkbox"/> Amendment	
1. Name of Applicant:		5. Name of Agent:			
2. Applicant's Mailing Address:		6. Agent's Mailing Address:			
3. Applicant's Phone #:		7. Agent's Phone #:			
4. Email address (REQUIRED-license will be sent via email):		8. E-mail address (REQUIRED-license will be sent via email)			
9. Location of Project: (Road, Street, Rt.#)		10. Town:			
		11. County:			
12. Type of Direct Watershed: (Check all that apply)	<input type="checkbox"/> Lake not most at risk	13. Amount of Disturbed Area:	Total Amt.= _____ acres		
	<input type="checkbox"/> Lake most at risk	14. Amount of Developed Area:	<input type="checkbox"/> 1 or more acres, but less than 5 acres		
	<input type="checkbox"/> Lake most at risk, severely blooming		<input type="checkbox"/> 5 acres or more		
<input type="checkbox"/> River, stream or brook	15. Amount of Impervious Area:	Total Amt.= _____ acres			
<input type="checkbox"/> Urban impaired stream		<input type="checkbox"/> less than 20,000 sq. ft.			
<input type="checkbox"/> Freshwater wetland		<input type="checkbox"/> 20,000 sq. ft. to 1 acre			
<input type="checkbox"/> Coastal wetland		<input type="checkbox"/> 1 to 3 acres			
<input type="checkbox"/> Wellhead of public water supply		<input type="checkbox"/> 3 or more acres			
	Total Amount of Impervious Acres =				
16. Applicable Standards: (Check all that apply)	<input type="checkbox"/> Stormwater PBR	17. Type of Stormwater Control:	<input type="checkbox"/> Vegetative (e.g. buffers)		
	<input type="checkbox"/> Basic standards		<input type="checkbox"/> Structural (e.g. underdrained filters, ponds, infiltration structures)		
<input type="checkbox"/> General standards: BMP					
<input type="checkbox"/> General standards: phosphorus					
<input type="checkbox"/> Flooding standard					
<input type="checkbox"/> Urban impaired stream standards					
<input type="checkbox"/> Other: _____					
18. Exceptions &/or Waivers Requested:	BMP Standards ▼		Urban impaired stream standard ▼		Flooding Standard ▼
	<input type="checkbox"/> Pretreatment measures		<input type="checkbox"/> Developed area not landscaped or impervious		<input type="checkbox"/> Discharge to ocean/major river segment
	<input type="checkbox"/> Discharge to ocean/major river segment		<input type="checkbox"/> Redevelopment		<input type="checkbox"/> Insignificant increase in peak flow
	<input type="checkbox"/> Linear portion of project				
	<input type="checkbox"/> Utility corridor				
	<input type="checkbox"/> Redevelopment				
19. Proposed Start Date and Brief Project Description:					
20. Size of Lot or Parcel:	<input type="checkbox"/> _____ sq. ft., or	<input type="checkbox"/> _____ acres	UTM Easting:		UTM Northing:
21. Title, Right or Interest:	<input type="checkbox"/> own				
	<input type="checkbox"/> lease				
	<input type="checkbox"/> purchase option				
	<input type="checkbox"/> written agreement				
22. Deed Reference Numbers:	Book#:	Page:	24. Map and Lot Numbers:	Map #:	Lot #:
23. DEP Staff Previously Contacted:			25. Project started prior to application?	<input type="checkbox"/> Yes	Completed?
				<input type="checkbox"/> No	
				<input type="checkbox"/> No	<input type="checkbox"/> No

SIGNATURES / CERTIFICATIONS ON PAGE 2

26. Resubmission of Application?	<input type="checkbox"/> Yes → <input type="checkbox"/> No	If yes, previous application #	Previous project manager:
27. Written Notice of Violation?	<input type="checkbox"/> Yes → <input type="checkbox"/> No	If yes, name of DEP enforcement staff involved:	
28. Detailed Directions to the Project Site:			
29. Stormwater Permit by Rule Submissions ▼		30. Stormwater Application Submissions ▼	
<input type="checkbox"/> This form (including signature page) <input type="checkbox"/> Fee <input type="checkbox"/> Topographic Map <input type="checkbox"/> Plan or Drawing <input type="checkbox"/> Photos of Area		<input type="checkbox"/> This form (including signature page) <input type="checkbox"/> Fee <input type="checkbox"/> Proof of title, right or interest <input type="checkbox"/> Certificate of good standing (if applicable) <input type="checkbox"/> Photos of Area <input type="checkbox"/> Copy of Public Notice <input type="checkbox"/> Professional & Notice Certification <input type="checkbox"/> Basic standards submissions <input type="checkbox"/> General standards submissions <input type="checkbox"/> Flooding standard submissions <input type="checkbox"/> Other standard submissions <input type="checkbox"/> Compensation Fee (if required)	
31. FEES, Amount Enclosed:			
Does the agent have an interest in the project? If yes, what is the interest?: <input type="checkbox"/> Yes → <input type="checkbox"/> No			

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following:

CERTIFICATIONS/ SIGNATURES

<p>"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. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.</p> <p>Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by E-mailing the decision to the electronic address located on the front page of this application (see #4 for the applicant and #9 for the agent."</p> <p>Signed: _____ Title _____ Date: _____</p>	
<p>Notice of Intent to Comply with Maine Construction General Permit</p>	<p>With this Stormwater Law application form and my signature below, I am filing notice of my intent to carry out work which meets the requirements of the Maine Construction General Permit (MCGP). I have read and will comply with all of the MCGP standards.</p> <p>Signed _____ Date: _____</p>

NOTE: If a Notice of Intent is required, you must file a Notice of Termination (attached as Form G) within 20 days of completing permanent stabilization of the project site.

