

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Stormwater Management Law

38 M.R.S. § 420-D

STORMWATER
PERMIT BY RULE (PBR) APPLICATION



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Section 1. Information Concerning the Application Process

- A. When a Project Qualifies for a Stormwater PBR.** A project qualifies for a stormwater PBR if it results in one or more acres of disturbed area and the following:
- 1) Less than 20,000 square feet of impervious area and 5 acres of developed area in the direct watershed of a lake most at risk or urban impaired stream; and
 - 2) Less than one acre of impervious and five acres of developed area in any other watershed.

NOTE: Direct Watersheds of Lakes Most at Risk from New Development, and Urban Impaired Streams.
[Ch. 502](#)

- B. When a Project does not Qualify for a Stormwater PBR.** A project does not qualify for a PBR when it takes place on a parcel subject to a Site Location of Development Act permit or an individual permit under the Stormwater Management Law.
- C. Notification.** An applicant must file notice of the project with the department prior to beginning work on the project. The applicant shall use the notification form (Section 2) provided by the department and must include the required submissions (Section 3). The applicant must keep a copy to serve as the permit.

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

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

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

NOTE: Maps showing areas of essential habitat and additional information concerning these resources is available from the Department of Inland Fisheries and Wildlife at: <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/essential-wildlife-habitat/maps.html>

- E. Where to Send your PBR Application.** Please click here for instructions on how to file your Stormwater PBR by email and pay the application fee: <https://www.maine.gov/dep/land/permits/pbr/index.html>.
- F. Application Fee.** For a Stormwater PBR submission to be complete the department must receive both the application and the application fee. The current fee is listed in the department's Fee Schedule at <https://www.maine.gov/dep/feeschedule.pdf>. The fee may be paid through the department's [Payment Portal](#).
- G. Appeal and Failure to Comply.** The denial of a PBR by the Department is not a final agency action and is therefore not able to be appealed. Persons aggrieved by an approval of a PBR may appeal the decision within 30 days following final action. Failure to comply with PBR standards may lead to action by department enforcement staff, including fines and revocation of the permit.

- H. Permit Extensions.** An individual permit issued under the Stormwater Management Law may be extended one time using a Stormwater PBR, provided that the approved project has not begun and the permit has not expired. If a Stormwater PBR needs to be extended, the applicant may file a revised Stormwater PBR notification form for a one-time extension.
- I. Approval of Variations from Plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S. §420-D(8) and is subject to penalties under 38 M.R.S. §349.
- J. Meeting Maine Construction General Permit (MCGP) requirements.** The DEP has made it possible to also meet the requirements of the MCGP when filing for a Stormwater PBR. To do so, a separate signature block, stating a Notice of Intent, included on the Stormwater PBR notice form, must be signed. By signing, you agree to meet the MCGP standards and must file a Notice of Termination (NOT) within 20 days of completing permanent stabilization of the project site. A NOT form is included in this packet (Appendix A) and there is no fee for filing one.
- K. Discretionary Authority.** Notwithstanding compliance with the PBR requirements and standards contained in this document and in Chapter 500, the department may require an individual stormwater permit application to be obtained in any case where the department determines that the activity:
- 1) May violate the standards of the Stormwater Management Law;
 - 2) Could lead to significant environmental impacts, including cumulative impacts; or
 - 3) Could have an unreasonable adverse impact on a protected natural resource.

Section 2. Application Form Instructions

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

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

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

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

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

Block 12. Renewal of an Individual Stormwater Permit. Indicate whether or not that this application is for renewal of an individual stormwater permit.

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

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

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

Block 16. Occupied Area. Write in the amount of occupied area in acres that will be created by the project. The definition of “occupied area” is found in Section 3 (C), to this application pamphlet.

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

Block 18. Is the Activity Part of a Larger Project? Indicate “yes” or “no.”

Block 19. Identify the Waterbody or Waterbodies to Which the Project Site Area Drains. If your project area drains to a named waterbody, please identify it.

Block 20. If the Site Drains to an Impaired Waterbody, Identify Waterbody.

Block 21. Brief Project Description. In several sentences, describe the project.

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

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

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

Block 25. DEP Staff Previously Contacted. Write the name of any staff person you may have consulted with regarding your project.

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

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

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

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

Block 30. Renewal of Individual Stormwater Permit. Enter the permit number (e.g., L-00000-NI-A-N) from the permit to be renewed and the name of the project manager, if known.

Block 31. Submissions. This block outlines what attachments to the application form are required. This is a summary of application requirements.

