



# DEP INFORMATION SHEET

## Erosion and Sedimentation Control Law

date: May 1998      contact: Bill Laflamme (207) 287-7726

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**Background:** For many years, state laws and local shoreland zoning ordinances have required that erosion control measures be taken when a project (ex. construction or landscaping) will disturb soil in a shoreland area. Erosion is the loss of exposed soil caused by the action of rain, snowmelt or wind. Erosion control measures such as the use of silt fence and hay bales to temporarily prevent soil from being carried away in a storm, and seeding to permanently cover and stabilize an exposed area, were required in order to prevent damage to fish habitat in streams, and to reduce the movement of pollutants such as phosphorus, to lakes. Unfortunately, requiring the use of these measures only in shoreland areas has not been enough to protect streams and lakes. All land is located in some watershed: all land drains to some waterbody or wetland. Basic, good-practice, erosion control measures need to be used throughout watersheds, not just in immediate shoreland areas. The Erosion and Sedimentation Control Law was enacted by the Legislature in 1997 as an important step in addressing this need.

**Law Requirements:** The Erosion and Sedimentation Control Law (Erosion Control Law) applies everywhere in all organized areas of the state, for all sizes of projects.

- For projects on or after July 1, 1997. If a person is filling, displacing or exposing soil or other earthen materials, the Erosion Control Law requires that he or she take measures to prevent unreasonable erosion of soil or sediment beyond the site or into a protected natural resource, such as a river, stream, brook, lake, pond, or wetland. Erosion control measures must be installed before the activity begins, be maintained, kept in place and functional until the site is permanently stabilized.
- For property with a chronic erosion problem resulting from human activity undertaken before July 1, 1997. By July 1, 2005, property subject to erosion of soil or sediment into a protected natural resource, and located in the watershed of a body of water most at risk (as listed in Ch. 502 of DEP rules), must be properly stabilized to prevent further erosion. All other property subject to such erosion of soil or sediment into a protected natural resource must be stabilized by July 1, 2010.

**The Full Text of the Law:** *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 section 480-B. Erosion 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 and the site must be maintained to prevent unreasonable erosion and sedimentation.*

*A person who owns property that is subject to erosion because of a human activity before July 1, 1997 involving filling, displacing or exposing soil or other earthen materials shall take measures in*

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*accordance with the dates established under this paragraph to prevent unreasonable erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8. Adequate and timely temporary and permanent stabilization measures must be taken and maintained on that site to prevent unreasonable erosion and sedimentation. This paragraph applies on and after July 1, 2005 to property that is located in the watershed of a body of water most at risk as identified in the department's storm water rules adopted pursuant to section 420-D and that is subject to erosion of soil or sediment into a protected natural resource, as defined in section 480-B, subsection 8. This paragraph applies on and after July 1, 2010 to other property that is subject to erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8.*

*This section applies to a project or any portion of a project located within an organized area of this State. This section does not apply to agricultural fields. Forest management activities, including associated road construction or maintenance, conducted in accordance with applicable standards of the Maine Land Use Regulation Commission, are deemed to comply with this section. This section may not be construed to limit a municipality's authority under home rule to adopt ordinances containing stricter standards than those contained in this section.*

**Further information:** The DEP's Bureau of Land and Water Quality (BLWQ) can provide additional information such as the publications and videos listed below. Please feel free to contact the nearest BLWQ office.

(Headquarters)  
Central Maine Regional Office  
17 State House Station  
Ray Building  
Augusta, Maine 04333  
**(207) 287-2111**

Eastern Maine Regional Office  
106 Hogan Road  
Bangor, Maine 04401  
**(207) 941-4570**

Northern Maine Regional Office  
1235 Central Drive  
Presque Isle, Maine 04769  
**(207) 764-0477**

Southern Maine Regional Office  
312 Canco Road  
Portland, Maine 04103  
**(207) 822-6300**

**Maine Erosion & Sediment Control Handbook for Construction: Best Management Practices, Cumberland County Soil And Water Conservation District and Maine Department of Environmental Protection, March 1991.**

**Erosion Control for Homeowners Fact Sheet #3**

**Keeping Soil on Construction Sites: Best Management Practices Video, Ohio Department of Natural Resources, Ohio Homebuilders Association**

**Erosion and Sediment Control Practices: Video Modules, North Carolina Dept. Of Environment, Health and Natural Resources, 1991**

**Erosion Control For Water Quality Protection Video, Cobbossee Watershed District**

*Please visit the DEP's Home Page at <http://www.state.me.us/dep>  
Go to "Land and Water" (the Bureau of Land and Water Quality)*