ADDITIONAL SIGNATURES/CERTIFICATIONS

The person responsible for preparing this application and/or attaching pertinent site and design information hereto, by signing below, certifies that the application for stormwater approval is complete and accurate to the best of his/her knowledge.

Signature: _____

Name (print): _____

Date: _____

Re/Cert/Lic No: _____

Engineer _____

Geologist _____

Soil Scientist _____

Land Surveyor _____

Site Evaluator _____

Active Member of the Maine Bar _____

Professional Landscape Architect _____

Public Notice: Notice of Intent to File

Please take notice that

(Name, Address and Phone # of Applicant)

is intending to file a Stormwater Law permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. § 420-D on or about

(anticipated filing date)

This application is for

(description of the project)

at the following location _____
(project location)

A request for a public hearing must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State’s consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable).

The application will be filed for public inspection at the Department of Environmental Protection’s office in (*Portland, Augusta or Bangor*) (circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in _____, Maine.

(town)

Written public comments may be sent to the regional office in Portland, Augusta, or Bangor where the application is filed for public inspection.

MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333
MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103
MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

Public Notice Filing and Certification

The DEP Rules, Chapter 2, require an applicant to provide public notice for all Stormwater Law projects with the exception of minor revisions and condition compliance applications. In the notice, the applicant must describe the proposed activity and where it is located. “**Abutter**” for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. 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.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

ATTACH a list of then names and addresses of the owners of abutting property.

CERTIFICATION

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

1. A notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application.
3. A certified 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; and
4. Provided notice of, if required, and held a public informational meeting in accordance with Chapter 2. Rules Concerning the Processing of Applications, Section 14, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on _____.

Date

Approximately _____ members of the public attended the Public Informational Meeting.

Signature of Applicant or authorized agent

Date

Fee Worksheet

Use this form to help determine the permit fee. The fee is based upon the amount of disturbed area associated with the project. **THE EXAMPLE BELOW IS NOT BASED ON CURRENT FEES.** To determine current stormwater licensing fees, please visit the Department’s website at: <http://www.maine.gov/dep/permits/>

NOTE: Ditches, swales, ditch turn-outs, level spreaders, and similar Best Management Practices (BMPs) used solely to convey or discharge water to a vegetated buffer are not considered, by themselves, to constitute structural BMPs, provided that the applicant assumes that all water quality treatment takes place in the buffer. If any treatment is assumed within the BMPs used to convey water to the buffer, they are treated as structural BMPs for the purposes of determining the applicable fee (and review period). “Disturbed area” and “impervious area” are defined in Chapter 500, Section 2(F) and (L).

Example (a): If solely vegetative control measures are used (e.g. buffers), using an example fee of \$250.00* for up to one acre of disturbed area, plus \$125.00† for each additional whole acre of disturbed area, the total fee is calculated as shown below.

Project will create 2.34 acres of disturbed area.
 Fee = \$250.00+ [\$125.00 x (1)] = \$375.00

Your fee:

Current fee from fee schedule plus_ [1/2 current fee times # additional whole acres] equals application fee
 \$_____ + [\$_____ X (____)] = \$_____

Example (b): If any structural control measures are used (e.g. underdrained filters, ponds, infiltration systems), using an example fee of \$500.00 for up to one acre of disturbed area, plus \$250.00 for each additional whole acre of disturbed area, the total fee is calculated as shown below.

Project will create 2.34 acres of disturbed area.
 Fee = \$500.00 + [\$250.00 x (1)]. Fee = \$750.00.

Your fee:

Current fee from fee schedule plus_ [1/2 current fee times # additional whole acres] equals application fee
 \$_____ + [\$_____ X (____)] = \$_____

* The total fee for the first acre of disturbed area is obtained by combining the processing and licensing fees contained in the current fee schedule.

† The fee for each additional whole acre of disturbed area is one-half the combined processing and licensing fee.

Submittal Checklist

Submissions for all stormwater projects, as applicable, except stormwater PBR:

- Completed application form with signatures
- Fee worksheet & fee
- Professional & notice certification
- Notice of intent to file
- Proof of title, right, or interest
- Certificate of Good Standing (corporations only)
- Photos of the project site

Basic standards submissions:

- Erosion and sedimentation control plan
 - Location plan
 - Site details
- Inspection and maintenance plan
 - List of measures
 - Inspection & maintenance tasks
 - Task frequency
 - Responsible parties
 - Maintenance plans
- Housekeeping plan

General standards submissions:

- Narrative
- Drainage plans
- Calculations
 - Water volume
 - Buffer sizing
- Details, designs, and specification
 - Ponds
 - Underdrained vegetated filters
 - Infiltration systems
 - Buffers
- Phosphorus export calculations
- Maintenance contract

Flooding standard submissions:

- Control of peak flows
- Details, designs, and specifications

Certification-Stormwater Management Law

(To be completed and sent to the DEP after the contractor and any subcontractors have been shown a copy of the approval with conditions by the developer, and the owner and each contractor and subcontractor have certified, on this form provided by the department, that the approval and conditions have been received and read, and the work will be carried out in accordance with the approval and conditions.)

