STATE OF MAINE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SITE LOCATION OF DEVELOPMENT

38 M.R.S.A. §§ 481-490

PERMIT APPLICATION

Bureau of Land and Water Quality

REVISED: December 12, 2012

No. DEPLW0313-K2012

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PART I. GENERAL INSTRUCTIONS

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This document is to be used when applying for a permit pursuant to the Site Location of Development Law (Site Law), 38 M.R.S.A. §§ 481-490. The applicant for a metallic mineral mining or advanced exploration permit should contact the Mining Coordinator (822-6300).

A permit is required of anyone who may "construct or cause to be constructed or operate or cause to be operated or, in the case of a subdivision, sell or lease, offer for sale or lease or cause to be sold or leased, any development requiring approval under this article...." 38 M.R.S.A. § 483-A.

Section 1. A pre-application meeting, public informational meeting and pre-submission meeting, as described in (A) through (C) of this section, are required for all new Site Law applications. Pre-applications meetings are recommended for all major amendments to Site Law projects. A In certain circumstances the department may waive the requirement for a pre-application or pre-submission meeting. The public informational meeting requirements may not be waived. See 06-096 CMR 2.6. Subsections D and E below apply to all developments.

A. <u>Pre-application meeting</u>. The purpose of the pre-application meeting is to help the applicant understand the application review process, identify particular areas of concern and exchange information before commitment to a final design. This meeting may lead to a substantial reduction in processing time. For information about arranging a pre-application meeting, contact the appropriate regional office. The address and telephone number of the Augusta office and the two regional offices are listed in Section 2(A).

B. <u>Public informational meeting</u>. An applicant intending to file an application that requires a pre-application meeting must hold a public informational meeting prior to filing that application. A local public hearing process may not be substituted for the public informational meeting. At least 10 days prior to the public informational meeting, notice of the informational meeting must be sent by certified mail to abutters and to the municipal office of the municipality(ies) where the project is located. At least 7 days prior to the informational meeting, notice must also be published once in a newspaper of general circulation in the area where the development is located. The notice must contain at least the following information:

(1) Name, address and telephone number of the applicant.
(2) Citation of the statutes or rules under which the application will be processed.
(3) Location and summary description of the activity.
(4) The date, time and place of the public informational meeting.

A certification signed by the applicant attesting that a notice was provided for a public informational meeting, and the meeting was held in accordance with Chapter 2, Section 13, including an estimate

of the number of attendees at the meeting, must be submitted with any application that requires a pre-application meeting pursuant to the Chapter 2 rules.

C. Pre-submission meeting. A pre-submission meeting allows the department and applicant to follow up on issues raised at the pre-application meeting and is required for all projects for which a pre-application meeting was held unless waived in writing by the department. The meeting is held when the application is ready for submission. Contact the project manager concerning scheduling.

D. Notice. Provide public notice of the application. Form B, the notice form, is included in Part III of this application. A copy of this form or one containing identical information must be used to notify abutters, municipal officials, and local newspapers. Submission requirements related to this notice requirement are contained in Part II, Section 25 of this application

(1) Newspaper. Publish the notice once in a newspaper circulated in the area where the development is located. The 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 notice to the owners of abutting property. Their names and addresses can be obtained from town tax maps or local officials. Abutters must receive notice within 30 days prior to filing a new or amendment 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 clerk, city clerk or, if the development is in an unorganized area, to the appropriate plantation clerk or county clerk. The notice must be received within 30 days prior to filing a new or amendment application, or a resubmitted application returned as incomplete pursuant to Chapter 2.

E. Other

(1) Application notes. Direct questions concerning application requirements to the project manager or, if a project manager has not yet been assigned, to the Licensing Coordinator, Division of Land Resource Regulation (287-3901) for projects located in the northern, eastern and central regions or the Licensing Supervisor, Division of Land Resource Regulation (822-6300) for projects located in the southern region.

(a) Organization. Organize the application in the following manner.

(i). Use a completed copy of Form A, contained in Part III of this application, as the first and second pages of the application.

(ii). Place a completed copy of Form D, the Checklist, after the completed copy of Form A.

iii. Organize the submissions into sections as specified in Part II of this application, and identify each section with a tab. If a particular section is not applicable, provide a statement explaining why it is not; do not omit the section unless this application is being used for a project amendment and prior approval has been obtained from the project manager.

NOTE: If you have used a CD to complete this application, please submit one copy of the disk with your written copies.

(b). Plan, drawing and map specifications. 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 by the department prior to submission of the application:

(i) Sheet size 24" X 36".

(ii) For developments of less than 100 acres in total area use a scale of 1" = 100'; for developments of more than 100 acres but less that 250 acres in total area use a scale of 1" =200'; and for developments of 250 acres of more in total area, the required scale must be determined by the department.

(iii) Maximum vertical exaggeration of 5X.

(iv) Folded to fit 8 1/2" by 11" folders for ease in filing. **Do NOT submit large sets of folded, bound plans as they are too bulky to fit in the department's files. Plan sheets should be folded individually.**

(c) Professional assistance. For most developments requiring a permit, professional assistance is necessary to satisfactorily complete the application requirements. Appropriate professionals must prepare all plans, drawings and maps. All work performed by a professional engineer or other licensed professional must be dated, stamped and signed by the professional. As used in this document, 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).

(d) NRPA application. If any activities require a permit under the Natural Resources Protection Act (NRPA), 38 M.R.S.A. §§ 480-A through 480-BB, complete and submit a copy of the appropriate NRPA application and its associated fee with the Site Law application.

(e) Retain 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.

(2) Source material

(a) Site Law. Site Location of Development Law, 38 M.R.S.A. §§ 481-490, with regulations 06-096 CMR 371-377. Available from the Bureau of Land and Water Quality (287-3901), or on the DEP website at http://www.maine.gov/dep/blwq/docstand/sitelawpage.htm#rule.

(b). NRPA. Natural Resources Protection Act, 38 M.R.S.A. §§ 480-A through 480-BB, statute and application. Rules (separate handouts): 06-096 CMR 305 (Permit by Rule Standards); 310 (Wetlands and Waterbodies Protection); and 355 (Coastal Sand Dune Rules). Available from the Bureau of Land and Water Quality (287-3901) or on the DEP website at http://www.maine.gov/dep/blwq/docstand/nrpapage.htm.

(c). Solid waste. Solid Waste Management Rules, 06-096 CMR 400 et. seq. and Rules for Open Burning, 06-096 CMR 102. Chapters 400 et. seq. is available from the Bureau of Remediation and Waste Management (287-2651) or on the website at http://www.maine.gov/dep/rwm/rules/. Chapter 102 is available from the Bureau of Air Quality (287-2437) or on the DEP website at www.maine.gov/dep/air/regulations/docs/chap102final.doc.

(d) Drinking water rules. Rules Relating to Drinking Water, 10-144A CMR 231. Available from the Department of Health and Human Services, Division of Environmental Health (Drinking Water Program) (287-2070) or on the web at http://www.maine.gov/dhhs/eng/water/Templates/Rules/rules.htm.

(e) Hydrology. Soil Conservation Service's TR-55 publication entitled "Urban Hydrology for Small Watersheds" (June 1986); and TR-20 publication entitled "Computer Program for Project Formulation Hydrology" (May 1982).

(f) Phosphorus control. Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development (revised 1992). Available from the Bureau of Land and Water Quality (287-3901).

(g) Stormwater Management For Maine: Best Management Practices (January 2006). Available from the Nonpoint Source Training and Resource Center, at the DEP office in Augusta (287-7726). Cost: $20.00 (subject to change).

h) Stormwater Management Law; and Chapter 502, Direct Watersheds of Lakes Most at Risk from new Development, and Urban Impaired Streams. Available from the Bureau of Land and Water Quality (287-3901) or on the DEP website at http://www.maine.gov/dep/blwq/docstand/stormwater/stormwaterbmps/index.htm.

(i) Erosion and sedimentation control. Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices (March 2003). Available from the Cumberland County Soil and Water Conservation District, 35 Main St., Windham, ME 04062, Phone:892-4700, Fax: 856-2796, or on the DEP website at http://www.maine.gov/dep/blwq/docstand/escbmps/index.htm.

(j) Blasting. U.S. Department of Interior Rules 30 CFR sections 816.61-68 and 817.610-68, and Blasting Guidance Manual, Office of Surface Mining, Reclamation and Enforcement, U.S. Department of Interior.

(k) Maine Construction General Permit. General Permit – Construction Activity, Maine Pollutant Discharge Elimination system (MPDES) with Basic Performance Standards Appendices. Available from the Bureau of Land and Water Quality (287-3901) or on the DEP website at http://www.maine.gov/dep/blwq/docstand/stormwater/construction.htm.

Section 2. Submission

A. Fees. Attach the appropriate application fee to the original application. The current fee schedule can be obtained from any DEP Regional Office. Send the original application and 2 copies to the appropriate office listed below. To determine which office should receive the application, consult the map on the following page. Note: Applications for project sites located in the Northern Maine Region should be sent to the Bangor Regional Office.

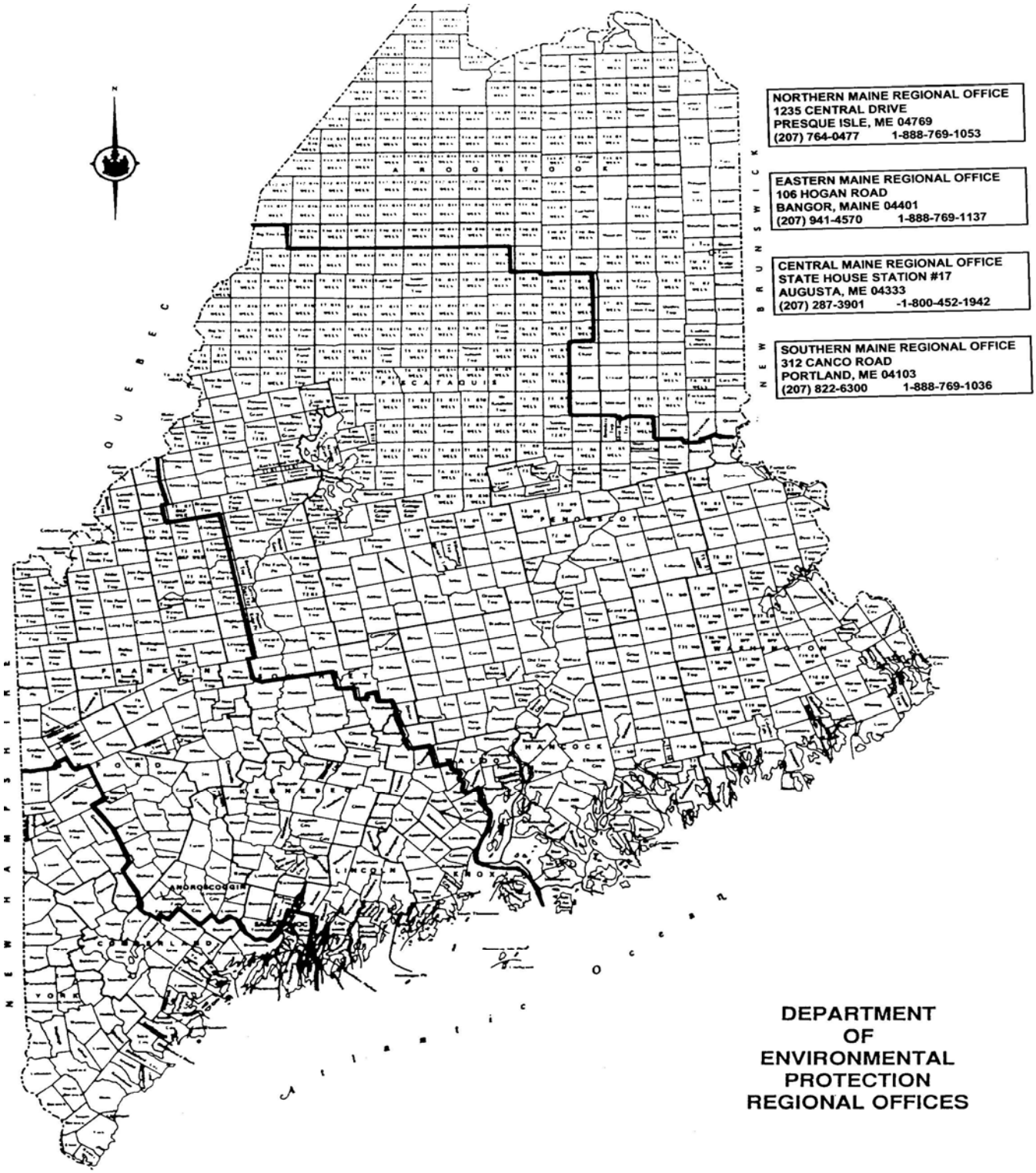
Augusta	Portland	Bangor
DEP-BLWQ	DEP	DEP
17 State House Station	312 Canco Rd.	106 Hogan Rd.
Augusta, ME 04333	Portland, ME 04103	Bangor, ME 04401
Phone: 207-287-3901	Phone: 207-822-6300	Phone: 207-941-4570
Fax: 207-287-7826	Fax: 207-822-6303	Fax: 207-941-4584

The department operates under a fee system established by the Legislature of the State of Maine. All fees must be paid at the time the application is submitted to the department. The fee schedule is changed every November 1 and can be found at http://www.state.me.us/dep/permits.htm#fees. Checks should be made payable to: Treasurer, State of Maine.

If claiming that a development qualifies as affordable housing, provide the number of bedrooms/dwelling unit and the not-to-exceed selling/renting price for each unit. This information should appear in Section 3 of the submitted application. See Part II, Section 3(B)(4) of this document.

B. Timing of submission. Submit the application well in advance of the date of construction or offering. The amount of time required for the application review process depends upon the scope of the activity and its environmental impacts, the quality of the application and the current workload of project managers and other staff. The project manager will provide an estimate of the likely processing time. The commissioner establishes processing timetables for each type of new permit or license issued by the department. See 38 M.R.S.A. § 344-B.

C. 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.


NORTHERN MAINE REGIONAL OFFICE
1235 CENTRAL DRIVE
PRESQUE ISLE, ME 04769
(207) 764-0477 1-888-769-1053
EASTERN MAINE REGIONAL OFFICE
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 1-888-769-1137
CENTRAL MAINE REGIONAL OFFICE
STATE HOUSE STATION #17
AUGUSTA, ME 04333
(207) 287-3901 -1-800-452-1942
SOUTHERN MAINE REGIONAL OFFICE
312 CANCO ROAD
PORTLAND, ME 04103
(207) 822-6300 1-888-769-1036
DEPARTMENT
OF
ENVIRONMENTAL
PROTECTION
REGIONAL OFFICES

Section 3. Processing

A. Acceptance review. Upon submission and payment of all applicable fees, the application is given a project number and assigned to a project manager. The project manager determines if the application is complete and acceptable for processing. Once this review is complete,

(1) The applicant will receive a notification, including the application number and the project manager's name, stating that the application is acceptable for processing; or

(2) 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.

B. 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 site visit(s) and comments received from department staff, other agencies or the public.

(1) If the application is determined acceptable for processing, the project manager may request additional copies for use by review agencies such as the Department of Inland Fisheries and Wildlife.

(2). 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).

In review of an application, the burden is on the applicant to prove that the development will not have an adverse environmental impact. It is not up to the department to prove that a development will have an adverse environmental impact.

Section 4. Final action and appeal. Depending on the nature of the development, a final decision on the application may be made either by the Commissioner or 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 the department’s enforcement staff, including fines and revocation of the permit.

PART II. SUBMISSIONS

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The following sections describe general minimum submissions. Because of the site-specific nature of developments and potential impacts, additional information may be required, on a case-by-case basis, to determine whether the Standards for Development, 38 M.R.S.A. § 484, are met. ***If an applicant is seeking a planning permit for a development under 38 M.R.S.A § 485-A (1-C), the application must contain all the general minimum submissions unless individual sections require different submissions (indicated with bold and italics), specific to a planning permit, or the submissions have been waived by the department at the pre-application meeting.***

Section 1. Development description

A. Narrative. Provide the following.

(1) Objectives and details. A description of the overall objectives, development history and development details including, as appropriate, acreage of the parcel; number of lots; average lot size (sq. ft.) excluding undeveloped portions; and area (sq. ft.) of buildings, parking lots, roads, paved areas, wharves or areas to be stripped or graded and not revegetated. If the parcel will include a developed site and a retained area, indicate the acreage of the site to be developed.

(2) Existing facilities. A description of existing facilities, if any, together with dates of construction.

B. Topographic map. Provide a U.S.G.S. seven-and-one-half minute topographic map. Indicate the location of the development boundaries on the map and give quadrangle name(s). A clean photocopy is acceptable.

C. Construction plan. Provide a construction plan outlining the anticipated sequence of construction for the major aspects of the development, such as roads, retention basins, sewer lines, seeding or other erosion control measures and pollution abatement measures. Include the approximate dates for start and completion of construction. Take processing times into consideration in setting these dates.