Does the agent have an interest in this project? If yes, what is the interest?

CERTIFICATIONS / SIGNATURES

Applicant's Statement:
I am applying for a Stormwater PBR and have attached the required PBR submissions. I have read the requirements herein and I affirm that my project satisfies the applicable stormwater management standards. I authorize staff of State and Federal agencies having jurisdiction over this activity, to access the project site for the purpose of determining compliance with the rules. *If typing your signature below, you are agreeing to and acknowledging the above information is true.*

Signature (may be typed): _____ Date: _____

Notice of Intent to Comply with Maine Construction General Permit	<p>With this Stormwater PBR notification form and my signature below, I am filing notice of my intent to carry out work which meets the requirements of the Maine Construction General Permit. I have read and will comply with all of the MCGP standards. In addition, I will file a Notice of Termination (NOT) within 20 days of project completion.</p> <p>If this form is not being signed by the landowner or lessee of the property, attach documentation showing authorization to sign. <i>If typing your signature below, you are agreeing to and acknowledging the above information is true.</i></p> <p>Signature (may be typed): _____ Date: _____</p>
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Section 3. Stormwater PBR Submissions

Submissions. Applicants for a Stormwater PBR must submit the notification form, fee and other information for the Department's review and approval. This information includes a location map, site plan, erosion and sedimentation control plan, and photographs of the area to be developed. Also, if the project is located in Essential Habitat, approval from the Maine Department of Inland Fisheries and Wildlife will need to be submitted. Specific submission requirements are described below.

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

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

https://www.maine.gov/dep/land/stormwater/mcgp_citizens_guide.pdf

https://www.maine.gov/dep/land/erosion/escbmps/esc_bmp_field.pdf

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

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

- 1) the locations of high points on the site,
- 2) the locations of any ponds or other runoff storage depressions on the site,
- 3) the locations and flow direction of any drainage ditches, brooks, or streams,
- 4) the locations of any catch basin inlets or culvert inlets, and
- 5) arrows showing the general direction(s) of overland drainage for the site.

NOTE: Occupied Area. All land area necessary to construct, operate, and maintain the projects. For example, the occupied area of solar project includes the area within a fenceline; collector corridors; stormwater treatment areas; new or existing private access roads, provided they were constructed after 1975; areas outside the fenceline that are managed to support of the solar energy system, such as shade management areas; and any buffer areas required to meet municipal, state, or federal permitting standards, such as visual buffers, noise buffers, or habitat buffers.

- D. Erosion and Sedimentation Control plan.** In addition to a site plan, an erosion control plan must be included which contains, at a minimum, permanent stabilization measures to be taken (e.g. paving or planting vegetation), installation details of the erosion control measures proposed to be used, seeding and mulching rates, and a construction schedule with the proposed construction dates and timeframe for major earth moving and construction events. See Section 4A of this packet for expanded and more detailed

guidance on erosion and sedimentation control plans. **This plan and its details may be included on the site plan instead of being a separate submission.**

- E. Photos.** Provide photographs of the project site that show the existing character and topography of the area proposed for development.
- F. Certificate of Good Standing.** If new applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.

Section 4. Stormwater PBR Standards

Erosion and sedimentation control

This appendix applies to all projects.

A person who conducts, or causes to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials shall take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource as defined in 38 M.R.S. §480-B. Erosion control measures must be in place before the activity begins. Measures must remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken.

NOTE: The Department has prepared protocols for the control of erosion and sedimentation. See *Maine Erosion and Sediment Control BMPs Maine Department of Environmental Protection* at: <https://www.maine.gov/dep/land/erosion/escbmps/index.html>

- 1. Pollution prevention.** Minimize disturbed areas and protect natural downgradient buffer areas to the extent practicable. Control stormwater volume and velocity within the site to minimize soil erosion. Minimize the disturbance of steep slopes. Control stormwater discharges, including both peak flow rates and volume, to minimize erosion at outlets. The discharge may not result in erosion of any open drainage channels, swales, stream channels or stream banks, upland, or coastal or freshwater wetlands off the project site.

Whenever practicable, no disturbance activities should take place within 50 feet of any protected natural resource. If disturbance activities take place between 30 feet and 50 feet of any protected natural resource, and stormwater discharges through the disturbed areas toward the protected natural resource, perimeter erosion controls must be doubled. If disturbance activities take place less than 30 feet from any protected natural resource, and stormwater discharges through the disturbed areas toward the protected natural resource, perimeter erosion controls must be doubled and disturbed areas must be temporarily or permanently stabilized within 7 days.