Name of Applicant: _____

Town where project located: _____ **Type of Project:** _____

Permit Number _____

Work done by a contractor or subcontractor pursuant to an approval under the Stormwater Management Law may not begin before the contractor and any subcontractors have been shown a copy of the approval with conditions by the developer, and the owner and each contractor and subcontractor have certified, on this form provided by the department, that the approval and conditions have been received and read, and the work will be carried out in accordance with the approval and conditions. Completed certifications forms must be forwarded to the department. See 06-096 CMR 500(9)(A)(7).

This certification form must be completed and mailed to the Regional Licensing Manager at the appropriate regional office prior to start of construction. Separate forms may be submitted for each person, or persons may be listed on a single form. List the name, address, phone number, of each person signing the form.

I certify that I have personally received and read the approval and conditions described below, and that the work will be carried out in accordance with the approval and conditions.

Owner (Applicant) Name (typed or printed), address, and phone number:	
Signature:	

Contractor Name (typed or printed), address, and phone number:	
Signature:	

Subcontractor Name (typed or printed), address, and phone number:	
Signature:	

Notice of Termination

For use with CONSTRUCTION GENERAL PERMIT

Please type or print in **BLACK INK ONLY**

Name of Applicant (Owner):		Applicant Mailing Address:	
Town/City:		State:	
Daytime phone: with area code)		E-Mail, if available	
Name of Agent:		Agent Phone #:	
Project Location: (Town/City):		UTM Northing: (if known)	
Map #		Lot #	
Name of waterbody(ies) to which the disturbed area drains, or name of municipality if area drains to an MS4:		County:	
Name/description of project		Permit number (if Known):	
		UTM Easting: (if known)	

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 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 Department of Environmental Protection to access the project site for the purpose of determining compliance with the general permit.

Signature of Applicant:		Date:	
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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

Soil and Water Conservation District Optional Review

Date: _____

Applicant’s name: _____

Address: _____

Project name: _____

Project location: _____

As part of my DEP application, pursuant to the Site Location of Development Law (Site Law) 38 M.R.S.A. § § 481-490, I request that the Conservation District indicated below review (a) Erosion and Sedimentation Control submissions and (b) Stormwater Management submissions. I will enter into an agreement with the District for their review services.

Check one:

_____ Androscoggin Valley SWCD

_____ Cumberland County SWCD

_____ Oxford County SWCD

_____ York County SWCD

Signature of Applicant

Section 3. Submissions

The applicant shall use the application form provided by the department and include evidence that affirmatively demonstrates that the standards will be met, including information such as described in this section.

A. Design requirements. A design for a stormwater management system that includes any form of conveyance structure must be prepared under the supervision of, and dated, signed and sealed by, a professional engineer registered in the State of Maine, or a landscape architect licensed in the State of Maine, who by education, training, or experience is knowledgeable in stormwater management. Soil test data must be provided by a certified soil scientist, unless otherwise approved by the Department.

B. Basic standards submissions. Each project is required to meet the basic standards (Chapter 500, Section 4(B) of the Stormwater Management Rules. These submissions are required for all sites except those that qualify for stormwater PBR. An erosion and sedimentation control plan or an inspection and maintenance plan for a project that does not qualify for a stormwater PBR must be prepared by a professional engineer registered in the State of Maine, landscape architect licensed in the State of Maine, or a Certified Professional in Erosion and Sedimentation Control.

(1) Erosion and sedimentation control plan. Submit a plan showing designs for temporary and permanent stabilization measures for all disturbed areas within the project site and for all proposed stormwater management structures. See Appendix A of Chapter 500 for guidance on preparing an erosion and sedimentation control plan. At a minimum, the erosion and sedimentation control plan must include the following:

(a) Location plan. Submit a plan sheet or set of plans showing, at a minimum, the location of structures, disturbed land, pre-construction site topography, post-construction site topography, on-site or adjacent water resources, and all erosion and sediment control measures.

(b) Site details. Submit a plan sheet showing the following:

(i) Erosion and sedimentation control notes. Erosion and sedimentation control notes, must include, but not limited to, permanent stabilization measures, seeding and mulching rates, and a construction schedule with the proposed construction dates and timeframe for major earth moving and construction events.

(ii) Construction and installation details. Construction and installation details for erosion and sedimentation control measure must include, but are not limited to, sedimentation barriers, ditch lining, rip rap, and culvert inlet and outlet designs.

NOTE: For guidance, see the Maine Erosion and Sediment Control BMP Manual.