D. Drawings. Provide drawings depicting the following.

(1). Development facilities. The location, function, ground area and floor area (if applicable) of all proposed construction and facilities. For each road, specify length and provide a typical cross section.

(2). Site work. The nature and extent of site work such as filling, grading, drainage or dredging.

(3). Existing facilities. The location, function, ground area and floor area (if applicable) of existing construction and facilities on the parcel.

(4). Topography. The pre- and post-development topography of the site using contour intervals of 2 feet or less. As determined by the department, minimum contour intervals of five feet may be acceptable in areas of sustained slopes of twenty percent or greater. The topographic drawing must include all previously existing construction, facilities and lot lines.

(a) Larger contours may be approved for large developments of 250 acres or more with relief greater than 200 feet within the developed area of the parcel.

(b) The department may require more detailed topographic maps in certain areas of concern, and in those areas where development or structures have been localized within smaller areas of a larger parcel. The department on a case-by-case basis determines the scale of these maps.

Additional plans and figures are required in support of other sections of the application and are described in those sections.

Section 2. Title, right or interest. Provide a complete copy of the deed or a current lease or purchase option as evidence of title, right or interest in the property.

Reference: Regulations for the Processing of Applications, 06-096 CMR 1.4(D).

Section 3. Financial capacity

A. Estimated costs. Specify the estimated total cost of the development and itemize the estimated major expenses, including the projected cost of measures taken to minimize or prevent adverse effects on the environment during construction and operation. The itemization of major costs may include, but not be limited to, the cost of the following activities: land purchase, roads, sewers, structures, water supply, erosion control, pollution abatement and landscaping.

B. Financing. Provide one of the following unless otherwise approved by the department.

(1) Letter of commitment to fund. A letter of commitment, acceptable to the department, from a financial institution, governmental agency, or other funding agency indicating a commitment to provide a specified amount of funds, and specifying how those funds will be used.

(2) Self-financing

(a) Annual report. The most recent corporate annual report indicating availability of liquid assets to finance the development, together with explanatory material interpreting the report; or

(b) Bank statement. Copies of bank statements or other evidence indicating availability of funds if the applicant will personally finance the development.

(3) Other. If funding is required, but a final commitment of all necessary money cannot be made until all approvals are received and other reasonable conditions are met, provide the following.

(a) Cash equity commitment. Cash equity commitment to the development sufficient to demonstrate the applicant's ability to go forward. The department will consider 20 percent equity of the total cost of a development as the normal equity commitment but reserves the right to lower or raise this amount if special circumstances of an individual development warrant it.

(b) Financial plan. Financial plan for the remaining financing.

(c) Letter. Letter acceptable to the department from an appropriate financial institution indicating an intention to provide financing subject to reasonable conditions of acceptance.

(4) Affordable housing information. If the development is to provide affordable housing, include in this section, for each unit or lot to be leased, rented or sold, the number of bedrooms per unit or lot and the not-to-be exceed rental/selling price of each unit/lot. Also include the median income in the county where the development is located, and data to substantiate that a person with that income could obtain a mortgage for a unit at that selling price.

Reference: Financial Capacity Standard of the Site Location Law, 06-096 CMR 373.1.

C. Certificate of Good Standing. If new 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.

Section 4. Technical ability. Describe the technical ability of the applicant and consultant(s) to undertake the development. Include the following information.

A. Prior experience. A statement of the applicant's prior experience and appropriate training relating to the nature of the development. Specify prior experience relating to developments that have received permits from the department.

B. Personnel. Resumes or similar documents detailing the experience and qualifications of full-time, permanent or temporary staff contracted with or employed by the applicant who will design, construct, and oversee development including the installation and maintenance of pollution control measures. These parties must be responsible for design and implementation. (This submission requirement does not apply to temporary workers employed by the applicant for the sole purpose of conducting the physical labor, or to the design of activities based on "off-the-shelf" or other standardized or non-copyrighted designs, or adaptations of designs by staff employed at other facilities owned by the applicant.)

References: Financial Capacity Standard of the Site Location Law (Technical Ability to Meet Air and Water Pollution Control Standards), 06-096 CMR 373.2 and Planning Permit, 06-096 CMR 380.

Section 5. Noise

A. Developments producing a minor noise impact. Provide a statement indicating whether the project falls into one of the following categories, or attesting to the minor nature of the anticipated sound impacts of the project, as applicable.

(1) Residential developments. The development is solely residential.

(2) Certain non-residential subdivisions. The development is a non-residential subdivision without structure(s), office building(s), storage building(s) or golf course(s).

(3) Schools and hospitals. The development is a school or hospital.

(4) Other developments. The development does not fall within sub-paragraphs (1)-(3), but the applicant seeks to have the development classified as one creating a minor sound impact. Provide the following.

(a) Type, source and location of noise. Description of type of noise generated, source(s) of noise and locations of noise sources.

(b) Uses, zoning and plans. Map and description of land uses, local zoning and comprehensive plans for area potentially affected by sounds from the development.

(c) Protected locations. Descriptions of any protected location near the development.

(d) Minor nature of impact. Statement attesting to minor nature of the anticipated sound impact of the development.

(e). Demonstration. Demonstration using estimates or examples that the sound from the development will be 5 dBA less than applicable noise limits, including those for quiet areas.

B. Developments potentially producing a major noise impact. Provide a full noise study prepared by a qualified professional including the following.

(1) Baseline

(a) Uses, zoning and plans. Maps and description of the land uses, local zoning and comprehensive plans for the area potentially affected by sounds from the development.

(b) Protected locations. Descriptions of the protected locations near the development.

(c) Quiet area. Evidence concerning whether or not the area surrounding the development is a quiet area.

(2) Noise generated by the development

(a) Type, source and location of noise. A description of all types of noise to be generated, sources of noise and locations of noise sources.

(b) Sound levels. A description of the daytime and nighttime sound levels expected at property lines and protected locations for all types of sound generated.

(c) Control measures. A description of proposed sound control measures, locations and expected performance.

(d) Comparison with regulatory limits. A comparison of expected sound levels with sound level limits in regulations.

(e) Comparison with local limits. A comparison of expected sound levels with any quantifiable noise standards of any affected municipality.

Note: See Section 20 if blasting is proposed.

Reference: No Adverse Environmental Effect Standard of the Site Location Law (Control of Noise), 096 CMR 375.10.

Section 6. Visual quality and scenic character. Provide a narrative describing the provisions to be made in designing the development to minimize the development's visual impact to the surrounding area. Include a description of what efforts will be made to preserve any existing elements of the site that contribute to the maintenance of scenic character. If the development impacts areas of significant scenic character, the department may require submittal of a Visual Impact Analysis prepared by a qualified professional.

Section 7. Wildlife and fisheries. Contact the appropriate regional office of the Department of Inland Fisheries and Wildlife for assistance in determining potential fisheries and wildlife habitat impacts that could result from the proposed development. Submit a plan to minimize the development's detrimental effect on wildlife and fisheries habitat located on or adjacent to the project site.

References: No Adverse Environmental Effect Standard of the Site Location of Development Law (Protection of Wildlife and Fisheries), 06-096 CMR 375.15 and Planning Permit 06-096 CMR 380.

Section 8. Historic sites. Submit information demonstrating that the proposed development will not adversely affect any historic sites, historic structures or archaeological sites. The Maine Historic Preservation Commission (287-2132) may be able to provide assistance in identifying these sites. The applicant must submit historical and archeological surveys if required by the department.

References: No Adverse Environmental Effect Standard of the Site Location Law (Preservation of Historic Sites), 06-096 CMR 375.11 and Planning Permit 06-096 CMR 380.

Section 9. Unusual natural areas. Submit information demonstrating that the proposed development will not adversely affect an unusual natural area. Include a description of appropriate buffers or other measures that will be taken to protect unusual natural areas located on the project site. The Natural Areas Program (287-8044) may be able to provide assistance in identifying these areas. The applicant must submit a survey for the presence of unusual natural areas if required by the department.

References: No Adverse Environmental Effect Standard of the Site Location of Development Law (Preservation of Unusual Natural Areas), 06-096 CMR 375.12 and Planning Permit 06-096 CMR 380.

Section 10. Buffers. Provide a narrative and drawing describing proposed buffer strips, including information on dimensions; clearing limits for natural buffers; planting specifications for new buffers; and identification of the person(s) (name, address and phone number) responsible for maintenance. State whether or not the buffers will be retained by the applicant. If the applicant will not retain buffers, provide evidence that the buffers will be protected in perpetuity. If planting is proposed, provide a schedule for completion of the planting using a time frame relative to the issuance of the permit.

Reference: No Adverse Environmental Effect Standard of the Site Location Law, (Buffer Strips), 06-096 CMR 375.9; (Protection of Wildlife and Fisheries), 06-096 CMR 375.15.

Section 11. Soils

A. Soil survey map and report. Provide a soil survey report prepared by a certified soil scientist, including a soil investigation narrative, a soil survey map of the site at the appropriate intensity, complete test pit logs and a soil condition summary sheet. Use copies of Forms E and F, Part III, for the soil logs and summary. Soil surveys must comply with the Maine Association of Professional Soil Scientists' Standards for Soil Surveys. The soil survey report and the soil survey map (with the exception of U.S. Natural Resources Conservation Service Soil Surveys) must be signed, stamped, and dated by the certified soil scientist.

(1) Soil investigation narrative. Include a discussion of field investigation techniques, the soil conditions, and a description of the landforms investigated. Describe limitations of the soils with respect to the proposed development.

(2) Soil survey map. Include a delineation of soil mapping units, a soil legend identifying all map symbols used, identification of the intensity level of soil survey conducted, a note referencing the accompanying soil narrative report by title and date, a note referencing the standards by which the survey was conducted, and a light overlay of the development design.

B. Soil survey intensity level by development type. The Maine Association of Professional Soil Scientists has established several classes of soil mapping intensity levels. The intensity level at which various types of developments must be mapped is indicated in the following subsections. These standards are a minimum. The Department may request the preparation of a higher-intensity soil map or require more-detailed hydria soil boundary delineation as conditions warrant.

(1) Class A (High Intensity) Soil Survey.

(a) Area used for land application of wastewater. Specific land area within any development proposed to be used for disposal of effluent, wastewater or other wastes.

(b) Subdivisions with any lot less than 2 acres and on-site subsurface wastewater disposal. Residential and commercial subdivisions where any lot is less than 2 acres and on-site subsurface wastewater disposal is proposed. A waiver from this mapping requirement to allow a Class C, other, or D survey may be granted, at the department's discretion, for the

undeveloped portion of any individual lot greater than 5 acres and for the undeveloped areas of clustered subdivisions.

(2) Class B (High Intensity) Soil Survey

(a) Subdivisions with any lot less than 2 acres. Residential and commercial subdivisions where any lot is less than 2 acres. A waiver from this mapping requirement to allow a Class C or D survey may be granted, at the department's discretion, for the undeveloped portion of any individual lot greater than 5 acres and for the undeveloped areas of clustered subdivisions.

(b) Condominiums. The land area of a condominium development that is to be disturbed during construction. Condominium developments include single or multi-family attached dwellings.

(c) Shopping centers or similar developments. Shopping centers or similar commercial, industrial or institutional developments where large areas are to be utilized or disturbed.

(d) Energy facilities. Electrical substations, switchyards, compressor stations, or the equivalent, including operation and maintenance buildings, associated with transmission lines, power plants, wind-energy generation facilities, or comparable developments.

(3) Class C (Medium High-Intensity) Soil Survey

(a) Subdivisions with all lots greater than 2 acres and on-site subsurface wastewater disposal. Residential and commercial subdivisions where all lots are greater than 2 acres and on-site subsurface wastewater disposal is proposed.

(b) Multi-use recreational developments with green space. Golf courses, ski areas and trails, campgrounds and other multi-use recreational developments where large areas of green space are to be created or preserved.

(c) Development requiring hydrogeologic investigation. Any development, which the department has determined, will require a hydrogeologic investigation.

(4) Special Soil Survey Requirements for Linear Projects. Linear projects or project components that involve soil disturbance, such as road construction, fairway construction or trail construction and that have little or no adjacent development. Electric transmission lines or similar projects with minimal soil disturbance are not included in this subsection, although access roads and other construction related to such projects may be required to submit additional information under this subsection or subsection 11.B.2~~,~~ above. Projects subject to this subsection must provide a site-specific soil survey in accordance with the following:

(a) Minimum soil information. Identification of the soil parent material, slope, soil texture, depth to hardpan or bedrock (whichever is the shallowest) and drainage class (including evidence of oxiaquic (oxygenated groundwater) conditions.

(b) Drainage, stormwater, and erosion control. Sufficient information to define drainage across the development corridor and to determine the appropriate type and location of stormwater management and erosion and sediment control measures.

(c) Ground control. Ground control maintained by the use of GPS or following a surveyed path prepared by the developer.

(d) Field investigation method. At a minimum, the proposed linear portions of the development are to be walked and conditions observed within the proposed development corridor (width where soil is to be disturbed and/or filled).

(e) Soil investigation and classification. Soil survey information may be obtained by the use of a soil auger (e.g. dutch or screw auger) but shallow soil pits may be useful to supplement the information obtained by these borings. Soil map units are to be classified at the series level (or associations for closely related soils).

(f) Soil narrative. Provide a narrative pursuant to subsection 11.A.1 and describe assumptions made during field observations based upon the information obtained in the field.

(g) Existing roads. Site-specific soil survey information is not necessary to upgrade existing roads unless the upgrade will require work significantly outside of the existing road footprint.

[Note: These soil survey requirements do not meet any of the current classes of soil survey as described in the Maine Association of Professional Soil Scientists Standards for Soil Surveys but are intended to provide the minimum amount of information necessary to review linear projects with little or no adjacent development. Notwithstanding the above, the soil survey must include an identification of any inclusions of dissimilar soils within map units in the area of proposed disturbance that, because of hydrology, erodibility, lack of cohesion, or other relevant factors, pose a limitation to the proposed development, and map any such inclusions at a Class A mapping intensity.

(5) Class D (Medium Intensity) Soil Survey. All other developments.

C. Geotechnical investigation. If proposed buildings, facilities, or infrastructure require a geotechnical investigation for their design and construction, or a geotechnical investigation is determined to be necessary by the department, provide a report of this investigation prepared and endorsed by a registered professional engineer and other licensed professionals, as appropriate. (For example, a Certified Soil Scientist must prepare soil identifications and descriptions, and a Certified Geologist must endorse interpretations of geologic conditions. This report should identify all major limitations to the development posed by existing soils and other surface and subsurface features of the site, and describe the techniques to be used to overcome these limitations. Depending on the nature of the proposed development, the requirement for a soil survey map and report may be waived if the department determines that the geotechnical report will provide sufficient information.

D. Hydric soils mapping. The limits of all hydric soils must be clearly identified on the soil survey map. Regardless of the mapping class required under Subsection A, all wetlands, of whatever size, must be mapped and shown on the site plans. Refer to the Natural Resources Protection Act Application for more information regarding wetlands mapping.

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Reference: Soil Types and Erosion Standard of the Site Location Law (Suitable Soil Types and No Unreasonable Erosion, 096 CMR 376.

Section 12. Stormwater management (Flooding and General standards).

A. Narrative. Provide a narrative describing pre-development and post-development site conditions and the estimated effects of post-development site runoff on peak discharge rates, flooding and water quality. Identify the standards that the project must meet and which Best Management Practices (BMP's) are proposed to meet the standard. Include the following information in the narrative.

(1) Development location. The general location and orientation of the development within the watershed(s).

(2) Surface water on or abutting the site. All lakes, rivers, streams, brooks and wetlands on or abutting the site.

(3) Downstream ponds and lakes. All downstream ponds and lakes that may be affected by site runoff. Identify whether each affected pond or lake is in a watershed most at risk from development or a sensitive or threatened region or watershed.

(4) General topography. A description of whether the terrain is flat, gently rolling, hilly or steep.

(5) Flooding. A list of areas, buildings and facilities that historically flood or could be affected by site runoff. This includes off-site as well as on-site areas, buildings or facilities.

(6) Alterations to natural drainage ways. Any proposed changes in alignment and channel geometry.

(7) Alterations to land cover. A description of how the development will change the existing land covers.

(8) Modeling assumptions. Assumptions used to determine runoff curve numbers, times of concentration and travel times for each pre-development and post-development subwatershed. ***An applicant seeking a planning permit must clearly state in the narrative the maximum amount of impervious surface, regrading and altered cover type in each post-development subwatershed to be included under the planning permit.***

(9) Water quantity control. Change in peak runoff flow rates for the site and the methods, if any, that will be used on the site to reduce any increases in peak flow rates, flooding extent or flooding frequency. ***An applicant seeking a planning permit need only state the maximum potential increase in runoff for the development. Discussion of the specific quantity control methods to be used on the site may be delayed until plans for development within specific subwatersheds are more complete.***

(10) Water quality treatment. A discussion of the stormwater quality treatment practices that will be used on the site to reduce the impacts of site runoff on downstream water quality. ***An applicant seeking a planning permit need only state which types of treatment facilities are suitable for the development and demonstrate that adequate land area will be set aside for their installation or, in the case of treatment buffers, their preservation. Discussion of the specific quality control methods to be used on the site may be delayed until plans for development within specific subwatersheds are more complete.***

(11) Offset credits. A discussion of any total suspended solids (TSS) offset credits or phosphorus offset credits that will be applied to the development.