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

NOTE: Many construction activities within 75 feet of a protected natural resource require a permit under the *Natural Resources Protection Act* prior to initiation. For more information regarding the applicability of the NRPA to your project, you can visit the Department's website at <http://www.maine.gov/dep/land/nrpa/index.html> or contact staff of the Division of Land Resource Regulation at the nearest regional office.

2. **Sediment barriers.** Prior to construction, properly install sediment barriers at the downgradient edge of any area to be disturbed and adjacent to any drainage channels within the disturbed area. Sediment barriers should be installed downgradient of soil or sediment stockpiles and stormwater prevented from running onto the stockpile. Maintain the sediment barriers by removing accumulated sediment, or removing and replacing the barrier, until the disturbed area is permanently stabilized. Where a discharge to a storm drain inlet occurs, if the storm drain carries water directly to a surface water and you have authority to access the storm drain inlet, you must install and maintain protection measures that remove sediment from the discharge.
3. **Stabilized construction entrance.** Prior to construction, properly install a stabilized construction entrance (SCE) at all points of egress from the site. The SCE is a stabilized pad of aggregate, underlain by a geotextile filter fabric, used to prevent traffic from tracking material away from the site onto public ROWs. Maintain the SCE until all disturbed areas are stabilized.
4. **Temporary stabilization.** Within 7 days of the cessation of construction activities in an area that will not be worked for more than 7 days, stabilize any exposed soil with mulch, or other non-erodible cover. Stabilize areas within 75 feet of a wetland or waterbody within 48 hours of the initial disturbance of the soil or prior to any storm event, whichever comes first.
5. **Removal of temporary measures.** Remove any temporary control measures, such as silt fence, within 30 days after permanent stabilization is attained. Remove any accumulated sediments and stabilize.

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

6. **Permanent stabilization.** If the area will not be worked for more than one year or has been brought to final grade, then permanently stabilize the area within 7 days by planting vegetation, seeding, sod, or through the use of permanent mulch, or riprap, or road sub-base. If using vegetation for stabilization, select the proper vegetation for the light, moisture, and soil conditions; amend areas of disturbed subsoils with topsoil, compost, or fertilizers; protect seeded areas with mulch or, if necessary, erosion control blankets; and schedule sodding, planting, and seeding so to avoid die-off from summer drought and fall frosts. Newly seeded or sodded areas must be protected from vehicle traffic, excessive pedestrian traffic, and concentrated runoff until the vegetation is well-established with 90% cover by healthy vegetation. If necessary, areas must be reworked and restabilized if germination is sparse, plant coverage is spotty, or topsoil erosion is evident. One or more of the following may apply to a particular site.
 - (a) **Seeded areas.** For seeded areas, permanent stabilization means a 90% cover of the disturbed area with mature, healthy plants with no evidence of washing or rilling of the topsoil.
 - (b) **Sodded areas.** For sodded areas, permanent stabilization means the complete binding of the sod roots into the underlying soil with no slumping of the sod or die-off.
 - (c) **Permanent Mulch.** For mulched areas, permanent mulching means total coverage of the exposed area with an approved mulch material. Erosion Control Mix may be used as mulch for permanent stabilization according to the approved application rates and limitations.
 - (d) **Riprap.** For areas stabilized with riprap, permanent stabilization means that slopes stabilized with riprap have an appropriate backing of a well-graded gravel or approved geotextile to prevent soil movement from behind the riprap. Stone must be sized appropriately. It is recommended that angular stone be used.
 - (e) **Agricultural use.** For construction projects on land used for agricultural purposes (e.g., pipelines across crop land), permanent stabilization may be accomplished by returning the disturbed land to agricultural use.
 - (f) **Paved areas.** For paved areas, permanent stabilization means the placement of the compacted gravel subbase is completed, provided it is free of fine materials that may runoff with a rain event.