(2) Inspection and maintenance plan. Submit a plan for the inspection and maintenance of the temporary and permanent erosion and sedimentation controls for the project site as described in Appendices A and B of Chapter 500. At a minimum, the inspection and maintenance plan must include the following:

- (a) List of measures. Submit a list of the erosion control measure and stormwater management measures to be inspected and maintained (e.g., “parking lot catch basins”)
- (b) Inspection and maintenance tasks. Submit a list of inspection and maintenance tasks specific to each erosion control measure or stormwater management measure (e.g., “remove accumulated sediments in basin sumps”). Submit the specific qualifications of the person performing each task (e.g., “a professional engineer registered in the State of Maine will inspect the retention pond embankment”).
- (c) Task frequency. Indicate the required frequency of each inspection and maintenance task (e.g., “accumulated sediments will be removed from all catch basins annually in early spring”).
- (d) Responsible parties. Submit the name, job title, employer, employer address, phone number, and current E-mail contact information for the person responsible for ensuring that inspection and maintenance tasks are completed. Submit the names, job titles, employer addresses, phone number, and any current email contact information of the engineers or other design professionals who designed the erosion control measures and stormwater management measures for the site. Include suppliers of proprietary erosion control measures or proprietary stormwater management measures used on the site.
- (e) Maintenance plan for detention basins or retention ponds. For each stormwater management pond or basin submit, at a minimum, an inspection and maintenance plan for the pond’s embankments, outlet structure, and emergency spillway. Include as part of this plan provisions for the removal and disposal of accumulated sediments in the pond and the control of woody vegetation on the pond’s embankments.
- (f) Maintenance plan for infiltration structures. For each infiltration structure, submit, at a minimum, an inspection and maintenance plan for the structure’s pretreatment measures, embankments, surface lining, and overflow spillway. Include as part of this plan provisions for the removal and disposal of accumulated sediments in the structure and for the rehabilitation of clogged surface linings.
- (g) Maintenance plan for vegetated underdrained filters. For each vegetated underdrained filter, submit, at a minimum, an inspection and maintenance plan for the filter embankments, surface lining, underdrain piping, and overflow spillway. Include as part of this plan provisions for the removal and disposal of accumulated sediments in the structure, the rehabilitation of clogged surface linings, and the flushing of underdrain piping.
- (h) Maintenance plan for stormwater buffers. At a minimum, submit a plan for inspecting and maintaining the integrity and function of the project’s stormwater buffers. As part of this plan, include provisions for the inspection, maintenance, and, if necessary, reconstruction of any level spreaders or ditch turnouts used to spread runoff into the buffers. Include as part of this plan provisions for the frequent removal and disposal of accumulated sediments and debris in the level spreader and turnout bays, provisions for the inspection and repair of any eroded areas within the buffer, and the provisions for the reestablishment of buffer vegetation destroyed by post-construction activities.

- (i) Maintenance plan for manufactured stormwater treatment systems. For each manufactured system installed on the site, submit an inspection and maintenance plan for the system's inlet, treatment chamber(s) and outlet. The plan shall conform to the inspection and maintenance guidelines recommended by the manufacturer based on the estimated runoff and pollutant load expected to the system from the project. As part of this plan, include provisions for the frequent removal of accumulated sediments, debris, and contaminated waters from the system and, if applicable, provisions for the removal, disposal, and replacement of any clogged or spent filter media.
 - (j) Maintenance plan for ditches, culverts, and storm drains. Provide an inspection and maintenance plan for all stormwater conveyances to be built or installed on the site- including, but not limited to, ditches, swales, culverts, catch basins, and storm drain piping. As part of this plan, include provisions for the repair of eroded areas at the inlet, within, and at the outlet of each conveyance and include provisions for the frequent removal and disposal of accumulated sediments and debris at the inlet, within, and at the outlet of each conveyance.
- (3) Housekeeping. Submit a plan to address spill prevention, groundwater protection, fugitive sediment and dust, debris and other materials, trench or foundation de-watering, or non-stormwater charges, as applicable to the specific site. Housekeeping requirements are described in Appendix C of Chapter 500.

C. General and phosphorus standards submissions. In addition to the basic standards submissions, a project required to meet general standards or phosphorus standard must provide the following information and design specifications.

- (1) Narrative. A narrative describing site layout, and on-site and off-site watershed hydrology, including all new and existing buildings and facilities, which may be affected by the site runoff. Provide the total amount of impervious area, disturbed area, and developed area created by the project.
- (2) Drainage Plans. All topographic features, such as buildings and other facilities, drainageways, cover type, roads, drainage easements and subcatchment boundaries for pre-construction and post-construction conditions must be shown on a plan. Show all hydrologic flow lines and hydrologic soil groups boundaries on a plan and identify each subcatchment, reach, and pond consistent with the runoff model. For post-construction conditions, show all new stormwater management structures and changes to the hydrologic drainage patterns.
- (3) Calculations. The stormwater runoff calculations for measures designed to meet general standards or phosphorus standard must be in accordance with acceptable engineering practice, including the following:
 - (a) Water volume. Calculations used to determine the water volume needed to be filtered, infiltrated, or detained based on the proposed site development must be provided.
 - (b) Buffer sizing. Buffers used for runoff control must be sized according to requirements described in Appendix F of Chapter 500.
 - (c) Calculation table and subcatchment plan. A table must be provided to show the sizing required and provided for each subcatchment area and treatment measure. A water quality plan must clearly show each treatment measure and subcatchment.