(12) Compensation fees. A discussion of the use of a compensation fee to offset all or a portion of the phosphorus removal necessary to meet the site's phosphorus allocation.

(13) Development impacts. An overall assessment of the development's impacts on receiving waters, adjacent properties, downstream properties and downstream flow control structures.

B. Map. Provide the following maps.

(1) Topographic map. A United States Geological Survey seven-and-one-half minute topographic map showing the site boundaries. A clean photocopy of the relevant area is acceptable.

(2). Soils map. A Soil Conservation Service Medium Intensity Soil Survey Map showing the site boundaries. A clean photocopy of the relevant area is acceptable.

C. Drainage plans. Provide scaled site plans, one for the pre-development site and one for the post-development site, showing the following information, as applicable. ***An applicant seeking a planning permit may choose not to submit a post-development site plan. Post-development plans may be submitted when development plans for specific subwatersheds are more complete.***

(1) Contours. Contour intervals as specified in Part II, Section 1(D)(4).

(2) Plan elements. Legend, north arrow, title block, revisions block and areas for professional stamps.

(3) Land cover types and boundaries. Cover types as defined by the chosen stormwater model.

(4) Soil group boundaries. Boundaries of the hydrologic soil groups on the site.

(5). Stormwater quantity subwatershed boundaries. Drainage boundary of each stormwater quantity subwatershed on the site. For the purposes of stormwater quantity, a subwatershed is any area that has a unique time of concentration to a specific point of interest. Subwatersheds may not always be contained within the property boundary.

(6) Stormwater quality subwatershed boundaries. Drainage boundary of each stormwater quality subwatershed on the site. For the purposes of stormwater quality, a subwatershed is an area that drains to a specific stream, river or lake. It may be possible that the site will only have one stormwater quality subwatershed.

(7) Watershed analysis points. Analysis points used in the runoff model for determining the peak flow rates from the site.

(8) Hydrologic flow lines. Flow lines for determining times of concentration and travel times. For each flow line, indicate the flow type (sheet, shallow-concentrated or channel flow) and the flow length.

(9) Runoff storage areas. Areas (depressions, wetlands, ponds, etc.) functioning to detain, retain or infiltrate runoff.

(10) Roads and drives. State routes, town roads, private drives and unimproved roads on or bordering the site.

(11) Facilities. Buildings, parking lots and facilities.

(12) Drainage systems. Culverts, catch basins, storm sewers and outfalls.

(13) Natural and man-made drainage ways. Any streams, brooks, swales, road ditches and other open drainage channels.

(14). Wetlands. All on-site wetlands.

(15) Flooded Areas. All areas currently flooded due to runoff from the 2-year, 10-year and 25-year, 24-hour storms.

(16) Benchmark. The location of at least one permanent elevation benchmark on the site.

(17) Stormwater detention, retention and infiltration facilities. The location of each facility and the drainage boundary for the area draining to each facility.

(18) Stormwater treatment facilities. The location of each treatment measure and the drainage boundary for the area draining to each measure.

(19) Drainage easements. Boundaries of any on-site and off-site drainage easements that are designated as part of the stormwater management system.

D. Runoff analysis. Provide pre- and post-development stormwater analyses of the site, in accordance with acceptable engineering practice, as provided at Chapter 500.6(A)(3). At a minimum, the site runoff analyses must include the following information.

(1) Curve number computations. Computations for determining the curve number for each pre-development and post-development subwatershed.

(2) Time of concentration calculations. Calculations for determining the time of concentration for each pre-development and post-development subwatershed.

(3) Travel time calculations. Calculations used to determine the travel time through each pre-development and post-development subwatershed or identified reach.

(4) Peak discharge calculations. Calculations used to determine the peak discharge for each pre-development and post-development subwatershed, reach, and watershed reservoir for 24-hour storms of 2-year, 10-year and 25-year frequencies. ***An applicant seeking a planning permit need only determine the maximum potential runoff for the post-development conditions, not the actual increase in runoff.***

(5) Reservoir routing calculations. Provide the calculations used to route stormwater through any ponds, basins or other areas which store and release runoff. ***An applicant seeking a planning permit may choose to only submit reservoir routing calculations for existing storage areas. Calculations for needed detention ponds, infiltration basins or other post-development storage areas may be delayed until development plans for specific subwatersheds are more complete.***

E. Flooding standard submissions. Provide a stormwater quantity management plan for the site. The stormwater quantity management plan must provide for detention, retention or infiltration of stormwater from 24-hour storms of 2-year, 10-year and 25-year frequencies such that the peak flow of the stormwater from the developed site does not exceed the peak flow of stormwater from the site prior to construction of the project. Also, the project may not increase the peak flow of any receiving waters as the result of runoff from the site for 24-hour storms of 2-year, 10-year and 25-year frequencies. In municipalities with 100-year flood elevations, the site runoff may not adversely affect the designated 100-year flood elevation. See 06-096 CMR 375.4. ***An applicant seeking a planning permit may delay submission of the stormwater quantity control plan until the development plans for specific subwatersheds are more complete. Adequate stormwater quantity management must be provided for all specified development on the parcel. The department must approve the specific stormwater management measures for any subwatershed before any activity under the planning permit begins in that subwatershed.***

Details, designs, and specifications. 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. Provide back-up calculations for direct entry data in computer models. The department will review all methods of determining subcatchments on a case-by-case basis. 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.

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.

Reference. No Adverse Effect Standard of the Site Location Law (No Unreasonable Effect on Runoff/Infiltration Relationships), 06-096 375.3 and 375.4, Planning Permit, 06-096 CMR 380 and Chapters 500 and 502.

F. General Standards Submissions. Provide a stormwater quality treatment plan for the site. The stormwater quality treatment plan must meet the applicable standards in Chapter 500. ***An applicant seeking a planning permit may delay submission of the treatment plan until the specific plans for development within specific subwatersheds are more complete. Adequate stormwater quality treatment must be provided for all specified development on the parcel. The department must approve the specific stormwater management measures for any subwatershed before any activity under the planning permit begins in that subwatershed.***

(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. Identify the surface water to which the project site drains.

(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. Particular attention should be paid to the subwatersheds that drain to proposed stormwater management structures.

(3) Calculations. The stormwater runoff calculations for measures designed to meet general standards 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, the Stormwater Management Rules.

NOTE: INCLUDE A SUMMARY OF THE CALCULATIONS IN A SPREADSHEET

(4) 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) Ponds. Submit a plan sheet 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, test pit information, 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 filter for any pond 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) Underdrained vegetated filters. Submit a plan sheet having the following details and specifications for each underdrained vegetated filter area: 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, test pit information, and specifications for stabilizing the filter bed with sod. The cross section of the underdrain filter must specify the thickness and composition of the soil filter media, the thickness and gradation of the gravel drainage fill, and the diameter and material type for the perforated underdrain pipe.

(c) Infiltration. Submit a plan sheet showing the following details and specifications for each infiltration measure: 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 determined by the department and 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, identifying the soil type (certified by a soil scientist) 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 inslope fill material will have slopes no steeper than 3:1. Submit documentation, in the form of draft convenants and restrictions, demonstrating that buffer area(s) will be maintained as buffer.

(5) Phosphorus removal. The phosphorus standard is described at Chapter 500.4(A)(2)(c). If required to meet this standard, submit the items as required under Subsection F (5), under Subsection F (6) and the following.

The department encourages the applicant to use the methods presented in the department manual *Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development* for designing and implementing a phosphorus control plan. Other methods not yet accepted will be reviewed individually.

(a) Calculations for determining the site's allowable phosphorus export. Default per acre phosphorus allocations used in determining the allowable phosphorus export for most at risk watersheds are available from the Department's Division of Watershed Management (287-3901). The applicant may propose an alternative allocation for the watershed.

(b) Calculations for determining the post-development phosphorus export. The post-development export is based on the extent of the developed area, the cover-type(s) of the developed areas, the treatment measures employed to reduce the phosphorus content in the runoff and the export reduction from any phosphorus offset credits.

(c) Calculations for determining the compensation fee. For those developments whose post-development phosphorus export exceeds the allowable export, provide a calculation for the compensation fee. Determine the excess phosphorus export to be accounted for through compensation by subtracting the allowable phosphorus export from the post-project phosphorus export. Calculate the appropriate fee at a rate of $10,000 per pound of excess phosphorus. If payment of a compensation fee is approved, the payment must be received prior to issuance of a department order.

(6) Responsible party for long-term maintenance. Provide a written plan for the protection and maintenance of the development's stormwater drainage system, stormwater treatment measures, roadways, parking areas, and permanent erosion controls.

G. Components of the maintenance plan. At a minimum, the inspection and maintenance plan must accomplish the following objectives.

(1) Identifies the person responsible for implementing the maintenance plan. Give the name, address, and telephone number of the person responsible for ensuring that maintenance is completed in a timely manner. If the name of the person is unknown, give the title of the person who will have the ultimate responsibility (e.g. the store manager, the homeowner association president, or the public works director).

(2) Specifies the transfer mechanism. State the specific conditions upon which the facilities will be transferred from the contractor(s) to the owner. If a homeowners association will assume the maintenance responsibilities, state the specific conditions upon which the responsibility or the facilities will be transferred from the owner to the association. If a municipality or municipal district will assume the maintenance responsibilities, state the specific conditions upon which the responsibilities or the facilities will be transferred from the developer to the municipal or district authority.

(3) Describes the facilities to be maintained. List the facilities to be maintained, including stormwater ponds, basins, ditches, catch basins, culverts, outlet protection, level spreaders, roadways, parking lots, buffers, and runoff treatment measures.

(4) Establishes the inspection and maintenance tasks. For each facility to be maintained list the maintenance tasks necessary for ensuring the stability and function of the structure.

(5) Identifies any deed covenants, restrictions, or easements on the site. Provide a descriptive list of any deed restrictions, covenants, or easements established for purposes of site drainage,

runoff treatment, or facilities access. Provide a plan showing the location of each easement and each area under restriction or covenant.

(6) Provides a maintenance log. Include an example page of the BMP maintenance log that will be kept on-site.

(7) Supplies a copy of any contracts with third parties. If the site owner, operator, association, or municipal authority having maintenance responsibility will hire a third party to perform any maintenance, submit a copy of the completed contract with the third party.

H. Maintenance by a homeowner association. If a homeowner's association will be established for the maintenance of any commonly owned facilities or property, submit a charter meeting the following objectives in addition to those in section A above.

(1) Incorporates the association. Provide for the incorporation of the association.

(2) Establishes the association membership. Provide that each lot owner or lessee automatically becomes a member in the association.

(3) Establishes fee assessment. Empower the association to assess reasonable fees for the maintenance of all common facilities.

(4) Establishes lien system. Make an unpaid assessment a lien against a delinquent lot owner's or lessee's property.

(5) Subjects amendments to department approval. Provide a specific reference indicating that the development is subject to the terms and conditions of the department or board order, including the number of that order when obtained from the department. Provide that any section(s) of the homeowners association documents related to departmental or board requirements cannot be amended or otherwise altered without specific prior approval by the department.

(6) Provides for a renewal of covenants and leases. Make any covenant or lease agreement automatically renewable at the end of its basic term.

I. Maintenance of facilities by a municipality or quasi-municipal district. If a municipality or municipal district will assume responsibility for all or part of the facilities maintenance, submit a municipally-approved plan that meets the following objectives in addition to those in section A above.

(1) Provides evidence of acceptance. Provide evidence that the municipal authority or district board will accept responsibility for facilities maintenance in accordance with department standards and permit conditions.

(2) Estimates annual expenditures. Provide an estimate of the annual cost to the municipality or district to perform the inspection and maintenance tasks.

J. General inspection and maintenance requirements. General maintenance requirements for drainage control and runoff treatment measures are listed below. Further information on the maintenance needs of stormwater management practices can be found in the Maine DEP's *Stormwater Management for Maine: Best Management Practices*.

(1) Drainage easements. The maintenance plan must include yearly inspections and maintenance to remove any obstructions to flow, to control or prevent vegetated growth that could obstruct flow, and to repair any erosion within the easement corridor.

(2) Ditches, culverts, and catch-basin systems. The maintenance plan must include yearly inspections and maintenance to remove any obstructions to flow, to remove any accumulated sediments within the structures, and to repair any erosion of channel linings, inlet protection, or outlet protection. Vegetated ditches must be mowed or otherwise maintained to control the growth of woody vegetation within the channel.

(3) Roadways and parking surfaces. If pavement sweeping will be done, the maintenance plan must state the frequency and general timing (e.g. early spring) of the sweeping operations.

(4) Stormwater detention and retention facilities. Every detention basin, pond, and infiltration basin built for the control or treatment of stormwater must have a maintenance plan developed by the design engineer. At a minimum, the maintenance plan must include the items listed below.

(a) Embankment inspection and maintenance. Provide a description of the yearly inspections of the impoundment embankments to identify excessive settlement, slope erosion, internal piping, and downstream swamping. Identify the actions to be taken if any problems are found. Provide a mowing plan to prevent the growth of woody vegetation on the embankment.

(b) Outlet inspection and clean out. Provide a description of the semi-annual inspection of the impoundment's outlet control structure to identify broken seals, obstructed orifices, plugged trash racks, and piping along the outlet barrel. Identify the actions to be taken if any problems are found. Provide for the removal and disposal of any sediments and debris within the control structure.

(c) Spillway maintenance. Provide a description of the yearly maintenance necessary for the impoundment's emergency spillway. This may include the mowing of vegetated spillways to control woody vegetation or the repair of riprap spillways.

(d) Sediment removal and disposal. Provide for the occasional removal and disposal of accumulated sediments within the impoundment and the impoundment's forebay (if any). The clean-out frequency ranges from five to twenty years, depending on the sediment load to the pond or basin.

(5) Runoff infiltration facilities. Every infiltration facility built for the control or treatment of stormwater must have a maintenance plan approved by the department. The maintenance plan must include the items listed below.

(a) Protection from sediments. Provide a plan for preventing the deposition of sediment into the basin. This includes a sediment control plan implemented during construction and a runoff pre-treatment plan implemented after construction. Describe how the construction sediment controls and pretreatment measures will be inspected and maintained to prevent excessive sediment reaching the infiltration area.

(b) Infiltration rehabilitation. Provide a plan for the periodic renewal of the infiltration capacity to prevent clogging. Rehabilitation is generally necessary every three to ten years depending on the soil conditions, infiltration surface treatment, and sediment load to the infiltration measure. Generally, renewal is necessary if the basin fails to drain within 72 hours after a rainfall.

(c) Sediment removal and disposal. Provide for the occasional removal and disposal of accumulated sediments within the infiltration area. The clean-out frequency ranges from two to ten years, depending on the sediment load to the infiltration measure.

(d) Groundwater elevation monitoring. Provide for the observation of groundwater elevation below the infiltration area after every storm event exceeding one-half inch or more. These observations must be recorded in the maintenance log for the site.

(6) Proprietary treatment devices. Provide a maintenance plan and contract for the removal of accumulated sediments, oils, and debris within the device, the replacement of any absorptive filters, or both. The frequency of sediment clean out and filter replacements must be consistent with the unit's storage capacity and the estimated pollutant load from the contributing drainage area**.**

(7) Buffers. Provide a yearly inspection and maintenance plan to ensure the integrity and function of setback and treatment buffers on the site. Management of the buffer's vegetation must be consistent with the requirements in the deed restrictions for the buffers.

(8) Other practices and measures. Contact staff in the department's Division of Watershed Management for assistance in developing inspection and maintenance requirements for other drainage control and runoff treatment measures installed on the site. The maintenance needs for most measures may be found in the Maine DEP's *Stormwater Management for Maine: Best Management Practices*.

(9) Maintenance contract. Submit an executable contract with a third-party for the removal of accumulated sediments, oils, and debris within any proprietary devices and the replacement of any absorptive filters if these measures are part of a project's proposed stormwater management system. An applicant that has the personnel and equipment necessary to perform maintenance on any proprietary devices may submit a demonstration of capability in lieu of an executable contract with a third party. The frequency of sediment clean-out and filter replacements must be consistent with the unit's storage capacity and the estimated pollutant load from the contributing drainage area. This clean-out frequency is usually established by the manufacturer of the proprietary system when sizing the device for the project. The contract must state that a qualified professional will perform maintenance on stormwater management systems to maintain pollutant removal levels.

References: No Adverse Effect Standard of the Site Location Law (No Unreasonable Effect on Surface Water Quality) 06-096 CMR 375.6, Planning Permit, 06-096 CMR 380 and Chapters 500 and 502.

Section 13. Urban impaired stream submissions.

If required, the urban impaired stream standard applies in addition to the basic, general and flooding standards.