- (g) **Ditches, channels, and swales.** For open channels, permanent stabilization means the channel is stabilized with a 90% cover of healthy vegetation, with a well-graded riprap lining, turf reinforcement mat, or with another non-erosive lining such as concrete or asphalt pavement. There must be no evidence of slumping of the channel lining, undercutting of the channel banks, or down-cutting of the channel.
7. **Winter Construction.** "Winter construction" is construction activity performed during the period from November 1 through April 15. If disturbed areas are not stabilized with permanent measures by November 1 or new soil disturbance occurs after November 1, but before April 15, then these areas must be protected and runoff from them must be controlled by additional measures and restrictions.
- (a) **Site Stabilization.** For winter stabilization, hay mulch is applied at twice the standard temporary stabilization rate. At the end of each construction day, areas that have been brought to final grade must be stabilized. Mulch may not be spread on top of snow.
- (b) **Sediment Barriers.** All areas within 75 feet of a protected natural resource must be protected with a double row of sediment barriers.
- (c) **Ditch.** All vegetated ditch lines that have not been stabilized by November 1, or will be worked during the winter construction period, must be stabilized with an appropriate stone lining backed by an appropriate gravel bed or geotextile unless specifically released from this standard by the Department.
- (d) **Slopes.** Mulch netting must be used to anchor mulch on all slopes greater than 8% unless erosion control blankets or erosion control mix is being used on these slopes.
8. **Stormwater channels.** Ditches, swales, and other open stormwater channels must be designed, constructed, and stabilized using measures that achieve long-term erosion control. Ditches, swales and other open stormwater channels must be sized to handle, at a minimum, the expected volume run-off. Each channel should be constructed in sections so that the section's grading, shaping, and installation of the permanent lining can be completed the same day. If a channel's final grading or lining installation must be delayed, then diversion berms must be used to divert stormwater away from the channel, properly-spaced check dams must be installed in the channel to slow the water velocity, and a temporary lining installed along the channel to prevent scouring. Permanent stabilization for channels is addressed under Appendix A(5)(g) above.
- (a) The channel should receive adequate routine maintenance to maintain capacity and prevent or correct any erosion of the channel's bottom or side slopes.
- (b) When the watershed draining to a ditch or swale is less than 1 acre of total drainage and less than ¼ acre of impervious area, diversion of runoff to adjacent wooded or otherwise vegetated buffer areas is encouraged where the opportunity exists.
9. **Sediment basins.** Sediment basins must be designed to provide storage for either the calculated runoff from a 2-year, 24-hour storm or provide for 3,600 cubic feet of capacity per acre draining to the basin. Outlet structures must discharge water from the surface of the basin whenever possible. Erosion controls and velocity dissipation devices must be used if the discharging waters are likely to create erosion. Accumulated sediment must be removed as needed from the basin to maintain at least ½ of the design capacity of the basin.

The use of cationic treatment chemicals, such as polymers, flocculants, or other chemicals that contain an overall positive charge designed to reduce turbidity in stormwater must receive prior approval from the Department. When requesting approval to use cationic treatment chemicals, you must describe appropriate controls and implementation procedures to ensure the use will not lead to a violation of water quality standards. In addition, you must specify the type(s) of soil likely to be treated on the site, chemicals to be used and how they are to be applied and in what quantity, any manufacturer's recommendations, and any training had by personnel who will handle and apply the chemicals.

10. **Roads.** Gravel and paved roads must be designed and constructed with crowns or other measures, such as water bars, to ensure that stormwater is delivered immediately to adjacent stable ditches, vegetated buffer areas, catch basin inlets, or street gutters.

NOTE: (1) Gravel and paved roads should be maintained so that they continue to conform to this standard in order to prevent erosion problems. (2) The Department recommends that impervious surfaces, including roads, be designed and constructed so that stormwater is distributed in sheet flow to natural vegetated buffer areas wherever such areas are available. Road ditches should be designed so that stormwater is frequently (at least every 100 to 200 feet) discharged via ditch turnouts in sheet flow to adjacent natural buffer areas wherever possible.

11. **Culverts.** Culverts must be sized to avoid unintended flooding of upstream areas or frequent over-topping of roadways. Culvert inlets must be protected with appropriate materials for the expected entrance velocity, and protection must extend at least as high as the expected maximum elevation of storage behind the culvert. Culvert outlet design must incorporate measures, such as aprons, to prevent scour of the stream channel. Outlet protection measures must be designed to stay within the channel limits. The design must take account of tailwater depth.
12. **Parking areas.** Parking areas must be constructed to ensure runoff is delivered to adjacent swales, catch basins, curb gutters, or buffer areas without eroding areas downslope. The parking area's subbase compaction and grading must be done to ensure runoff is evenly distributed to adjacent buffers or side slopes. Catch basins must be located and set to provide enough storage depth at the inlet to allow inflow of peak runoff rates without by-pass of runoff to other areas.
13. **Additional requirements.** Additional requirements may be applied on a site-specific basis.