- (4) Submit a detailed log of at least one excavation or boring in the area of each proposed treatment measure. These excavations must extend to a depth of at least three feet below the lowest component (not lowest finished elevation) of the proposed structure and logs must include detailed information describing soil and overburden stratification, composition, texture, and other relevant characteristics, and elevation of seasonal high groundwater and bedrock, if encountered.
- (5) Details, designs, and specifications. Submit designs, construction details, and technical specifications for each stormwater management measure that will be constructed, installed, or managed on the site.
- (a) Wet Ponds. Submit a site plan and detail sheets having the following details and specifications for each stormwater management pond: a topographic plan view of the pond, a cross section of the pond embankment, a cross section and profile of the overflow spillway, soil test data, and specifications for constructing and stabilizing the pond's embankment. The peak storage depth required to meet the general standards must be shown on a cross section for each pond embankment. Submit a cross section of the gravel underdrain used to meet the standards. This cross section must specify the width and elevation of the pond bench, the thickness and gradation for the gravel drainage fill, and the diameter and material for the perforated underdrain pipe.
- (b) Vegetated soil filters. Submit a site plan and detail sheets having the following details and specifications for each vegetated soil filter bed: soil test data, a plan view of the filter area, a cross section of the embankment for the filter area at the overflow spillway, a cross section and profile of the overflow spillway, a cross section of the underdrain filter, the thickness and composition of the soil filter media, the thickness and gradation of the gravel drainage fill, the layout for the perforated underdrain pipe and the stabilization of the filter bed.
- (c) Infiltration. Submit a site plan and detail sheets having the following details and specifications for each infiltration measure: soil test data, a plan view of the infiltration structure, a cross section of the infiltration measure's runoff storage area, a cross section and profile of the structure's overflow spillway, and details and specifications for permanently stabilizing the infiltration area. The following information must be included, if required, as described below:
- (i) Locations of any monitoring wells necessary for assessing the infiltration measure's performance or stormwater infiltration impacts on groundwater, surface irrigation sites, or subsurface wastewater disposal systems must be shown on the site plan.
- (ii) Location of an existing or proposed surface irrigation site, waste disposal site, subsurface wastewater disposal system, or other facility that could be impacted by operation of the infiltration system must be shown on the site plan.
- (iii) Location of any soil borings, test pits, or other explorations used to determine depth to groundwater, separation from bedrock, or other design information must be shown on the site plan.
- (iv) Location of any water supply wells on-site or within 300 feet of the infiltration areas, zones of contribution for public water supply wells must be shown on the plan sheet.

- (v) Location of storage for any petroleum products, pesticides, fertilizers, road salt, hazardous materials, or other materials with the potential to contaminate groundwater must be shown on the site plan.
 - (vi) Plans for management of any potential contaminants and soil sample analyses, such as a spill prevention, control, and countermeasure plan, must be submitted with appropriate supporting information.
 - (vii) Depth to the seasonal high groundwater table, depth to bedrock, and the thickness and composition of any liner used for restricting infiltration rates must be shown on the cross section view of the infiltration structure.
- (d) **Buffers.** Submit a topographic site plan showing the location of each buffer on the site, showing the layout of any berm level spreaders used to spread flows into each buffer, soil test data, and cover type within each buffer, and showing the land use and impervious and developed area draining to each buffer area. Provide a typical cross section for the berm level spreaders showing the geometry of the berm, the geometry of the upstream storage area, and the specifications for the berm material. Submit information demonstrating that the in-slope fill material will have slopes no steeper than 3:1. Submit documentation, in the form of draft covenants and restrictions, demonstrating that buffer area(s) will be maintained as buffer.
- (6) **Phosphorus export calculations.** An application for a project using the phosphorus standards must include phosphorus export calculations.

Note: For guidance in determining phosphorus export see “Phosphorus Control in Lake Watersheds”, Maine Department of Environmental Protection.

- (7) **Maintenance contract.** Submit evidence demonstrating the ability to carry out inspection and maintenance of all stormwater treatment system structures, including any proprietary devices, or a signed contract with a qualified third-party to carry out inspection and maintenance requirements in accordance with plan requirements in Appendix B of this Chapter.

D. Flooding standard submissions.

- (1) **Control of peak flows.** If a project must meet the flooding standard, the project must be designed to control the peak flows from the 2-, 10- and 25-year, 24-hour storms.
- (2) **Details, designs, and specifications.** The applicant must provide runoff curve number computations and time of concentration calculations for each subcatchment. Areas may qualify as subcatchments based on the characteristics of the site or the model used. The Department will review all methods of determining subcatchments on a case-by-case basis. The applicant must provide a reach description and reach routing analysis for each drainage structure and provide pond descriptions and storage routing calculation for any stormwater management structure, detention pond and culvert backwater areas. A natural or man-made waterbody is not considered an impervious area, but is treated as an immediate runoff surface in curve number calculations.

Acceptable stormwater methodologies and models include, but are not limited to, “TR-20-Computer Program for Project Formulation-Hydrology,” Second Edition, U.S. Department of Agriculture, Soil Conservation Service (March 1986); and “TR-55- Urban Hydrology for Small Watersheds,” Second Edition, U.S. Department of Agriculture, Soil Conservation Service (June 1986); “Win TR-55 2003.00.24 Microcomputer Program,” (January 12, 2003); and “HEC-HMS Flood Hydrology Package,” U.S. Army Corps of Engineers (January 2001). Any methodology or model other than those listed must have prior approval from the Department.