A. When the urban impaired stream standard must be met. If a project located within the direct watershed of urban impaired stream or stream segment listed in chapter 502 results in three acres or more of impervious area or 20 acres or more of developed area, requires review pursuant to the Site Law, or is a Site Law modification of any size as described in Section 16 of this chapter, the urban impaired stream standard must be met.

B. Description of the urban impaired stream standard. In addition to meeting the basic and general standards, a project in the direct watershed of an urban impaired stream must pay a compensation fee or mitigate project impacts by treating, reducing or eliminating an off-site or on-site pre-development impervious stormwater source as described in Section 6(A) of Chapter 500. Compensation fees must be paid to the department's compensation fund or to an organization authorized by the department pursuant to the Stormwater Management Law, 38 M.R.S.A. § 420-D(11).

Section 14. Basic Standards submissions.

A. Narrative. Provide a narrative describing the site's erosion potential and the measures to be employed to control erosion and sedimentation during construction and after completion of the development. Describe the temporary and permanent erosion control methods to be employed on

the site. ***An applicant seeking a planning permit need only identify those measures suitable for the site given the site's soils, topography, resources, hydrology and development schedule.***

B. Give the expected date by which final stabilization of the site will be complete. ***An applicant seeking a planning permit need only identify those stabilization measures suitable for the site and may omit the expected date of final stabilization.***

C. Show the locations of all roads, lot boundaries, buildings, parking lots, material stockpiles, existing and proposed culverts, drainage channels, catch basins, subsurface drainage pipes and storm drain outfalls. ***An applicant seeking a planning permit for a development may delay showing these specific locations on the plan until plans for development within specific areas of the parcel are more complete. The department must approve the specific erosion and sedimentation controls for any area of the parcel before any activity under the planning permit begins in that area.***

D. Show the location of all temporary and permanent erosion controls to be installed on the site. ***An applicant seeking a planning permit may delay showing these specific locations on the plan until plans for development within specific areas of the parcel are more complete. The department must approve the specific erosion and sedimentation controls for any area of the parcel before any activity under the planning permit begins in that area.***

E. Show the limits of the areas disturbed by construction. ***An applicant seeking a planning permit may delay showing these specific limits on the plan until plans for development within specific areas of the parcel are more complete. The department must approve the specific erosion and sedimentation controls for any area of the parcel before any activity under the planning permit begins in that area.***

F. Provide design drawings and specifications for the temporary and permanent erosion and sedimentation control measures to be used on the site. The drawings and details must be sufficiently detailed to allow a contractor unfamiliar with the controls to install and maintain them. The applicant is encouraged to choose appropriate measures for the site by utilizing the specifications and siting criteria in the Erosion *and Sediment Control Handbook for Construction: Best Management Practices* produced jointly by the Cumberland County Soil and Water Conservation District and the department. ***An applicant seeking a planning permit need only submit general designs and details. The submission of specific, engineered designs may be delayed until plans for development within specific areas of the parcel are more complete. The department must approve the specific erosion and sedimentation controls for any area of the parcel before any activity under the planning permit begins in that area.***

G. Provide calculations for sizing, spacing or stabilizing each erosion and sedimentation control measure. These calculations must include analyses for determining the peak runoff flow to a control, its storage volume and its outlet design. The applicant is encouraged to design controls for the site utilizing the design methods and specifications in the *Erosion and Sediment Control Handbook for Construction: Best Management Practices* produced jointly by the Cumberland County Soil and Water Conservation District and the department. ***An applicant seeking a planning permit may delay submitting these calculations until plans for development within specific areas of the parcel are more complete. The department must approve the specific erosion and sedimentation controls for any area of the parcel before any activity under the planning permit begins in that area.***

At a minimum, the erosion and sedimentation control plan must include the following.

(1) 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.

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

(a) 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.
(b) 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.

(c) 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, the Stormwater Management Rules. At a minimum, the inspection and maintenance plan must include the following:

(i) 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”).

(ii) 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 sediment s in basin sumps”). Submit the specific qualifications of the person performing each task (e.g., “a professional professional engineer registered in the State of Maine will inspect the retention pond embankment”).

(iii) 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 email 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 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.

(k) 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.

Note: Third-party inspections. The department may require third-party inspections of the development's erosion and sedimentation controls during construction and immediately after final stabilization. In all cases, the third party inspection program, to be implemented by the applicant, must comply with the "Special Condition for Third Party Inspection Program" that will be incorporated as part of the department order issued for the development.

References: No Adverse Effect Standard of the Site Location Law (Erosion and Sedimentation Control), 06-096 CMR 375.5, Planning Permit, 06-096 CMR 380, and Financial Capacity Standard of the Site Location Law (Technical Ability to Meet Air and Water Pollution Control Standards), 06-096 CMR 373.2.

Section 15. Groundwater

A. Narrative and report. Include the following:

(1) Location and maps. Delineate project boundaries on copies of relevant sections of the following maps if available: Maine Geological Survey (MGS) Sand and Gravel Aquifer Map; MGS Surficial Geology map; and MGS Bedrock Geological map.

(2) Quantity. Estimate of the quantity of groundwater (gal/day) to be used, discharged or otherwise extracted by the development. If adverse impacts of groundwater withdrawal including, but not limited to salt water intrusion, reduction of groundwater availability to existing or proposed water supplies or protected natural resources, as defined at 38 M.R.S.A. § 480-B, or land subsidence have been or can be a problem, provide a report by a certified geologist addressing the potential effects of the development on groundwater quantity.

(3) Sources. Identification of all potential sources of contamination including, but not limited to wastewater, solid waste, hazardous materials, fuel, solvents or other chemicals handled, stored or disposed of on site. Normal household quantities of these substances need not be specifically listed. If a Phase I or Phase II environmental assessment has been required by a bank, insurance company or other financing agent include the results of this assessment.

(4) Measures to prevent degradation. Description of the measures to be taken to prevent the degradation of existing ground water quality. Summarize the design, construction, operational and monitoring (if proposed) specifications and procedures to be followed. Monitoring may be required in certain cases including, but not limited to developments that propose storage or disposal of liquid or solid waste, wastewater, or fuel, or infiltration of stormwater. Monitoring may also be required in cases where salt-water intrusion or other activities related to extraction of on-site groundwater may have an adverse impact on predevelopment water quality or quantity. Basic elements of a monitoring plan are outlined in subsection C below. This monitoring program must include monitoring of surface water quality, soils and other media if determined to be necessary by the department.

B. Groundwater protection plan. If a development will use or store petroleum products, pesticides, herbicides, fertilizer, road salt, solvents, acids or other materials with the potential to contaminate groundwater, provide a groundwater protection plan. The groundwater protection plan must include measures including, but not limited to: equipment design, operational procedures, preventive maintenance, construction techniques and materials, personnel training, spill response capabilities and spill prevention, control and countermeasures plans, alternative materials or processes, implementation of new technology, modification of facilities or equipment, best management practices, hazardous waste contingency plans, runoff or infiltration control systems and siting considerations. Specific exemptions for normal household quantities of these materials should be discussed at the pre-application meeting.

C. Monitoring plan. For a development required to monitor the quality and/or levels of surface water or groundwater, provide a water quality monitoring plan as a separate manual. This document must be prepared, signed and dated by a professional qualified in water chemistry interpretation and/or a certified geologist. The document must include the information listed below. If groundwater monitoring wells will be used, submit the information in subsection D.

(1) Monitoring points. Identification and summary of all monitoring points (e.g. monitoring wells, lysimeters, springs, etc.) to be used for measurement of water level or for water quality analysis. Monitoring points must have an assigned identification symbol (alpha/numeric) and, as appropriate, elevation referenced to an established permanent benchmark. Include a map showing all monitoring points.

(2) Monitoring frequency. Outline of the monitoring frequency at each monitoring point by the number of sampling/analysis events per year (e.g. quarterly, etc.) and by month (e.g. April, September, etc.).

(3) Background water quality/levels. Provision for obtaining adequate data on background water quality and/or levels and for using a statistically valid method for determining a significant

increase in parameter concentrations (e.g. contamination levels, but not necessarily MCL's/MEG's). At a minimum, determination of background water quality or levels must consist of quarterly monitoring for 1 year.

(4) Monitoring parameters. List of parameters to be analyzed including references to the laboratory analysis methods to be utilized for each parameter, detection limits for each analysis method and the MCLs/MEGs for all applicable parameters. All monitoring must include field parameters (conductivity, temperature, pH and TDS), in addition to parameters specific to the monitoring program objectives.

(5) Monitoring personnel qualifications. Identification of the qualified personnel responsible for taking water level measurements and water quality analysis samples. The applicant or employee of the applicant should not do these tasks, but, if proposed, then subsection 6 below must be addressed.

(6) Proof of adequate training. Written certification from a qualified expert that the personnel conducting monitoring are or will be adequately trained to properly collect measurements and/or samples by approved methods and protocols.

(7) Monitoring equipment and methods. Description of the equipment and methods to be employed for water level measurement and/ or water quality analysis sample taking.

(8) Quality assurance/quality control and chain-of-custody protocols. Description of the quality assurance/quality control and chain-of-custody protocols to be followed for water quality sampling, preservation, storage, transport and laboratory analysis.

(9) Reporting requirements. Provision to submit all data and analyses to the department annually, or at another schedule required by the department. Annual reports should present data in a tabular format including data from previous monitoring. In the event contamination is detected, or operational problems which could lead to contamination occur, the department must be notified immediately. Reports must be signed and dated by the professional responsible for their preparation.

(10)Remedial action/mitigation plan. A provision that, if water levels or water quality monitoring results indicate adverse effects are occurring as a result of the project activity, then an evaluation will be made by a qualified professional and an appropriate remedial action and/or mitigation plan will be developed and submitted to the department for review and approval.

D. Monitoring well installation report. If an applicant is required to monitor groundwater level or quality, then locations, depths and construction details of monitoring wells or piezometers must be provided. Submit a report, endorsed by a certified geologist, containing a narrative which indicates the date each monitoring point was installed, the method of installation, the purpose and objectives of the monitoring network and a discussion on the basis for selection of monitoring well or piezometer locations and depths. Include the following information.

(1) Well location map. A map showing final groundwater monitoring well or piezometer locations with identification symbols (alpha or numeric) for each monitoring point, including the location of the benchmark (BM) used to determine well or piezometer elevations and ground surface elevations. Include notes describing the BM, its reference elevation, and the name, title and address of the party responsible for establishing the BM.

(2) Elevation data. Elevations (to the nearest tenth of a foot) of the following for each monitoring point: ground surface, top-of-casing (at the specific point on casing from which groundwater depth will be measured) and the top and bottom of the well/piezometer screen interval referenced to an identified BM. Elevations based on the NGVD of 1929 are preferable; however, an assumed datum may be used.

(3) Well installation/measurement data. Measurements (to the nearest tenth of a foot) of the following for each monitoring point: depth to bottom of borehole and well casing from ground surface and height above the ground surface of top-of-casing (i.e. pipe "stickup" height).

(4)Well construction details. Description of type and thickness of seals, texture of packing used around screened interval and diameter/specifications of well screen and casing.

(5) Borehole logs. Borehole logs annotated by a certified geologist if a well driller recorded original logs.

(6) Summary of groundwater depth measurements. Summary of depths and elevations measurements to phreatic or potentiometric groundwater surface.

(7) Hydrogeologic characteristics of subsurface strata. Hydraulic conductivity of subsurface strata and associated field data and calculations. Include estimated time-of-travel from potential contamination sources to each monitoring point.

(8) Well installation contract details. Copy of well/piezometer drilling and installation contract and specifications, if any.

(9) Schematic cross section. The information outlined in subsections 2 through 6 above should be included in schematic cross-section diagrams for each monitoring point installed.

(10). Monitoring point summary table. Include a summary table for all monitoring points, containing the monitoring point identification symbol, top-of-casing elevation, ground surface elevation and well/piezometer depth.

(11) Protective casing. Provide protective steel casings with locking caps or other measures to protect the wells (e.g. near high-traffic areas, bollards may be necessary to further protect monitoring points).

(12) On-site well identification. Permanent I.D. markings that include a tag inside the well cap and I.D. markings on the outside of the protective casing must be provided. A witness stake or flagging at each monitoring point or brightly painted casing should be considered so that monitoring points may be easily found, except in cases where vandalism is likely and subdued monitoring locations are more practical.

An applicant seeking a planning permit need only provide the maps required by Section 15(A) and a general statement indicating the approximate volume and nature of potential contaminants to be stored and used on-site. Specific details of the groundwater protection plan, groundwater monitoring plan and any potential discharges to groundwater may be delayed until plans for development are more complete.

Reference: No Adverse Environmental Effect Standard of the Site Location Law (No Unreasonable Adverse Effect on Surface Water Quality; No Unreasonable Adverse Effect on Ground Water Quality; No Unreasonable Adverse Effect on Ground Water Quantity), 06-096 CMR 375.6-8; and Planning Permit, 06-096 CMR 380.

Section 16. Water supply

A. Water supply method. Describe the method(s) by which drinking and process water will be supplied to the development.

(1) Individual wells. An individual well is a well serving a single-family residence, such as a house or mobile home, or providing less than 300 gallons per day to a facility of any other type. If

the use of individual wells is proposed, provide evidence from a certified geologist or a well driller knowledgeable about the development vicinity that a sufficient and healthful water supply is likely to be available for the development.

(a) Support of findings by well driller. Support positive findings by a well driller with information including: number of wells established by the driller in the vicinity of the development; identification and locations of these wells on a site map such as a U.S.G.S. topographic map; the type and depths of the wells; the types and depths of soil and bedrock encountered at the well sites; water quality data from these wells (if available); and well yields. Supplement this information with data for the vicinity from the Maine Geological Survey (287-2801).

(b) Support of findings by geologist. Support positive findings by a certified geologist with a report which summarizes and interprets hydrogeologic data for the region, correlated to the project site, and including on-site hydrogeologic data, if available, including the Maine Geological Survey database. Include available well drilling and water quality/quantity data.

(2) Common well(s). A common well is an individual well or part of a group of wells providing water to more than one single-family dwelling, or to a facility requiring more than 300 gallons per day (gpd). If use of a common well or wells is proposed, provide the following:

(a) Hydrogeology report. A report from a certified geologist indicating a sufficient and healthful water supply is likely to be available to the development that includes: information as outlined in subsection A.1.b above, a map showing recommended location of the common well or wells, and a determination of the risk of adverse effects on any off-site wells or protected natural resources (as defined in 38 M.R.S.A. § 480-B) due to groundwater withdrawal.

(b) Engineering report. A report from a registered professional engineer that includes evidence indicating adequate provisions have or will be made for the proper long-term operation and maintenance of the water supply system, identification of the personnel responsible for that operation and maintenance, and design plans and detail sheets, as appropriate, for the water storage, treatment and distribution system.

(c) Well installation report. A report stating the name of the well driller, giving the date the well was installed and including a map showing the actual installed location. The report will also include the well depth, well drilling log (describing strata found), well construction details (casing type/diameter, casing length, screen depth/length, etc.) and an estimate of the well yield for each well. If the well is not installed at the time of application submission, indicate a schedule for providing this information after the well or wells are established.

(d) Long-term safe yield and zone-of-influence determination. If determined to be necessary by the department, submit a determination of the long-term safe yield of each well, including a prediction of operating levels and determination of the zone of influence and zone of capture for each well. Include any pump-test data and interpretation, monitoring data, proposed monitoring plan, or other information required by the department or the Department of Human Services' Drinking Water Program to assess these factors and the potential impact on existing wells and surface-water resources due to groundwater withdrawal.

(e) Public water supply. A public water supply has at least 15 service connections or will regularly serve an average of 25 individuals daily for at least 60 days per year. If the common well or wells meet this definition, provide the following, as required for preliminary and final approval of community and non-community (transient and non-transient) public

water supply wells by the Department of Health and Human Services, Division of Environmental Health, Drinking Water Program (DHHS-DWP):

(i) Proposed well or wells. If a well(s) does not exist at the time of application submission, provide a copy of the application and attachments required for preliminary approval by DHHS-DWP and indicate a schedule for providing a copy of the application and attachments required for final DHHS-DWP approval.

(ii) Existing well or wells. If a well(s) is existing at the time of application submission, provide a copy of the application and attachments required for either after-the-fact approval by DHHS-DWP, or for preliminary and final approval, as applicable.

(3) Well construction in shallow-to-bedrock areas. For subdivisions where on-site water supply wells and subsurface wastewater disposal systems are proposed, include provisions for installing water supply wells with casing set and grouted a minimum of 20 feet below the solid bedrock surface in areas where bedrock is encountered at a depth of 10 feet or less.

(4) Additional information. If the department considers that a sufficient and healthful water supply may not be provided by on-site wells, the following may be required: potability tests of water from wells located in proximity to the site; establishment of one or more test wells on the site, pump tests of the well(s); and a report by a certified geologist indicating the yield and potability of water obtained from the well(s). A complete hydrogeologic assessment of groundwater quality and quantity may also be required.

(5) Off-site utility company or public agency. Provide a letter from the supplier demonstrating that a sufficient and healthful water supply exists and may be utilized by the development.