NOTE: If substituting a SW PBR for MCGP, the MCGP requires all projects to meet erosion and sedimentation control, inspection and maintenance, and housekeeping. The requirements can be found at: https://www.maine.gov/dep/land/stormwater/2006mcpg_appendices.pdf

Inspection and Maintenance

1. **During construction.** The following standards must be met during construction.
 - (a) **Inspection and corrective action.** Inspect disturbed and impervious areas, erosion control measures, materials storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. Inspect these areas at least once a week as well as before and within 24 hours after a storm event (rainfall), and prior to completing permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards and conditions in the permit, shall conduct the inspections.
 - (b) **Maintenance.** If best management practices (BMPs) need to be repaired, the repair work should be initiated upon discovery of the problem but no later than the end of the next workday. If additional BMPs or significant repair of BMPs are necessary, implementation must be completed within 7 calendar days and prior to any storm event (rainfall). All measures must be maintained in effective operating condition until areas are permanently stabilized.
 - (c) **Documentation.** Keep a log (report) summarizing the inspections and any corrective action taken. The log must include the name(s) and qualifications of the person making the inspections, the date(s) of the inspections, and major observations about the operation and maintenance of erosion and sedimentation controls, materials storage areas, and vehicles access points to the parcel. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate

for a particular location, and location(s) where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken.

The log must be made accessible to Department staff and a copy must be provided upon request. The permittee shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.

NOTE: Any PBR project proposing to use infiltration to control runoff must either meet the license by rule standards in Appendix D “**Infiltration basins, dry wells, and subsurface fluid distribution systems**” of Chapter 500, or obtain a waste discharge license under the Waste Discharge Law.

Section 5. Definitions

The following definitions are taken directly from Chapter 500, Section 3, revised August 12, 2015.

- A. Developed Area.** “Developed area” means an impervious area, landscaped area, or unvegetated area. Developed area includes all disturbed areas except an area that is returned to a condition that existed prior to the disturbance and is revegetated within one calendar year of being disturbed, provided the area is not mowed more than twice per year.
- B. Direct Watershed of a Waterbody or Wetland.** “Direct watershed of a waterbody or wetland” means the land area that drains via overland flow, drainageways, waterbodies, or wetlands to a given waterbody or wetland without first passing through a lake or pond.
- C. Disturbed Area.** “Disturbed area” means all land areas that are stripped, graded, grubbed, filled, bulldozed or excavated at any time during the site preparation or removal of vegetation for, or construction of, a project. "Disturbed area" does not include maintenance. A land area on which the cutting of trees, without grubbing, stump removal, disturbance or exposure of soil has taken place is not considered a "disturbed area."
- D. Erosion and Sedimentation Control Best Management Practices (Erosion Control BMPs).** “Erosion and sedimentation control best management practices (erosion control BMPs)” means methods, techniques, designs, practices, and other means to control erosion and sedimentation.
- E. Erosion Control Mix.** “Erosion control mix” means a mulch that consists primarily of organic material such as shredded bark, stump grindings, composted bark, or fragmented wood generated as a by-product from log handling at wood mills. It includes a well-graded mixture of particle sizes with a mineral content that is less than 20% by weight, and is free from construction debris, refuse, and contaminants.
- F. Impervious Area.** “Impervious area” means the total area of a parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete and underdrained artificial turf fields are all considered pervious. For the purpose of determining jurisdictional thresholds, the Department may, depending on the design, consider such facilities to provide alternative treatment as described in Section 4(B)(3)(e) of Chapter [500].
- G. Stormwater.** “Stormwater” means the part of precipitation, including runoff from rain or melting ice and snow, that flows across the surface as sheet flow, shallow concentrated flow, or in drainageways.
- H. Urban impaired stream.** “Urban impaired stream” means a stream or stream segment that meets the criteria of 06-096 CMR 502(3)(B) and is listed in 06-096 CMR 502 Appendix B.
- I. Watershed.** “Watershed” means the land area that drains, via overland flow, drainageways, waterbodies, or wetlands to a given waterbody or wetland.

APPENDIX A

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

Name of Applicant (Owner):		Applicant Mailing Address:	
Town/City/State:			Zip Code:
Daytime Phone: (with area code):		Email Address:	
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:			PBR or MCGP Application #:
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 (MCGP) at Part IV (F)(1) 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(F)(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:
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Retain your records. The permittee is required to retain copies of any forms, submissions, reports, or other materials required by this general permit for a period of at least three years from the completion of permanent stabilization.

OFFICE USE ONLY		Date	Staff	Staff	After Photos
NOI #	FP		Acc. Date	Def. Date	<input type="checkbox"/> Yes <input type="checkbox"/> No