- E. Submissions for other applicable standards.** See Chapter 500, Section 4(E), for submittal requirements for projects subject to the urban impaired stream standard. See Sections 4(G), 4(H), 4(I), and 4(J) for guidance on submittals that may be required if the project must meet other applicable standards of the Stormwater Law.

Section 4. Draft Deed Restriction Language for Buffers

A. Forested buffer, limited disturbance

DECLARATION OF RESTRICTIONS (Forested Buffer, Limited Disturbance)

THIS DECLARATION OF RESTRICTIONS is made this _____ day of _____, 20 ____, by _____,

(name) (street address)

_____, _____ County, Maine, _____, (herein referred to as
(city or town) (county) (zip code)

the "Declarant"), pursuant to a permit received from the Maine Department of Environmental Protection under the Stormwater Management Law, to preserve a buffer area on a parcel of land near

_____, _____.
(road name) (known feature and/or town)

WHEREAS, the Declarant holds title to certain real property situated in _____, Maine
(town)

described in a deed from _____ to _____ dated
(name) (name of Declarant)

_____, 20 ____, and recorded in Book ____ Page ____ at a _____ County Registry of Deeds, herein referred to as the "property"; and

WHEREAS, Declarant desires to place certain restrictions, under the terms and conditions herein, over a portion of said real property (hereinafter referred to as the "Restricted Buffer") described as follows:
(Note: Insert description of restricted buffer area location here)

WHEREAS, pursuant to the Stormwater Management Law, 38 M.R.S.A. Section 420-D and Chapter 500 of rules promulgated by the Maine Board of Environmental Protection ("Stormwater Management Rules"), Declarant has agreed to impose certain restrictions on the Restricted Buffer Area as more particularly set forth herein and has agreed that these restrictions may be enforced by the Maine Department of Environmental Protection or any successor (hereinafter the "MDEP")

NOW, THEREFORE, the Declarant hereby declares that the Restricted Buffer Area is and shall forever be held, transferred, sold, conveyed, occupied and maintained subject to the conditions and restrictions set forth herein. The Restrictions shall run with the Restricted Buffer Area and shall be binding on all parties having any right, title or interest in and to the Restricted Buffer Area, or any portion thereof, and their heirs, personal representatives, successors, and assigns. Any present or future owner or occupant of the Restricted Buffer Area or any portion thereof, by the acceptance of a deed of conveyance of all or part of the Covenant Area or an instrument conveying any interest therein, whether or not the deed or instruments shall so express, shall be deemed to have accepted the Restricted Buffer Area subject to the Restrictions and shall agree to be bound by, to comply with and to be subject to each and every one of the Restrictions hereinafter set forth.

1. Restrictions on Restricted Buffer Area. Unless the owner of the Restricted Buffer Area, or any successors or assigns, obtains the prior written approval of the MDEP, the Restricted Buffer Area must remain undeveloped in

perpetuity. To maintain the ability of the Restricted Buffer Area to filter and absorb stormwater, and to maintain compliance with the Stormwater Management Law and the permit issued thereunder to the Declarant, the use of the Restricted Buffer Area is hereinafter limited as follows:

- a. No soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material may be placed, stored or dumped on the Restricted Buffer Area, nor may the topography of the area be altered or manipulated in any way.
- b. Any removal of trees or other vegetation within the Restricted Buffer Area must be limited to the following:
 - (i) No purposefully cleared openings may be created and an evenly distributed stand of trees and other vegetation must be maintained. An “evenly distributed stand of trees” is defined as maintaining a minimum rating score of 24 points in any 25 foot by 50 foot square (2500 square feet) area, as determined by the following rating scheme:

Diameter of tree at 4 ½ feet above ground level	Points
2-4 inches	1
4-8 inches	2
8-12 inches	4
>12 inches	8

Where existing trees and other vegetation result in a rating score less than 24 points, no trees may be cut or sprayed with biocides except for the normal maintenance of dead, windblown or damaged trees and for pruning of tree branches below a height of 12 feet provided two thirds of the tree’s canopy is maintained.

- (ii) No undergrowth, ground cover vegetation, leaf litter, organic duff layer or mineral soil may be disturbed except that one winding path, that is no wider than six feet and that does not provide a downhill channel for runoff, is allowed through the area;
- c. No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer Area, except for a sign, utility pole (whether constructed of wood, steel or other materials) and appurtenant equipment such as guys and guy anchors, or fence;
- d. No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment may be permitted on the Restricted Buffer Area;
- e. Any level lip spreader directing flow to the Restricted Buffer Area must be regularly inspected and adequately maintained to preserve the function of the level spreader.

Any activity on or use of the Restricted Buffer Area inconsistent with the purpose of these Restrictions is prohibited. Any future alterations or changes in use of the Restricted Buffer Area must receive prior approval in writing from the MDEP. The MDEP may approve such alterations and changes in use if such alterations and

uses do not impede the stormwater control and treatment capability of the Restricted Buffer Area or if adequate and appropriate alternative means of stormwater control and treatment are provided.