(6) Other sources. Describe any other sources of water supply and provide evidence of acceptable water quality and quantity.

B. Subsurface wastewater disposal. If water supply wells and subsurface wastewater disposal are to be handled on-site, and any proposed lots are less than 2 acres in size, identify the location of wells and footprints of on-site subsurface wastewater disposal fields at each lot. If water supply wells and subsurface wastewater disposal are to be handled on-site, demonstrate that there is sufficient room on each lot to locate water supply wells and on-site disposal systems, or make other provisions for water supply and wastewater disposal.

C. Total usage. Indicate the total anticipated water usage by the development (gallons/day).

For a planning permit, if water is supplied by an off-site utility, the applicant must submit a letter from the utility stating that it has adequate capacity to provide the maximum volume of water to be used by the facility at full build-out, presuming full build-out within the year following approval, through at least the next five years, given reasonably anticipated changes in demand on that utility from other sources during that time. If a construction schedule is established as a condition of the permit, an alternate demonstration of adequate capacity may be approved.

If water is to be supplied on site, an applicant seeking a planning permit need only provide an estimate of the maximum water usage by the development at full build-out, an indication of the availability of sufficient quality of potable water on site and a statement of whether or not the on-site source will be a public water supply. Submission of specific information regarding the location, protection and potential impacts of water supplies may be delayed until plans for development are more complete.

Reference: Financial Capacity Standard of the Site Location Law (Adequate Provision for Securing and Maintaining Sufficient and Healthful Water Supplies), 06-096 CMR 373 and Planning Permit, 06-096 CMR 380.

Section 17. Wastewater disposal

A. On-site subsurface wastewater disposal systems. If sewage disposal will be by subsurface wastewater disposal systems, provide an on-site investigation report by a licensed site evaluator and, if required by subsection B, a certified geologist, including the following information as applicable. Note that only test pits are acceptable for reporting soil conditions for subsurface wastewater disposal, except as provided for in subsection A (4)(a).

(1) Site plan. A site plan showing site topography, project boundaries, and layout of the proposed development ; location of all subsurface explorations (test pits, borings, etc.) with corresponding numbers or other identifying alphanumeric code; any existing on-site water supply wells or existing off-site wells within 300 feet of the project boundaries, and proposed subsurface wastewater disposal field locations (i.e. footprints) including limits of fill extensions for disposal fields on slopes greater than 10%. Test pits must be located clearly within disposal field footprints. The site plan must also include an identification of the responsible licensed site evaluator, a note referencing the associated soil report by title and date, and an identification of subsurface exploration and disposal field footprint symbols utilized in the plan. Note that additional information may be required by subsection B (3)(b).

(2) Soil conditions summary table. Soil conditions summary table including all subsurface explorations, and indicating lot number, exploration identification symbol, soil profile/condition, depths to limiting factors, and identifying the test pits to be used for disposal field designs. Use copies of Form E, Part III. Borings and probes are acceptable only to address subsection A (4)(a).

(3) Logs of subsurface explorations. Logs of all subsurface explorations (test pits, borings, probes, etc.) evaluated in conducting any on-site investigation, signed and dated by a licensed site evaluator. Boring logs, if monitoring wells are required by subsection B, must be annotated by a certified geologist if a well driller initially recorded logs. Use copies of Form F, Part III for site evaluator test pit profile logs.

(4) Additional subsurface explorations. A sufficient number of test pits must be provided within the footprints of all proposed wastewater disposal fields to adequately document that disposal fields can be installed entirely on soils and slopes in compliance with the Subsurface Wastewater Disposal Rules (10-144A CMR 241). Provide additional subsurface exploration data for certain soil conditions or disposal field designs, as outlined by the following:

(a). Soil condition AIII (bedrock depth less than 24"). A minimum of 5 subsurface explorations: one test pit is to be centrally-located within disposal field footprints, plus a subsurface exploration at each disposal field corner which may consist of either a test pit, boring, or probe.

(b). Soil with profile 8 or 9-parent material (lacustrine/marine deposits). A minimum of 2 test pits: each test pit to be located near each end of disposal field footprints.

(c) Soil condition D (limiting factor depth less than 15”). A minimum of 2 test pits: each test pit to be located near each end of disposal field footprints.

(d) Disposal field length of 60 feet or longer. A minimum of 2 test pits: each test pit to be located near each end of disposal field footprints.

(5) 3-bedroom design. For proposed residential subdivisions, investigations of soil areas for suitability for subsurface wastewater disposal and delineation of disposal system footprints at each lot must consider that all proposed subsurface wastewater disposal systems will accommodate a wastewater flow volume generated by a 3-bedroom single family dwelling, as an assumed minimum, unless common or engineered systems are proposed.

(6) Larger disposal systems. If sewage disposal is to be provided by one or more systems serving 2 or more residences (e.g. common systems), or with design flow(s) greater than 500 gallons per day, provide the following additional information if determined to be necessary by the department. Note that approval by the Department of Health & Human Services' (DHHS) Division of Health Engineering is also required for engineered disposal systems (design flows of 2000 gallons or more per day), and that disposal of any wastewater other than normal domestic sanitary wastewater or the equivalent may require a waste discharge license from the Division of Water Resource Regulation. DHHS approval does not exempt a disposal system from the requirements of Subsection B of this section, or other water quality requirements determined to be applicable by the department.

(a) System design details. Provide design flow criteria, system sizing calculations and indicate system type (e.g. trench, bed, chambers, tubes, etc.), and other relevant information including materials specifications and installation details.

(b) Plan view. Plan view showing the layout of the system including limits of the disposal field and backfill extensions, piping network, chamber arrangements within each system (if applicable), septic tank(s), pump/dosing chamber(s) (if applicable), direction of ground surface slope, description/locations of benchmarks (elevation reference points), locations of control points for determining disposal field location on-site and identification/labeling of disposal system components.

(c) Cross-sections. Cross-sections of the proposed disposal field(s) showing details such as proposed elevations, fill depths, limits of backfill extensions, thickness/depth of disposal fields and identification/labeling of disposal system components.

(d) Test pit data. Provide sufficient test pit data to verify that adequate soils exist for the entire dimensions of the proposed disposal system. At a minimum, a licensed site evaluator must provide test pit profile data from each corner and a central point within the proposed field or fields. In addition, provide ground surface elevations, referenced to a benchmark or elevation reference point, at all test pits located within the disposal field footprint(s).

(e) Mounding analysis. For engineered systems, provide a mounding analysis by a registered professional engineer of the expected localized rise in the saturated zone in order to determine that an adequate vertical separation distance is specified in the system design between the bottom of the disposal field and any mounded water table.

B. Nitrate-nitrogen impact assessment

(1) When required. For all subsurface wastewater disposal systems proposed at the development, provide an assessment report by a certified geologist of the effect of nitrate-nitrogen (NO_3-N) on groundwater quality, demonstrating that the concentration of NO_3-N in contaminant plumes from the on-site disposal systems will not exceed 10 mg/l at the downgradient project boundary, or at any existing/proposed water supply well located downgradient of the systems.

(a) Exemptions. The following subsurface wastewater disposal systems are exempt from a NO_3-N impact assessment requirement:

(i) Conventional disposal systems: Systems disposing of less than 300 gallons per day (gpd) of domestic wastewater (as defined in the Maine Subsurface Wastewater Disposal Rules, 10-144A CMR 241), if setbacks are maintained between disposal fields and downgradient project boundaries, or downgradient existing or proposed water supply wells, as determined by the soil profile and geologic conditions, according to the following table:

Distance to Downgradient Project Boundary or Wells	Soil Profile & Condition*	Geologic Conditions
300 feet or more	soil condition A	bedrock depth at 36 inches or less
300 feet or more	soil profiles 4, 5, or 6	ablation till and stratified drift
200 feet or more	all other suitable profiles	deep tills, marine, and lacustrine deposits

* As classified by Table 600.1 of the Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

(ii) Denitrification systems. Acceptable setbacks between disposal fields and downgradient project boundaries, or existing or proposed water supply wells to be determined from research data showing efficiency of the system design in reducing total nitrogen in the wastewater.

(b) Special conditions and other exemptions. The department reserves the right to require a NO_3-N impact assessment for disposal systems described in subsection B.1.a above, if conditions warrant, as determined at a pre-application meeting. The department may exempt larger individual disposal systems, and common and engineered systems, from the NO_3-N assessment requirement, on a case-by-case basis, provided that compliance with the intent of this subsection can be demonstrated.

(2) Assumptions. Assumptions include but may not be limited to the following.

(a) Initial concentration. For conventional systems, assume that NO_3-N initially enters the groundwater at a concentration of 40 mg/l. For denitrification systems or conventional systems that include a denitrifying component or components, the initial NO_3-N concentration must be determined on a case-by-case basis from valid field test data provided by the designer and/or manufacturer of the proposed denitrification system.

(b) Background concentration. In lieu of on-site water quality analyses, assume a background groundwater NO_3-N concentration of 2.0 mg/l provided that the site is undeveloped and no adjacent development exists upgradient of the site, unless the department or the investigating geologist suspects that the background NO_3-N concentration in the groundwater is greater. Water quality data from off-site or on-site wells may be acceptable provided that the samples are determined by the department to be reasonably representative of shallow groundwater quality conditions at the site.

(c) Contribution from development. For residential developments with lawns, or other developments such as golf courses or recreational areas with large grassed areas, assume that the contribution of fertilizer to groundwater NO_3-N is 5% of nitrogen applied, based on an application rate of 0.45 pounds nitrogen per 100 square feet, with 6,000 to 15,000 square feet of applied area per lot in a residential development unless other application rates and areas apply.

(d). Mixing and dilution. If dilution by precipitation is assumed as part of the assessment, assume an average concentration of 0.5 mg/l for NO_3-N in precipitation. Use the tables below to determine the percentage of the annual precipitation available for dilution as a function of surficial geologic deposits or hydrologic soil groups.

(i) Recharge rates determined by surficial geology units

Surficial Geology unit	Average Annual Recharge Rate (percentage of annual precipitation)
ice-contact and outwash sand & gravel	40% to 50%
glaciomarine clay/silt	5% to 15%
thick silty lodgement till	5% to 15%
thick coarse-grained (granite-derived) till	15% to 40%
thin sandy till-like soil over bedrock	5% to 20%

(ii) Recharge rates determined by slope and hydrologic soil group

Slope (%)	Average Annual Recharge Rate (percentage of annual precipitation by hydrologic group)			
	A	B	C	D
0 to 8	43%	33%	21%	0%
8 to 15	35%	26%	19%	0%
15 to 25	27%	21%	17%	0%
> 25	21%	17%	14%	0%

Recharge rates for shallow upland soils underlain by fractured bedrock which are designated in hydrologic soil group D are determined according to geologic properties, rather than the hydrologic soil group.

Selection of the appropriate recharge rate at a site depends on factors such as the nature, density and duration of the post-development vegetative cover, the ground surface slope, the degree of ground surface roughness and the soil drainage class, in addition to the type of surficial deposit.

(e) Severe-drought scenario. In cases where the projected NO_3-N contaminant plume concentration at the development boundary is greater than or equal to 8.0 mg/l, analyze nitrate impact under a severe-drought scenario based on 60% of the average annual recharge. Contaminant plume concentrations may not exceed 10 mg/l at the property boundary under this scenario.

(f) Wastewater flow to subsurface wastewater disposal fields. Wastewater flow to subsurface wastewater disposal systems is based on the design flow criteria of the Subsurface Wastewater Disposal Rules, 101-144A CMR 241 unless water-use records for establishments (other than single family dwellings) are provided in accordance with those rules. For single family dwellings, the NO_3-N impact assessment must be based on wastewater flow for 3-bedroom capacity as an assumed minimum.

(3) Assessment report minimum requirements

(a) Narrative and calculations. Provide a report evaluating all relevant hydrogeologic, geologic and soils information for the study area. Include previously published data; an explanation of the method(s) used to determine the impact of the disposal systems; the assumptions used and evidence supporting those assumptions; all calculations; background groundwater quality data if available; a summary of the results and conclusions; and a list of references used.

(b) Site plan. In addition to the information required by subsection A (1), show the following on the site plan.

(i) Optimum locations for all proposed water supply wells (if applicable). Well locations may be shown as areas rather than points, or well exclusion zones may be delineated.

(ii) 10 mg/l and 8 mg/l NO_3-N isocons at steady-state conditions, and when appropriate, the nitrate concentrations at the property boundary.

(iii) Groundwater contours and groundwater flow divides if on-site monitoring of groundwater depths is conducted.

(iv) Locations of any groundwater monitoring wells or other wells, and identifying symbols, if installed or used for the nitrate-nitrogen impact assessment.

(4) Denitrification systems. If denitrification systems are proposed, provide the following.

(a) Design plans and specifications. Design plans, including system layout, elevation, and cross-sections for the proposed systems, and specifications including wastewater design flow, treatment method and material specifications in addition to documents containing relevant theoretical considerations and applied research relevant to the system and a list of references used in completing the design.

(b) Installation information. Information demonstrating that the designer or manufacturer of the system, or other qualified and experienced professional acceptable to the department, will oversee installation.

(c) Monitoring plan. A groundwater and wastewater monitoring plan developed by a certified geologist to evaluate the performance of the system. Details to be provided in a monitoring plan are outlined in Section 15(C).

(d) Maintenance requirements. Identification of maintenance requirements for the system(s), and an operation and maintenance plan for the system(s). Provisions must be made to provide a copy of this plan to any homeowner with a denitrification system.

(e) Backup system. Demonstration that a suitable backup system can be installed in the event of a malfunction of the denitrification system. A reserve area with suitable soil conditions must be delineated on the plan and be reserved for replacement of the system. Soil profile data must be submitted to verify suitable soil conditions in the reserve area.

C. Municipal facility or utility company letter. If a municipal facility or utility company will provide sewage disposal, provide a letter from the municipal facility acknowledging that there is sufficient collection and treatment capacity, and stating that the municipality agrees to accept the amount and nature of the wastewater flow from the development. The site plan must locate the proposed connection to the existing sewer system. If the project includes an extension of the existing sewer collection system, the plans and specifications regarding that extension must be included or be supplied at a later date. If the project includes a new pump station, the plans and specifications regarding that pump station must also be included or be supplied at a later date. A sewer extension involves the construction of a new sewer intended to pick up new lateral connections; reviews are required for both public and private extensions. A single discharge pipe from one building to an existing sewer is not considered a sewer extension. See 38 M.R.S.A. § 361.

D. Wastewater discharge information. If the development will discharge any liquid waste into any stream, river, pond, lake or other body of water including tidal waters, describe the type of discharge, volume of discharge and body of water affected.

A Wastewater Discharge License from the Bureau of Land and Water Quality, Division of Water Resource Regulation, may be required. For further information contact the Bureau of Land and Water Quality (287-3901).

E. Storage or treatment lagoons. If the development will include any lagoons, impoundments, ponds, or similar structures for storage, treatment, infiltration or other functions involving water or liquid waste other than solely stormwater, submit information describing the proposed design of these facilities, including but not limited to: a site plan showing the location of the proposed structure; cross-sections and relevant design details; depth to groundwater and groundwater flow direction in the vicinity of the proposed structure, proposed liner details and liner installation plan, if applicable; and a groundwater monitoring plan (see Sections 15.C and 15.D).

For a planning permit, if wastewater treatment is provided by an off-site utility, the applicant must submit a letter from the utility stating that it has adequate capacity to provide the maximum volume of wastewater to be generated by the facility at full build-out, presuming full build-out within the year following approval, through at least the next five years, given reasonably anticipated changes in demand on that utility from other sources during that time. If a construction schedule is established as a condition of the permit, an alternate demonstration of adequate capacity may be approved.

If on-site disposal of wastewater is proposed, an applicant seeking a planning permit need only provide an estimate of the maximum wastewater to be generated by the development at full build-out, an indication of the availability of sufficient soils for on-site wastewater disposal, and/or sufficient area for construction of wastewater treatment facilities, and a statement of whether or not a wastewater discharge license will be required. If the applicant anticipates that a wastewater discharge license will be required, and that discharge will be to a surface water body, the applicant must identify that surface water and provide information demonstrating that the maximum proposed discharge will not result in a violation of its classification. Submission of specific information regarding the location of wastewater treatment and disposal facilities and potential impacts of wastewater disposal may be delayed until plans for development are more complete.

Reference: No Adverse Environmental Effect Standard of the Site Location Law (No Unreasonable Adverse Effect on Surface Water Quality), 06-096 CMR 375.6 and Planning Permit, 06-096 CMR 380.

Section 18. Solid waste. List the types and estimated quantities (cu. yd.) of solid waste to be generated by the development. Types of waste may include, but not be limited to, stumps/grubbings, construction debris, demolition debris, household solid waste, industrial solid wastes, special wastes and hazardous wastes. Indicate the method of collection (e.g. private, municipal or commercial) and the location of the solid waste disposal facility for each waste listed. If waste from the site is taken to a transfer station, identify the facility or facilities at which the waste is ultimately disposed.