2. Enforcement. The MDEP may enforce any of the Restrictions set forth in Section 1 above.
3. Binding Effect. The restrictions set forth herein shall be binding on any present or future owner of the Restricted Buffer Area. If the Restricted Buffer Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions to the extent that any of the Restricted Buffer Area is included within such owner's property.
4. Amendment. Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Restricted Buffer Area and by the MDEP.
5. Effective Provisions of Declaration. Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a land use restriction running with the land as a burden and upon the title to the Restricted Buffer Area.
6. Severability. Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.
7. Governing Law. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

(NAME)

STATE OF MAINE _____ County, _____, 20 _____.
(County) (date)

Personally appeared before me the above named _____, who swore
To the truth of the foregoing to the best of (his/her) knowledge, information and belief and acknowledged the
foregoing instrument to be (his/her) free act and deed.

Notary Public

B. Forested buffer, no disturbance

DECLARATION OF RESTRICTIONS

(Forested Buffer, No Disturbance)

THIS DECLARATION OF RESTRICTIONS is made this _____ day of _____, 20 _____,
by _____,

(name)

(street address)

_____, _____ County, Maine, _____, (herein referred to as the
(city or town) (county) (zip code)

“Declarant”, pursuant to a permit received from the Maine Department of Environmental Protection under
The Stormwater Management Law, to preserve a buffer area on a parcel of land near

_____, _____
(road name) (known feature and /or town)

WHEREAS, the Declarant holds title to certain real property situated in _____, Maine
(town)

described in a deed from _____ to _____ dated
(name) (name of Declarant)

_____, 20 _____, and recorded in Book _____ Page _____ at the _____ County
Registry of Deeds, herein referred to as the “property” and

WHEREAS, Declarant desires to place certain restrictions, under the terms and conditions herein, over a portion
of said real property (hereinafter referred to as the “Restricted Buffer”) described as follows:

(Note: Insert description of restricted buffer location here)

WHEREAS pursuant to the Stormwater Management Law, 38 M.R.S.A. Section 420-D and Chapter 500
of rules promulgated by the Maine Board of Environmental Protection (“Stormwater Management Rules”),
Declarant has agreed to impose certain restrictions on the Restricted Buffer Area as more particularly set forth herein
and has agreed that these restrictions may be enforced by the Maine Department of Environmental Protection or any
successor (hereinafter the “MDEP”).

NOW, THEREFORE, the Declarant hereby declares that the Restricted Buffer Area is and shall forever be held,
transferred, sold, conveyed, occupied and maintained subject to the conditions and restrictions set forth herein. The
Restrictions shall run with the Restricted Buffer Area and shall be binding on all parties having any right, title or
interest in and to the Restricted Buffer Area, or any portion thereof, and their heirs, personal representatives,
successors, and assigns. Any present or future owner or occupant of the Restricted Buffer Area or any portion
thereof, by the acceptance of a deed of conveyance of all or part of the Covenant Area or an instrument conveying
any interest therein, whether or not the deed or instrument shall so express, shall be deemed to have accepted the
Restricted Buffer Area subject to the Restrictions and shall agree to be bound by, to comply with and to be subject to
each and every one of the Restrictions hereinafter set forth.

1. Restrictions on Restricted Buffer Area. Unless the owner of the Restricted Buffer Area, or any successors or
assigns, obtains the prior written approval of the MDEP, the Restricted Buffer Area must remain undeveloped in
perpetuity. To maintain the ability of the Restricted Buffer Area to filter and absorb stormwater, and to maintain

compliance with the Stormwater Management Law and the permit issued thereunder to the Declarant, the use of the Restricted Buffer Area is hereinafter limited as follows:

a. No soil, loam, peat, sand, gravel, concrete, rock, or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material will be placed, stored or dumped on the Restricted Buffer Area, nor shall the topography of the area be altered or manipulated in any way;

b. No trees may be cut or sprayed with biocides except for the normal maintenance of dead, windblown or damaged trees and for pruning of tree branches below a height of 12 feet provided two thirds of the tree's canopy is maintained;

c. No undergrowth, ground cover vegetation, leaf litter, organic duff layer or mineral soil may be disturbed except that one winding path, that is no wider than six feet and that does not provide a downhill channel for runoff, is allowed through the area;

d. No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer Area, except for a sign, utility pole or fence (whether constructed of wood, steel or other materials) and appurtenant equipment such as guys and guy anchors;

e. No truck, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment may be permitted on the Restricted Buffer Area;

f. Any level lip spreader directing flow to the Restricted Buffer Area must be regularly inspected and adequately maintained to preserve the function of the level spreader.

Any activity on or use of the Restricted Buffer Area inconsistent with the purpose of these Restrictions is prohibited. Any future alterations or changes in use of the Restricted Buffer Area must receive prior approval in writing from the MDEP. The MDEP may approve such alterations and changes in use if such alterations and uses do not impede the stormwater control and treatment capability of the Restricted Buffer Area or if adequate and appropriate alternative means of stormwater control and treatment are provided.

2. Enforcement. The MDEP may enforce any of the Restrictions set forth in Section 1 above.

3. Binding Effect. The restrictions set forth herein shall be binding on any present or future owner of the Restricted Buffer Area. If the Restricted Buffer Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions to the extent that any of the Restricted Buffer Area is included within such owner's property.

4. Amendment. Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instrument specifying the amendment or the revocation signed by the owner or owners of the Restricted Buffer Area and by the MDEP.

5. Effective Provisions of Declaration. Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a land use restriction running with the land as a burden and upon the title to the Restricted Buffer Area.

6. Severability. Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.

7. Governing Law. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

(NAME)

STATE OF MAINE, _____ County, dated _____, 20 ____.
(County) (Date)

Personally appeared before me the above named _____, who swore to the truth of the foregoing to the best of (his/her) knowledge, information and belief and acknowledged the foregoing instrument to be (his/her) free act and deed.

Notary Public

C. Meadow buffer

DECLARATION OF RESTRICTIONS

(Non-Wooded Meadow Buffer)

THIS DECLARATION OF RESTRICTIONS is made this _____ day of _____, 20____, by

_____, _____
(name) (street address)

_____, _____ County, Maine _____, (herein referred to as the
(city or town) (county) (zip code)

“Declarant”), pursuant to a permit received from the Maine Department of Environmental Protection under the Stormwater Management Law, to preserve a buffer area on a parcel of land near

_____.
(road name) (known feature and/or town)

WHEREAS, the Declarant holds title to certain real property situated in _____, Maine
(town)

described in a deed from _____ to _____, dated
(name) (name of Declarant)

_____, 20 _____, and recorded in Book _____ Page _____ at the _____ County
Registry of Deeds, herein referred to as the “property”, and

WHEREAS, Declarant desires to place certain restrictions, under the terms and conditions herein, over a portion of said real property (hereinafter referred to as the “Restricted Buffer”) described as follows: (Note: Insert description of restricted buffer location here)

WHEREAS, pursuant to the Stormwater Management Law, 38 M.R.S.A. Section 420-D and Chapter 500 of rules promulgated by the Maine Board of Environmental Protection (“Stormwater Management Rules”), Declarant has agreed to impose certain restrictions on the Restricted Buffer Area as more particularly set forth herein and has agreed that these restrictions may be enforced by the Maine Department of Environmental Protection or any successor (hereinafter the “MDEP”).

NOW, THEREFORE, the Declarant hereby declares that the Restricted Buffer Area is and shall forever be held, transferred, sold, conveyed, occupied and maintained subject to the conditions and restrictions set forth herein. The Restrictions shall run with the Restricted Buffer Area and shall be binding on all parties having any right, title or interest in and to the Restricted Buffer Area, or any portion thereof, and their heirs, personal representatives, successors, and assigns. Any present or future owner or occupant of the Restricted Buffer Area or any portion thereof, by the acceptance of a deed or conveyance of all or part of the Covenant Area or an instrument conveying any interest therein, whether or not the deed or instrument shall so express, shall be deemed to have accepted the Restricted Buffer Area subject to the Restrictions and shall agree to be bound by, to comply with and to be subject to each and every one of the Restrictions hereinafter set forth.

1. Restrictions on Restricted Buffer Area. Unless the owner of the Restricted Buffer Area, or any successors or assigns, obtains the prior written approval of the MDEP, the Restricted Buffer Area must remain undeveloped in perpetuity. To maintain the ability of the Restricted Buffer Area to filter and absorb stormwater, and to maintain compliance with the Stormwater Management Law and the permit issued thereunder to the Declarant, the use of the Restricted Buffer Area is hereinafter limited as follows:

- a. No soil, loam, peat, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris junk waste, pollutants or other fill material will be placed, stored or dumped on the Restricted Buffer Area, nor may the topography or the natural mineral soil or the area be altered or manipulated in any way:
- b. A dense cover of grassy vegetation must be maintained over the Restricted Buffer Area, except that shrubs, trees and other woody vegetation may also be planted or allowed to grow in the area. The Restricted Buffer Area may not be maintained as a lawn or used as a pasture. If vegetation in the Restricted Buffer Area is mowed, it may be mown no more than two times per year.
- c. No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer Area, except for a sign, utility pole or fence (whether constructed of wood, steel or other materials) and appurtenant equipment such as guys and guy anchors;
- d. No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment may be permitted on the Restricted Buffer Area, except for vehicles used in mowing;
- e. Any level lip spreader directing flow to the Restricted Buffer Area must be regularly inspected and adequately maintained to preserve the function of the level spreader.

Any activity on or use of the Restricted Buffer Area inconsistent with the purpose of these Restrictions is prohibited. Any future alterations or changes in use of the Restricted Buffer Area must receive prior approval in writing from the MDEP. The MDEP may approve such alterations and changes in use if such alterations and uses do not impede the stormwater control and treatment capability of the Restricted Buffer Area or if adequate and appropriate alternative means of stormwater control and treatment are provided.

2. Enforcement. The MDEP may enforce any of the Restrictions set forth in Section 1 above.

3. Binding Effect. The restrictions set forth herein shall be binding on any present or future owner of the Restricted Buffer Area. If the Restricted Buffer Area is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions to the extent that any of the Restricted Buffer Area is included within such owner's property.

4. Amendment. Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Restricted Buffer Area and by the MDEP.

5. Effective Provisions of Declaration. Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a land use restriction running with the land as a burden and upon the title to the Restricted Buffer Area.
6. Severability. Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.
7. Governing Law. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

(NAME)

STATE OF MAINE, _____, County, dated _____, 20 _____.
(County) (date)

Personally appeared before me the above named _____, who swore to the truth of the foregoing to the best of (his/her) knowledge, information and belief and acknowledged the foregoing instrument to be (his/her) free act and deed.

Notary Public