A. Commercial solid waste facility. If intending to use a commercial solid waste facility, attach copies of contracts or commitment letters covering the hauling and disposal of the solid waste for at least one year following the date of the department order. Include the license number of any non-hazardous waste hauler.

For a planning permit, the applicant must submit a letter from the facility stating that it has adequate capacity to handle the maximum volume of solid waste to be sent to the facility at

full build-out, presuming full build-out within the year following approval, through at least the next five years, given reasonably anticipated changes in demand on that facility from other sources during that time. If a construction schedule is established as a condition of the permit, an alternate demonstration of adequate capacity may be approved.

B. Off-site disposal of construction and/or demolition debris. If intending to dispose of construction and/or demolition debris off-site, attach copies of contracts or commitment letters covering the hauling and disposal of this debris for one year from the date of the department order. Include the license number of any non-hazardous waste hauler.

C. On-site disposal of woodwaste or land clearing debris. If any stumps, grubbings, or other wood waste or land clearing debris is to be disposed of on-site, the applicant must comply with 38 M.R.S.A. § 1301 et. seq. and all applicable sections of the Solid Waste Management Rules in effect at the time of the application. There are provisions within the Solid Waste Management Rules to exempt the processing of certain landclearing debris as described in 06-096 CMR 409.1.B.(3).

Delineate the disposal area on the site plan. Disclosure of the on-site disposal of construction debris, landclearing debris and burn area ash to future owners may be required under 02 CMR 330 Section 19 and may require notice within the property deed(s).

If wood wastes are to be burned on-site, show the burn area on the site plan and provide exclusion plans for materials prohibited from being burned (including chemically treated wood, plastics, vinyl, asphalt shingles, etc). On-site burning cannot create a nuisance condition and requires local fire permits. Provide plans for handling both unburned wood waste and woodash, including the name of the licensed or exempt solid waste facility that will be used for disposal of the ash and unburned materials and the name of the licensed or exempt transporter who will transport the materials to the proposed solid waste facility. If applicable, include evidence of capacity to accept the waste from an approved solid waste facility or a plan outlining the usage of these materials in landscaping and reclamation of the site. Include information on ash/topsoil mixing ratios and application rates. Any proposed open burning must comply with the Rules for Open Burning, 06-096 CMR 102.

For subdivisions, if waste is proposed for on-site burial on a particular lot, that lot must be conveyed with a deed restriction identifying the disposal area.

D. Special or Hazardous Waste. Certain developments may generate or require disposal of special or hazardous wastes, as defined at 06-096 CMR 400.1. Contact the Bureau of Remediation and Waste Management (287-2651) for information regarding the handling of these materials.

References: Financial Capacity Standard of the Site Location Law (Adequate Provision for Solid Waste Disposal), 06-096 CMR 373.3 and Planning Permit, 06-096 CMR 380.

Section 19. Flooding. Provide an explanation as to whether this development will or will not cause or increase flooding or cause an unreasonable flood hazard to any structure. Show the 100-year flood elevation on the site plan. If required by the department, provide a hydrological analysis showing that the development will not adversely affect the 100-year flood elevation. If available, include a copy of the applicable Federal Emergency Management Agency (FEMA) flood zone map. Show the development's boundaries on this map.

An applicant seeking a planning permit should analyze the flooding potential based on the anticipated maximum build-out of the development parcel. The department may require further analyses of the flooding potential when the development plans for specific areas of the parcel are more complete.

Reference: Flooding Standard of the Site Location Law (No Unreasonable Effect on Runoff Infiltration Relationships), 096 CMR 375.4

Section 20. Blasting. If the development requires blasting of rock or other earth materials for road construction, foundations or any other purpose provide the following information.

A. Site plan. A site plan indicating proposed blast areas at the project site and locations of all off-site structures and wells not owned or controlled by the applicant within 2000 feet of any blast site unless a lesser distance is approved in writing by the department.

B. Report. A report prepared by a qualified professional that includes the following.

(1) Assessment. Assessment of the potential for adverse effects of blasting on protected natural resources and structures and wells not owned or controlled by the applicant considering, at a minimum, ground vibration, peak particle velocities, noise and airblast effects and on-site and off-site ground and surface water quality and quantity.

(2) Blasting plan. Provide a blasting plan which addresses methods to control adverse effects from ground vibration, airblast and flyrock; provides details on the proposed blast design, monitoring of blasts (as applicable), a blast schedule; and includes provisions for pre-blast surveys, signage, warnings, and access control during blast events in conformance with Title 38 MRSA § 490-Z (14).

Section 21. Air emissions. Provide a narrative identifying all point source and non-point source air emissions deriving from the development, including but not limited to stacks, unpaved roads or areas and vehicular traffic. For point sources, include a summary of emission components showing types and amounts of particulate matter (particles) and all gaseous components.

An Air Emissions License from the Bureau of Air Quality (Air Bureau) may be required. For further information contact the Air Bureau at 287-2437. If an Air Emission License is necessary, a Site Law permit may not be issued until the Air Emission License is obtained or the Air Bureau indicates, in writing, that it is likely to be obtained.

Reference: No Adverse Environmental Effect Standard of the Site Location Law (No Unreasonable Adverse Effect on Air Quality), 06-096 CMR 375.1.

Section 22. Odors. Identify the nature and potential sources of odors from the development, if the development will create any significant odors. Provide an estimate of areas affected and methods of control.

Reference: Financial Capacity Standard of the Site Location Law (Adequate Provision for the Control of Odors), 06-096 CMR 373.4.

Section 23. Water vapor. Provide a narrative identifying any potentially large scale water vapor emission from the development, such as that resulting from a processing plant or power generating facility, which may cause a change in local climate. Identify all sources and amounts of such emissions associated with the development, and all abutting areas impacted by the water vapor emissions.

Reference: No Adverse Effect Standard of the Site Location Law (No Unreasonable Alteration of Climate), 06-096-CMR 375.2.

Section 24. Sunlight. Provide a statement concerning whether or not any structures will block access to direct sunlight for structures utilizing solar energy through active or passive systems.

Reference: No Adverse Environmental Effect Standard of the Site Location of Development Law (Access to Direct Sunlight), 06-096 CMR 375.13.

Section 25. Notices. Provide the following.

A. Evidence that notice has been sent. Complete and provide Forms B & C, located in Part III of this application.

C. List of abutters for purposes of notice. Provide a list of the names and addresses of the owners of abutting property.

[Supplemental Requirements for Wind Energy Developments Only]:

Section 26. Shadow flicker. Provide a detailed model of the wind energy development that demonstrates that the project has been designed to avoid unreasonable adverse shadow flicker effect. The shadow flicker model must utilize the WindPro software or other modeling software as approved by the department.

[Note: Shadow flicker caused by wind turbines is defined as alternating changes in light intensity caused by the moving blade casting shadows on the ground and stationary objects, such as a window at a dwelling. No flicker shadow will be cast when the sun is obscured by clouds/fog or when the turbine is not rotating. Shadow flicker is not the sun seen through a rotating wind turbine rotor nor what an individual might view moving through the shadows of a wind farm. The spatial relationships between a wind turbine and receptor, as well as wind direction are key factors related to shadow flicker duration. At distances of greater than 1,000 feet between wind turbines and receptors, shadow flicker usually only occurs at sunrise or sunset when the cast shadows are sufficiently long. For situations where the rotor plane is in-line with the sun and receptor (as seen from the receptor), the cast shadows will be very narrow (blade thickness), of low intensity, and will move quickly past the stationary receptor. When the rotor plane is perpendicular to the sun-receptor "view line", the cast shadow of the blades will move within a circle equal to the turbine rotor diameter.]

Section 27. Public Safety. Provide documentation in the form of a site plan and a certificate of design provided by the manufacturer of the generating facility that document that the proposed wind energy development has been designed to conform to applicable industry standards and that the proposed wind energy development will not present an unreasonable safety hazard to adjacent properties or adjacent property uses. Documentation provided by the applicant must include, but is not limited to, the following:

1. **Design Safety Certification:** Evidence that the turbine design meets acceptable safety standards; such evidence may include submission of certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanishcer Llloyd Wind Energies, or other similar certifying organizations.

2. **Overspeed Control:** Evidence from the manufacturer or other licensed civil engineer describing the design and function of overspeed control (i.e. aerodynamic overspeed controls such as variable pitch and mechanical brakes) and related safety mechanisms that are part of the turbine design.

3. **Public Safety-related Setback:** Evidence that the wind turbines have been sited with appropriate safety related setbacks from adjacent properties and adjacent existing uses; such evidence shall include a site plan and applicable documentation as necessary to show that the proposed wind generation facility turbines have been sited in such a manner as to provide a minimum set back from the nearest property line. The recommended minimum setback is a distance of not less than the normal setback requirements for that zoning classification as dictated by the local municipal zoning ordinance or 1.5 times the maximum turbine blade height,

whichever is greater. The setback distance must be measured to the center of the wind turbine base.

The recommended minimal setbacks do not apply if the applicant has obtained a waiver of such setbacks from the affected landowner. Alternatively, the applicant may submit evidence (i.e. operating protocols, safety programs, recommendation of a licensed professional engineer with appropriate expertise and experience with wind turbines, or relevant manufacturer recommendations) that a reduced setback is appropriate.

Section 28. Tangible Benefits Provide a narrative description of the environmental or economic improvements or benefits to residents of Maine attributable to the construction, operation and maintenance of the proposed wind energy development, with particular attention to assurance of such benefits to the host community or communities to the extent practicable and affected neighboring communities. This narrative shall include but not necessarily be limited to the following information.

A. Estimated jobs to be created statewide and in the host community or communities, as a result of construction, operation and maintenance of the project;

B. Estimated annual generation of wind energy from the project and projected impact on electrical rates in the host community or communities;

C. Projected property tax payments from the project and projected impact on property tax rates in the host community or communities;

D. A description of the community benefits package, including any of the following:

1. Payments, not including property tax payments, to the host community or communities, including, but not limited to, payments under community benefit agreements in accordance with the requirements of 35-A MRSA §3454 subsection 2;

2. Payments that reduce energy costs in the host community or communities; and

3. Any donations for land or natural resource conservation.

The applicant may submit the information required under this paragraph D as an addendum to the permit application during the period in which the application is pending;

E. Any other tangible benefits to be provided by the project including but not necessarily limited to the purchase of materials for the construction, operation and maintenance of the project; and

F. A plan for postconstruction reporting of tangible benefits realized from the construction, operation and maintenance of the project.

The applicant shall provide additional information, as necessary, to demonstrate that the proposed wind energy development provides tangible environmental or economic benefits that could be realized by the host community as defined in 35-A MRSA §3451, sub-§7, or which would have broader benefits for the region or state. The demonstration of tangible benefits shall not include projects being done for other required mitigation, such as for wetland impacts.

Section 29. Decommissioning Plan As used in this section, “decommissioning” means the physical removal of all components of a project, including but not limited to wind turbines and associated foundations to a depth of 24 inches; as well as any structures, roads, cabling, electrical components, and any other associated facilities to the extent they are not otherwise in or proposed to be placed into productive use; the grading and re-seeding of all earth disturbed during construction and decommissioning; and restoration of any disturbed wetlands or critical wildlife habitat. A Licensee may

demonstrate that a particular component or group of components in a project are still in productive use, or may propose a productive use for any component or group of components in a project, and thereby avoid the need to decommission the particular component or components.

The applicant must provide a plan for decommissioning the project if that becomes necessary. The decommissioning plan shall include but is not limited to the following:

1. A description of the trigger for implementing the decommissioning plan. There is a rebuttable presumption that decommissioning is required if no electricity is generated for a continuous period of twelve (12) months. The licensee may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although the project has not generated electricity for a continuous period of 12 months, the project has not been abandoned and should not be decommissioned.

2. A description of the work required to physically remove all wind turbines, associated foundations to a depth of 24 inches, buildings, cabling, electrical components, and any other associated facilities to the extent they are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be graded and re-seeded, unless a productive use for the land is proposed that does not involve grading and re-seeding.

   [Note: At the time of decommissioning, the licensee may provide evidence of plans for continued beneficial use of any or all of the components of the wind energy development. Any changes to the approved decommissioning plan may be approved as a minor amendment to the department license for the wind energy development.]

3. An estimate of the total cost of decommissioning, with itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs shall include, but is not limited to, the cost of the following activities: turbine removal, turbine foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization. This cost estimate shall be updated at least once every five years throughout the life of the project to account for price fluctuations.

4. Demonstration in the form of a performance bond, surety bond, letter of credit, or other form of financial assurance as may be acceptable to the department that should decommissioning become necessary at any time, the applicant will have the necessary financial assurance in place for 100% of the total cost of decommissioning. The applicant may either demonstrate 100% financial assurance prior to commencement of construction, or may propose securing the necessary financial assurance in phases, as long as the total required financial assurance for each phase is in place prior to the commencement of construction of that phase. The financial assurance shall be modified to accommodate any change in the cost to decommission reflected in the updating of the estimated cost required in Subsection 3 above.

Section 30. Generating facility-Visual Quality and Scenic Character Provide an evaluation of the effect of the generating facility on scenic resources of state or national significance that are located within 3 miles of a turbine, unless the department determines that an evaluation is not required. In determining whether a visual impact assessment is required, the department shall consider the following:

- Significance of the affected scenic resource;
- Existing character of the surrounding area;
- Expectations of the typical viewer;
- Project purpose and context;

- Extent, nature, and duration of the potentially affected public uses of the scenic resource and the potential effect of the generating facility's presence on the publics' continued use and enjoyment of the scenic resource.
- Scope and scale of the potential effect of views of the generating facility on the scenic resources of state or national significance, including but not limited to issues related to the number and extent of turbines visible from the scenic resource, the distance from the scenic resource and the effect of prominent features of the development on the landscape.

[Note: The requirements of this section govern the visual and scenic impacts of the "generating facilities" and therefore the application requirements in "Section 6. Visual Quality and Scenic Character" do not apply to generating facilities. "Generating facilities" means wind turbines and towers and transmission lines, not including generator lead lines, that are immediately associated with the wind turbines. . The "associated facilities," which include elements of a wind power project other than its generating facilities, are subject to the requirements in Section 6 if the department concludes that reviewing them under this Section 30 would result in unreasonable adverse effects due to the scope, scale, location or other characteristics of the associated facilities. The department will make a determination on whether the applicant must submit information on associated facilities consistent with the requirements of Section 6 or Section 30 within 30 days of when the application is accepted for processing.]

"Scenic resource of state or national significance" means an area or place owned by the public or to which the public has a legal right of access that is:

A. A national natural landmark, federally designated wilderness area or other comparable outstanding natural and cultural feature, such as the Orono Bog or Meddybemps Heath;

B. A property listed on the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, including, but not limited to, the Rockland Breakwater Light and Fort Knox;

C. A national or state park;

D. A great pond that is:

   1. One of the 66 great ponds located in the State's organized area identified as having outstanding or significant scenic quality in the "Maine's Finest Lakes" study published by the Executive Department, State Planning Office in October 1989; or

   2. One of the 280 great ponds in the State's unorganized or deorganized areas designated as outstanding or significant from a scenic perspective in the "Maine Wildlands Lakes Assessment" published by the Maine Land Use Regulation Commission in June 1987;

E. A segment of a scenic river or stream identified as having unique or outstanding scenic attributes listed in Appendix G of the "Maine Rivers Study" published by the Department of Conservation in 1982;

F. A scenic viewpoint located on state public reserved land or on a trail that is used exclusively for pedestrian use, such as the Appalachian Trail, that the Department of Conservation designates by rule adopted in accordance with section 3457;

G. A scenic turnout constructed by the Department of Transportation pursuant to Title 23, section 954 on a public road that has been designated by the Commissioner of Transportation pursuant to Title 23, section 4206, subsection 1, paragraph G as a scenic highway; or

H. Scenic viewpoints located in the coastal area, as defined by Title 38, section 1802, subsection 1, that are ranked as having state or national significance in terms of scenic quality in:

   1. One of the scenic inventories prepared for and published by the Executive Department, State Planning Office: "Method for Coastal Scenic Landscape Assessment with Field Results for Kittery to Scarborough and Cape Elizabeth to South Thomaston," Dominie, et al., October 1987; "Scenic Inventory Mainland Sites of Penobscot Bay," Dewan and Associates, et al.,

August 1990; or "Scenic Inventory: Islesboro, Vinalhaven, North Haven and Associated Offshore Islands," Dewan and Associates, June 1992; or

2. A scenic inventory developed by or prepared for the Executive Department, State Planning Office in accordance with section 3457.

In order to determine the effects on scenic character and existing uses related to scenic character, the visual impact assessment must include, but is not limited to:

- Locations and descriptions of scenic resources of state or national significance that are within 3 miles of the development area;
- The locations and descriptions of scenic resources of state or national significance between 3 and 8 miles of the development area, if the department finds there is substantial evidence that the pertinent resource is significant and there is a potential for a significant adverse effect.
- The effect of the project on the affected scenic resources of state or national significance with respect to the five criteria listed above and the standards set forth in 35-A MRSA Section 3452.

PART III. FORMS

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Department of Environmental Protection
Bureau of Land & Water Quality
17 State House Station
Augusta, Maine 04333
Telephone: 207-287-3901

FOR DEP USE
ATS # _____
L-_____
Total Fees: _____
Date: Received _____

FORM A PAGE 1 **04/08**

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SITE LOCATION OF DEVELOPMENT PERMIT APPLICATION 38 M.R.SA. §§481-490

PLEASE TYPE OR PRINT IN *INK ONLY*

This application is for: **(CHECK THE ONE THAT APPLIES)**	☐ **20 acre development** ☐ **Planning Permit** ☐ **Metallic Mining**	☐ **Marine Oil Terminal** ☐ **Structure** ☐ **Subdivision**	☐ **Major Amendment** ☐ **Minor Amendment**

1. Name of Applicant:		**6. Name of Agent: (if applicable)**	
2. Applicant's Mailing Address:		**7. Agent's Mailing Address:**	
3. Applicant's Daytime Phone #:		**8. Agent's Daytime Phone # :**	
4. Applicant's Fax #: (if available)		**9. Agent's Fax # :**	
5. Applicant's *e-mail address*: (license will be sent via e-mail)		**10. Agent's *e-mail address* (license will be sent via e-mail**	

PROJECT INFORMATION

11. Name of Development:									
12. Map and Lot #'s:	**Map #:**	**Lot #:**	**13. Deed Reference #'s:**			**Book #:**		**Page #:**	
14. Location of Project City/Town:			**15. County:**		**16. UTM Northing**		**17. UTM Easting**		
18. Brief Description of Project including total parcel size:									

19. Type of Direct Watershed: (Check all that apply)	☐ Lake not most at risk ☐ Lake most at risk ☐ Lake most at risk, severely blooming	☐ River, stream or brook ☐ Urban impaired stream ☐ Freshwater wetland	☐ Coastal wetland ☐ Wellhead or public water

19. Name of Waterbody Project Site drains to:			
21. Amount of Developed Area:	Total acres:_____	Existing Developed area:_____acres	New Developed area:____acres
22. Amount of Impervious Area:	Total acres:_____	Existing Impervious areas_____acres	New Impervious area:____acres

23. Development started prior to obtaining a license?:	☐ **Yes** ☐ **No**		
24. .Development or any portion of the site subject to enforcement action?	☐ **Yes** ☐ **No**	**If yes**, name of enforcement staff involved?	
25. Common scheme of development?:	☐ **Yes** ☐ **No**	**26. Title, Right or Interest:**	☐ **own** ☐ **lease** ☐ **purchase option** ☐ **written agreement**
27. Natural Resources Protection Act permit required?:	☐ **Yes** ☐ **No**	**If yes:** ☐ **PBR**	☐ **Tier 1** ☐ **Full Permit** ☐ **Tier 2**
28. Existing DEP Permit number (if applicable):			
29. Names of DEP staff person(s) present at the pre-application meeting:			
30. Does agent have an interest in project? If yes, what is the interest?	☐ **Yes** ☐ **No**		

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

<u>IMPORTANT</u>: 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

"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.

Signed:_____ Title_____Date:_____

Notice of Intent to Comply with Maine Construction General Permit	**With this Site Law application form and my signature, 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.** **If this form is not being signed by the landowner or lessee of the property, attach documentation showing authorization to sign.** **Signed_____Date:_____**

NOTE: You must file a MCGP Notice of Termination (Form K) within 20 days of completing permanent stabilization of the project site.

CERTIFICATION

The person responsible for preparing this application and/or attaching pertinent site and design information hereto, by signing below, certifies that the application for development 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 _____
Other_____

"I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #5 for the applicant and #10 for the agent)***. Do not sign if you elect to "opt out" or receive the decision via regular mail.***

Signed (Applicant)_____Date:_____
and/or
Signed (Agent)_____Date:_____

FORM B **08/08**

PUBLIC NOTICE:
NOTICE OF INTENT TO FILE

Please take notice that

_____

(*Name, Address and Phone # of Applicant*)

_____

is intending to file a Site Location of Development Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 481 thru 490 on or about

_____

(anticipated filing date)

The application is for

_____

(description of the project)

_____

at the following location:

_____

(*project location*)

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application 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 Site Location 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 the 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

FORM D 08/08

SUBMISSIONS CHECKLIST

If a provision is not applicable, put "NA"

Section 1. Development description

A. Narrative

____ 1. Objectives and details

____ 2. Existing facilities (with dates of construction)

B. Topographic map

____ 1. Location of development boundaries

____ 2. Quadrangle name

C. Construction plan

____ 1. Outline of construction sequence (major aspects)

2. Dates

D. Drawings

____ 1. Development facilities

____ a. Location, function and ground area

____ b. Length/cross-sections for roads

____ 2. Site work (nature and extent)

____ 3. Existing facilities (location, function ground area and floor area)

4. Topography

____ a. Pre- and post-development (contours 2 ft or less)

____ b. Previous construction, facilities and lot lines

____ **Section 2. Title, right or interest** (copy of document)

Section 3. Financial capacity

____ A. Estimated costs

B. Financing

____ 1. Letter of commitment to fund

2. Self-financing

____ a. Annual report

____ b. Bank statement

3. Other

____ a. Cash equity commitment

____ b. Financial plan

____ c. Letter

____ 4. Affordable housing information

Section 4. Technical ability (description)

____ A. Prior experience (statement)

____ B. Personnel (documents)

Section 5. Noise

____ A. Developments producing a minor noise impact (statement)

____ 1. Residential developments

____ 2. Certain non-residential subdivisions

____ 3. Schools and hospitals

____ 4. Other developments

____ a. Type, source and location of noise

____ b. Uses, zoning and plans

____ c. Protected locations

____ d. Minor nature of impact

____ e. Demonstration
____ B. Developments producing a major noise impact (full noise study)
____ 1. Baseline
____ a. Uses, zoning and plans
____ b. Protected locations
____ c. Quiet area
____ 2. Noise generated by the development
____ a. Type, source and location of noise
____ b. Sound levels
____ c. Control measures
____ d. Comparison with regulatory limits
____ e. Comparison with local limits

____ **Section 6. Visual quality and scenic character**(narrative, description, visual impact analysis)

____ **Section 7. Wildlife and fisheries** (narrative)

____ **Section 8. Historic sites** (narrative)

____ **Section 9. Unusual natural areas** (narrative)

Section 10. Buffers
____ A. Site plan and narrative

Section 11. Soils
____ A. Soil survey map and report
____ 1. Soil investigation narrative
____ 2. Soil survey map
____ B. Soil survey intensity level by development type
1. Class A (High Intensity) Soil Survey
2. Class B (High Intensity) Soil Survey
3. Class C (Medium High-Intensity) Soil Survey
4. Class D (Medium Intensity) Soil Survey
C. Geotechnical Investigation
____ D. Hydric soils mapping

Section 12. Stormwater management
____ A. Narrative
____ 1. Development location
____ 2. Surface water on or abutting the site
____ 3. Downstream ponds and lakes
____ 4. General topography
____ 5. Flooding
____ 6. Alterations to natural drainage ways
____ 7. Alterations to land cover
____ 8. Modeling assumptions
9. Basic standard
____ 10. Flooding standard
____ 11. General standard
____ 12. Parcel size
13. Developed area
14. Disturbed area
15. Impervious area
____ B. Maps
____ 1. U.S.G.S. map with site boundaries
____ 2. S.C.S. soils map with site boundaries

____ C. Drainage Plans (a pre-development plan and a post-development plan)
____ 1. Contours
____ 2. Plan elements
____ 3. Land cover types and boundaries
____ 4. Soil group boundaries
____ 5. Stormwater quantity subwatershed boundaries
____ 6. Stormwater quality subwatershed boundaries
____ 7. Watershed analysis points
____ 8. Hydrologic flow lines (w/flow types and flow lengths labeled)
____ 9. Runoff storage areas
____ 10. Roads and drives
____ 11. Buildings, parking lots, and other facilities
____ 12. Drainage system layout for storm drains, catch basins, and culverts
____ 13. Natural and man-made open drainage channels
____ 14. Wetlands
____ 15. Flooded areas
____ 16. Benchmark
____ 17. Stormwater detention, retention, and infiltration facilities
____ 18. Stormwater treatment facilities
____ 19. Drainage easements
____ 20. Identify reaches, ponds, and subwatersheds matching stormwater model
____ 21. Buffers
____ D. Runoff analysis (pre-development and post development)
____ 1. Curve number computations
____ 2. Time of concentration calculations
____ 3. Travel time calculations
____ 4. Peak discharge calculations
____ 5. Reservoir routing calculations
____ E. Flooding Standard
____ 1. Variance submissions (if applicable)
____ a. Submissions for discharge to the ocean, great pond, or major river
____ i. Map
____ ii. Drainage plan
____ iii. Drainage system design
____ iv. Outfall design
____ v. Easements
____ b. Insignificant increase
____ i. Downstream impacts
____
____ c. Submissions for discharge to a public stormwater system
____ i. Letter of permission
____ ii. Proof of capacity
____ ii. Outfall analysis and design (pictures)
____ 2. Sizing of storm drains and culverts
____ 3. Stormwater ponds and basins
____ a. Impoundment sizing calculations
____ b. Inlet calculations
____ c. Outlet calculations
____ d. Emergency spillway calculations
____ e. Subsurface investigation report
____ f. Embankment specifications
____ g. Embankment seepage controls
____ h. Outlet seepage controls
____ i. Detail sheet
____ j. Basin cross sections
____ k. Basin plan sheet
____ 4. Infiltration systems
____ a. Well locations map

____ b. Sand and gravel aquifer map
____ c. Subsurface investigation report with test pit or boring logs
____ d. Permeability analysis
____ e. Infiltration structure design
____ f. Pollutant generation and transport analysis
____ g. Monitoring and operations plan
____ i. Locations of storage points of potential contaminants
____ ii. Locations of observation wells and infiltration monitoring plan
____ iii. Groundwater quality monitoring plan
____ 5. Drainage easement declarations.
____ F. Stormwater quality treatment plan peak discharge calculations
____ 1. Basic stabilization plan
____ a. Ditches, swales, and other open channel stabilization
____ b. Culvert and storm-drain outfall stabilization
____ c. Earthen slope and embankment stabilization
____ d. Disturbed area stabilization
____ e. Gravel roads and drives stabilization

____ 2. General Standard
____ a. Calculations for sizing BMP
____ b. Impervious area calculation
____ c. Developed area calculation
____ d. Summary spreadsheet of calculations

____ 3. Phosphorus control plan
____ a. Calculations for the site's allowable phosphorus export
____ b. Calculations for determining the developed site's phosphorus export
____ c. Calculations for determining any phosphorus compensation fees
____ 4. Offset Credits
____ a. Urban impaired stream
____ Offset credit calculation
____ b. Phosphorus credit determination
____ i. Location map
____ ii. Scaled plan
____ iii. Title and right
____ iv. Demolition plan
____ v. Vegetation plan
____ vi. Offset credit calculation
____ vii. Calculation for the new allowable export
____ 5. Runoff treatment measures
____ a. structural measures
____ i. Design drawings and specifications
____ ii. Design calculations
____ iii. Maintenance plan
____ iv. TSS removal or phosphorus treatment factor determinations
____ v. Stabilization plan
____ b. Vegetated buffers
____ i. Soil survey
____ ii. Buffer plan
____ iii. Turnout and level spreader designs
____ iv. Deed restrictions
____ 6. Control plan for thermal impacts to coldwater fisheries
____ 7. Control plan for other pollutants
____ 8. Engineering inspection of stormwater management facilities

____ G. Maintenance of common facilities or property
____ 1. Components of the maintenance plan
____ A. Maintenance of facilities by owner or operator

____ 1. Site owner or operator (name legally responsible party)
____ 2. Contact person responsible for maintenance
____ 3. Tranfer mechanism
____ 4. List of facilities to be maintained
____ 5. List of inspection and maintenance tasks for each facility
____ 6. Identifications of any deed covenants, easements, or restrictions
____ 7. Sample maintenance log
____ 8. Copies of any third-party maintenance contracts
____ B. Maintenance of facilities by homeowner's association
____ 1. Incorporation documents for the association
____ 2. Membership criteria
____ 3. Association officer responsible for maintenance
____ 4. Establishment of fee assessment for maintenance work
____ 5. Establishment of lien system
____ 6. Reference to department order(s) in association charter
____ 7. Tranfer mechanism from developer to association
____ 8. List of facilities to be maintained
____ 9. Identification of any deed covenants, easements, or restrictions
____ 10. Renewal of covenants and leases
____ 11. List of inspection and maintenance tasks for each facility
____ 12. Sample maintenance log
____ 13. Copies of any third-party maintenance contracts
____ C. Maintenance of facilities by municipality or municipal district
____ 1. Identification of the municipal department or utility district
____ 2. Contact person responsible for maintenance
____ 3. Evidence of acceptance of maintenance responibility
____ 4. Tranfer mechanism from developer
____ 5. List of facilities to be maintained
____ 6. List of inspection and maintenance tasks for each facility
____ 7. Identifications of any deed covenants, easements, or restrictions
____ 8. Sample maintenance log
____ 2. General inspection and maintenance requirements
____ a. Drainage easements
____ b. Ditches, culverts, and catch-basin systems
____ c. Roadways and parking surfaces
____ d. Stormwater detention and retention facilities
____ 1. Embankment inspection and maintenance
____ 2. Outlet inspection and clean-out
____ 3. Spillway maintenance
____ 4. Sediment removal and disposal
____ e. Stormwater infiltration facilities
____ 1. Sediment protection plan
____ 2. Infiltration rehabilitation plan
____ 3. Sediment removal and disposal
____ 4. Groundwater monitoring plan
____ f. Proprietary treatment devices
____ g. Buffers
____ h. Other practices and measures

Section 13. Urban Impaired Stream Submissions

____ 1. Off-site credits
____ 2. Compensation fees (Urban Impaired Stream/Phosphorus)
____ 3. Development impacts

Section 14. Basic Standards

____ A. Narrative
____ 1. Soil types

____ 2. Existing erosion problems
____ 3. Critical areas
____ 4. Protected natural resources
____ 5. Erosion control measures
____ 6. Site stabilization
____ B. Implementation schedule
____ C. Erosion and sediment control plan
____ 1. Pre-development and post-development contours
____ 2. Plan scale and elements
____ 3. Land cover types and boundaries
____ 4. Existing erosion problems
____ 5. Critical areas
____ 6. Protected natural resources
____ 7. Locations (general)
____ 8. Locations of controls
____ 9. Disturbed areas
____ 10. Stabilized construction entrance
____ D. Details and specifications (for both temporary and permanent measures)
____ E. Design calculations
____ F. Stabilization plan
____ 1. Temporary seeding
____ 2. Permanent seeding
____ 3. Sodding
____ 4. Temporary mulching
____ 5. Permanent mulching
____ G. Winter construction plan
____ 1. Dormant seeding
____ 2. Winter mulching
____ H. Third-party inspections
____ 1. Inspector's name, address, and telephone number
____ 2. Inspector's qualifications
____ 3. Inspection schedule
____ 4. Contractor contact
____ 5. Reporting protocol

Section 15. Groundwater

____ A. Narrative
____ 1. Location and maps
____ 2. Quantity
____ 3. Sources
____ 4. Measures to prevent degradation
____ B. Groundwater protection plan
____ C. Monitoring plan
____ 1. Monitoring points
____ 2. Monitoring frequency
____ 3. Background conditions
____ 4. Monitoring parameters
____ 5. Personnel qualifications
____ 6. Proof of training
____ 7. Equipment and methods
____ 8. Quality assurance/quality control
____ 9. Reporting requirements
____ 10. Remedial action plan
____ D. Monitoring well installation report
____ 1. Well location map
____ 2. Elevation data
____ 3. Well installation data

____ 4. Well construction details
____ 5. Borehole logs
____ 6. Summary of depth measurements
____ 7. Characteristics of subsurface strata
____ 8. Well installation contract
____ 9. Schematic cross-sections
____ 10. Monitoring point summary table
____ 11. Protective casing
____ 12. On-site well identification

Section 16. Water supply

____ A. Water supply method
____ 1. Individual wells (evidence of sufficient/healthful supply)
____ a. Support of findings by well drillers
____ b. Support of findings by geologist
____ 2. Common well(s) (reports)
____ a. Hydrogeology report
____ b. Engineering report
____ c. Well installation report
____ d. Long-term safe yield and zone of influence determination
____ e. Public water supply
____ i. Proposed well or wells
____ ii. Existing well or wells
____ iii. Water quality analysis
____ 3. Well construction in shallow-to-bedrock areas
____ 4. Additional information
____ 5. Off-site utility company or public agency
____ 6. Other sources
____ B. Subsurface wastewater disposal systems (locations of systems and wells)
____ C. Total usage (statement re: total anticipated water usage)

Section 17. Wastewater disposal

____ A. On-site subsurface wastewater disposal systems (investigation results)
____ 1. Site plan
2. Soil conditions summary table
____ 3. Logs of subsurface explorations
4. Additional test pits, borings or probes
____ a. Soil conditions A
____ b. Soils with Profiles 8 and 9 parent material
____ c. Soil conditions D
____ d. Disposal field length 60 feet or greater
____ 5. 3-bedroom design
____ 6. Larger disposal systems
a. System design details
____ b. Plan view
____ c. Cross sections
____ d. Test pit data
____ e. Mounding analysis
____ B. Nitrate-nitrogen impact assessment
____ 1. When required
____ a. Exempted____
i. Conventional systems meeting certain setbacks
____ ii. Denitrification systems
____ b. Special conditions and other exemptions
____ 2. Assumptions
____ a. Initial concentration

____ b. Background concentration
____ c. Contribution from development
____ d. Mixing and dilution
____ e. Severe-drought scenario
____ f. Wastewater flow to subsurface wastewater disposal fields
____ 3. Assessment report minimum requirements
____ a. Narrative and calculations
____ b. Site plan
____ i. Well locations
____ ii. 10 mg/l and 8 mg/l isocons
____ iii. Groundwater contours and groundwater flow divides
____ c. References
____ 4. Denitrification systems
____ a. Design plans and specifications
____ b. Installation information
____ c. Monitoring plan
____ d. Maintentance
____ e. Backup system
____ D. Municipal facility or utility company letter
____ E. Storage or treatment lagoons

____ **Section 18. Solid waste** (list: type, quantity, method of collection and location)
____ A. Commercial solid waste facility (final disposal location)
____ B. Off-site disposal of construction/demolition debris (final disposal location)
C. On-site disposal of woodwaste/land clearing debris
____ 1. Applicability of rules (evidence re: applicability of rules)
2. Burning of wood wastes
____ a. Delineation on site plan
____ b. Plans for handling unburned woodwaste and woodash
____ c. Evidence of capacity to accept waste (approved facility)
____ d. Usage of materials
____ e. Data on mixing ratios and application rates
____ D. Special or Hazardous Waste

Section 19. Flooding
____ A. Explanation of flooding impact
____ B. Site plan showing 100-year flood elevation
____ C. Hydrology analysis
____ D. FEMA flood zone map with site boundaries

Section 20. Blasting
____ A. Site Plan or map
____ B. Report
1. A ssessment
2. Blasting plan

Section 21. Air emissions (narrative and summary)
____ A. Point and non-point sources identified
____ B. Emission components (point sources)

Section 22. Odors
____ A. Identification of nature/source
____ B. Estimate of areas affected
____ C. Methods of control)

____ **Section 23. Water vapor** (narrative)

____ **Section 24. Sunlight** (statement and drawing, if required)

Section 25. Notices

____ A. Evidence that notice sent

____ B. List of abutters for purposes of notice

Supplimental requirements for Wind Energy Developments only:

Section 26. Shadow flicker

____ A. A copy of the Windpro Anaylsis and associated narrative

Section 27. Public Safety

____ A. Design safety certifications or other documents attesting to the safety of the wind turbine equipment.

____ B. Evidence pertaining to overspeed controls

____ C. Site plan documenting safety setbacks zones for each wind turbine

____ B. Other documents as necessary to demonstrate safety considerations

Section 28. Tangible Benefits

____ A. Narrative demonstration of tangible benefits

Section 29. Decommissioning

____ A. Description of implementation trigger for decommissioning

____ B. Description of extent of decommissioning

____ C. Itemization of total cost to complete decommissioning

____ D. Demonstration of financial assurance for completeness of decommissioning plan

Section 30. Generating Facility-visual Quality and Scenic Character

____ A. (narrative, description, visual impact analysis)

FORM E Rev. 07/11

SOIL CONDITIONS SUMMARY TABLE

SUMMARY LOG OF SUBSURFACE EXPLORATIONS AT PROJECT SITES

Project Name:	Applicant Name:	Project Location (municipality):

Lot No.	Exploration Symbol *(TP 1, B 2, etc.)*	✘ if at SSWD Field	Description of subsurface materials by: ● Soil profile/condition *(if by S.E.)*, ● Soil series name *(if by C.S.S.)*, or by ● Geologic unit *(if by C.G.)*	Depths to *(inches)*: Redoximorphic Features	Bedrock	Hydraulically Restrictive Layer	Limit of Exploration	Ground Surface Slope (%)	Ground Surface Elevation
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INVESTIGATOR INFORMATION AND SIGNATURE

Signature	Date
Name Printed	Cert/Lic/Reg. #
Qualification ☐ Licensed Site Evaluator ☐ Certified Geologist	☐ Certified Soil Scientist ☐ Other:

affix professional seal

FORM F Rev. 07/11

SOIL PROFILE / CLASSIFICATION INFORMATION

DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES

Project Name:	Applicant Name:	Project Location (municipality):

Exploration Symbol # _____ ☐ Test Pit ☐ Boring ☐ Probe

_____ " Organic horizon thickness Ground surface elev. _____

_____ " Depth of exploration or to refusal

Depth below mineral soil surface *(inches)*: 0, 10, 20, 30, 40, 50, 60

Texture	Consistency	Color	Redox Features

Soil Details by S.E. ▸▸ / S.S. ▸▸

Soil Classification	Slope	Limiting Factor	
Profile ____ Condition ____	Percent ____	Depth ____ "	☐ Groundwater ☐ Restrictive Layer ☐ Bedrock
Soil Series/Phase Name:		☐ Hydric ☐ Non-hydric	Hydrologic Soil Group ____

Exploration Symbol # _____ ☐ Test Pit ☐ Boring ☐ Probe

_____ " Organic horizon thickness Ground surface elev. _____

_____ " Depth of exploration or to refusal

Depth below mineral soil surface *(inches)*: 0, 10, 20, 30, 40, 50, 60

Texture	Consistency	Color	Redox Features

Soil Details by S.E. ▸▸ / S.S. ▸▸

Soil Classification	Slope	Limiting Factor	
Profile ____ Condition ____	Percent ____	Depth ____ "	☐ Groundwater ☐ Restrictive Layer ☐ Bedrock
Soil Series/Phase Name:		☐ Hydric ☐ Non-hydric	Hydrologic Soil Group ____

Exploration Symbol # _____ ☐ Test Pit ☐ Boring ☐ Probe

_____ " Organic horizon thickness Ground surface elev. _____

_____ " Depth of exploration or to refusal

Depth below mineral soil surface *(inches)*: 0, 10, 20, 30, 40, 50, 60

Texture	Consistency	Color	Redox Features

Soil Details by S.E. ▸▸ / S.S. ▸▸

Soil Classification	Slope	Limiting Factor	
Profile ____ Condition ____	Percent ____	Depth ____ "	☐ Groundwater ☐ Restrictive Layer ☐ Bedrock
Soil Series/Phase Name:		☐ Hydric ☐ Non-hydric	Hydrologic Soil Group ____

Exploration Symbol # _____ ☐ Test Pit ☐ Boring ☐ Probe

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Depth below mineral soil surface *(inches)*: 0, 10, 20, 30, 40, 50, 60

Texture	Consistency	Color	Redox Features

Soil Details by S.E. ▸▸ / S.S. ▸▸

Soil Classification	Slope	Limiting Factor	
Profile ____ Condition ____	Percent ____	Depth ____ "	☐ Groundwater ☐ Restrictive Layer ☐ Bedrock
Soil Series/Phase Name:		☐ Hydric ☐ Non-hydric	Hydrologic Soil Group ____

INVESTIGATOR INFORMATION AND SIGNATURE

Signature	Date
Name Printed	Cert/Lic/Reg. #
Title ☐ Licensed Site Evaluator ☐ Certified Soil Scientist ☐ Certified Geologist ☐ Professional Engineer	

affix professional seal

FORM G 02/02

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

Forms H1-3 SUGGESTED TEMPLATES FOR STORMWATER BUFFER DEED RESTRICTIONS. With some minor revisions the H-1 (Forested buffer, no disturbance) template may be used to protect undisturbed stream buffers.

Forested buffer, No disturbance FORM H-1 04/06

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) (zipcode)
"Declarant", pursuant to a permit received from the Maine Department of Environmental Protection under the Site Location of Development Act, 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 Site Location of Development Act, 38 M.R.S.A. §§ 481-490, and Department Rules for stormwater management, Chapter 500, promulgated by the Maine Board of Environmental Protection, 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 Site Location of Development Act 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;

e. No trucks, 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 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)

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

1. 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 the
(city or town) (county) (zipcode)
"Declarant"), pursuant to a permit received from the Maine Department of Environmental Protection under the Site Location of Development Act 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 area location here)

WHEREAS, pursuant to the Site Location of Development Act, 38 M.R.S.A. §§ 481-490, and Department Rules for stormwater management, Chapter 500, promulgated by the Maine Board of Environmental Protection, 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 Site Location of Development Act 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 4½ 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 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

_____

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) (zipcode)
"Declarant"), pursuant to a permit received from the Maine Department of Environmental Protection under the Site Location of Development Act, 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 Site Location of Development Act, 38 M.R.S.A. §§ 481-490 and Department Rules for stormwater management (Chapter 500) promulgated by the Maine Board of Environmental Protection, 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 Site Location of Development Act 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 may the topography or the natural mineral soil of 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;

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)

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

_____

DEED OF CONSERVATION EASEMENT **Form I 04/06**

THIS GRANT DEED OF CONSERVATION EASEMENT is made this____day of _____ , 200__ by _____, of the Town of _____ , _____County, Maine, (hereinafter referred to as the "Grantor"), **[**in favor of _____ **or** the Town of _____, Maine**]** (hereinafter referred to as the "Holder") and The State of Maine by and through its Department of Environmental Protection, (hereinafter referred to as the "Third Party").

WITNESSETH

WHEREAS this Indenture is created pursuant to Title 33, Maine Revised Statutes, Sections 476 through 479-B, inclusive, as amended; and

WHEREAS the Grantor holds title to certain real property situated in _____, Maine (hereinafter referred to as the "Property") described **[**in a recorded deed **or** on a recorded plan**]** at the_____ County Registry of Deeds; and further described **[**as follows: **or** in exhibit A attached hereto.**]**

WHEREAS the Property remains in a substantially undisturbed natural state and has significant aesthetic and ecological value, in particular, **[**here describe the conservation purposes of the easement**]** ; and

WHEREAS, the Grantor and the Holder, recognizing the value of the Protected Property as described above, have the common purpose of conserving the natural values of the Property by the conveyance of a Conservation Easement over the Property, which easement shall benefit, protect and conserve the natural values of the Property, conserve and protect the indigenous animal and plant populations, and prevent the use or development of the Property for any purpose or in any manner that would conflict with its natural, scenic condition; and

WHEREAS the Third Party will receive Third Party Rights of Enforcement under this Deed;

NOW, THEREFORE, in consideration of the foregoing and the covenants, terms, conditions, and restrictions herein contained, the Grantor hereby GRANTS to the Holder, its successors and assigns, as an absolute and unconditional gift, forever and in perpetuity, with Warranty Covenants, a Conservation Easement in gross over the Property as set forth herein (the "Conservation Easement"); and to the Third Party, its successors and assigns, as an absolute and unconditional gift, forever and in perpetuity, rights of enforcement hereunder.

l. PURPOSE: It is the purpose of this Easement to assure that the Property will be retained forever in its natural undeveloped condition and to prevent any use of the Protected Property that will significantly impair or interfere with the conservation values of the Property. Grantors intend that this Easement will confine the use of the Property to such activities as are consistent with the purpose of this Easement.

2. RIGHTS OF HOLDER: To accomplish the purpose of this Easement the following rights are conveyed to the Holder by this easement:

a. the right to preserve and protect the conservation values of the Property;

b. the right to enter and inspect the Property over other lands of the Grantor at any reasonable time and in any reasonable manner provided that the time and manner of such entry does not unreasonably interfere with the uses of the Property permitted hereunder or the quiet enjoyment of other lands of

Grantor, and to enforce by proceedings at law or in equity the covenants hereinafter set forth, including the right to require restoration of the Property to its condition prior to any breach hereof; and

c. the right to prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use, pursuant to paragraph 6.

3. USE OF THE PROPERTY: The Property shall be used for limited recreational and conservation purposes only. No commercial, industrial, quarrying or mining activities shall be permitted on the Property. No structures or facilities of any kind whatsoever shall be constructed on the Property, except walking paths designed in keeping with the natural scenic quality of the Property. No motor vehicles of any kind, including recreational vehicles, all-terrain vehicles motorcycles, dirt bikes and snowmobiles shall be permitted on the Property, except in emergency and when necessary to accomplish the rights reserved by Grantor and Holder, their successors and assigns. No filling, paving, dumping, excavation or other alteration shall be made to the surface of the Property other than that caused by the forces of nature. Any activity on or use of the Property inconsistent with the purposes of this Easement is prohibited.

4. RESERVED RIGHTS: Grantors reserve to themselves, and to their personal representatives, heirs, successors, and assigns, all rights accruing from their ownership of the Property, including the right to engage in, or permit or invite others to engage in, all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, the following rights are expressly reserved:

a. The right of the Grantors, their guests, employees and invitees, to use the Property for recreational purposes which may include hiking, picnicking, bird watching, camping, tenting and any other use that is not expressly prohibited above or destructive to the natural values to be conserved herein.

b. The right to advertise the Property for sale or rent and to convey the Property, always subject to the terms of this Conservation Easement.

5. CUTTING OF TIMBER AND VEGETATION: The destruction or removal of standing timber, plants, shrubs or other vegetation shall not be permitted, except however, there are retained in the Grantor the following rights:

a. The right to clear and restore forest cover and other vegetation that is damaged or destroyed by the forces of nature, such as fire or disease and, with the prior written approval of the Holder and the Third Party, when necessary to prevent the spread of disease.

b. The right to clear and restore forest cover and other vegetation, in the event of an emergency, when necessary to prevent the spread of fire.

c. The right to gather, use or remove dead wood.

6. RIGHTS OF THE THIRD PARTY: The Grantors hereby grant to the Third Party the same inspection and enforcement rights as are granted to the Holder under this easement. However the Parties hereto intend that the Holder shall be primarily responsible for the enforcement of this Easement, and that the Third Party will assume such responsibility only if the Holder shall fail to enforce it. If the Third Party shall determine that the Holder is failing in such enforcement, the Third Party may give notice of such failure to the Holder and the Grantors, and if such failure is not corrected within a reasonable time thereafter, the Third Party may exercise, in its own name and for its own account, all the rights of enforcement granted the Holder under this Easement.

The Third Party shall also have reasonable access to any and all records of the Holder relevant to the Protected Property.

7. CONSTRUCTION: If uncertainty should arise in the interpretation of these restrictions, judgment should be made in favor of conserving the Property in its natural, open, and scenic condition.

The Grantor agrees to bear all costs and responsibility of operation, upkeep, and maintenance of the Property and to pay any and all real property taxes and assessments levied by competent authority on the Property and does hereby relieve, indemnify and hold harmless the Holder therefrom.

The Grantor has provided the Holder with sufficient information to determine the condition of the Property as of the effective date hereof and has certified that such information is an accurate representation of the same.

8. SUCCESSORS: The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

9. TERMINATION OF RIGHTS AND OBLIGATIONS: A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

TO HAVE AND TO HOLD the said Conservation Easement unto the said Holder and its successors and assigns forever and the said Third Party Rights unto the said Third Party and its successors and assigns forever.

GRANTOR'S SIGNATURE

IN WITNESS WHEREOF, the said grantor, _____ has hereunto set his/her hand and seal this _____day of _____, 200__ .

_____
By:

NOTARIZATION OF GRANTOR'S SIGNATURE

HOLDER'S ACCEPTANCE

The above and foregoing Conservation Easement was authorized to be accepted by _____, Holder as aforesaid, and the said Holder does hereby accept the foregoing Conservation Easement, by and through _____, its, hereunto duly authorized, this ____day of _____, 200__.

_____
By:
Its:

NOTARIZATION OF GRANTOR'S SIGNATURE

THIRD PARTY ENFORCER ACCEPTANCE

The third party rights of enforcement granted under the above and foregoing Conservation Easement, pursuant to Title 33 M.R.S.A Section 476 et seq., were authorized to be accepted by the State of Maine Department of Environmental Protection by _____, its Director of the Bureau of Land & Water Quality, hereunto duly authorized and the said _____ does hereby accept the foregoing Conservation Easement this_____day of _____, 200___.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Its: Director, Bureau of Land & Water Quality

DEPARTMENT OF ENVIRONMENTAL PROTECTION **FORM J 04/06**
Bureau of Land and Water Quality
17 State House Station
Augusta, Maine 04333-0017

CERTIFICATION – SITE LOCATION OF DEVELOPMENT 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 Site Location of Development Act (Site 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.

This certification form must be completed and mailed to sent to Shari Berry Goodwin, Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, Maine 04333 or to the project manager at the appropriate 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:	

NOTICE OF TERMINATION
for use with CONSTRUCTION GENERAL PERMIT

FORM K 04/06

PLEASE TYPE OR PRINT IN *BLACK INK ONLY*

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

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

Signature of Applicant:		**Date:**	

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