

**STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Maine Waste Discharge Law

38 M.R.S.A. § 413
Chapter 521, Section 9 - A

**Individual Application for Post-Construction Discharge of Storm Water to
The Long Creek Watershed**

PERMIT APPLICATION



Section 1. Application Process - Contents

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Section 1. Information Concerning the Application Process

This document is to be used when applying for a permit pursuant to the Maine Waste Discharge Law, Section 413 et seq, Chapter 521 (9)(a)(1)(v), Post-construction storm water discharges in urban impaired watersheds.

Regulatory requirements for the preparation and filing of applications may be found in Chapters 2, 521 and 522 of the Department's rules.

A. Pre-application meetings. A pre-application meeting is required for all applications for post-construction storm water discharges from one or more acres of impervious surfaces in the Long Creek Watershed. This meeting provides an opportunity for the applicant to meet with department staff who will review the application. The purpose of the meeting is to help the applicant understand the application review process, identify particular areas of concern and exchange information before commitment to a final design. The requirement for this meeting may be waived upon mutual agreement of the department and the applicant, however the department has noted that applications for which a pre-application meeting has been held are generally more complete and less likely to be returned as incomplete for processing as applications for which no pre-application meeting was held. There is no additional charge to the applicant for this meeting.

(1) Scheduling. To schedule a pre-application meeting, send a written request to the Licensing Coordinator:

**Southern Maine Regional Office
Bureau of Land and Water Quality
312 Canco Road
Portland, ME 04103
Tel: (207) 822-6300 or
1-888-769-1036**

The Department shall make a date available for the meeting as expeditiously as possible, but no later than 20 days from receipt of a written request. The Department shall prepare a written summary of all pre-application meetings.

(2) Pre-application submissions. The written request for a pre-application meeting should include a phone number where the applicant or agent may be reached during the day; a plan or preliminary sketch of the best management practice(s) and any other components of the project that are planned to meet erosion/sediment control, inspection, maintenance and housekeeping. The rules provide for a two-year plan for implementation. Please provide your plan for implementation with interim mile stones or a request for an extension beyond that timeframe. Two copies of the pre-application materials need to be submitted with your request.

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

- (1) Newspaper. Publish the public notice once in a newspaper circulated in the area where the project is located. The public notice must appear in the newspaper within 30 days prior to filing a new or amendment application, or a resubmitted application returned as incomplete pursuant to Chapter 2.
- (2) Abutting property owners. Provide a copy of the public notice to the owners of abutting property. Their names and addresses can be obtained from town tax maps or local officials. Abutters must receive public notice within 30 days prior to filing a new or amended wastewater application, or a resubmitted application returned as incomplete pursuant to Chapter 2. For the purposes of this application, an abuter 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 office. Provide a copy of the public notice together with a duplicate of the entire application to the appropriate town or city clerk. The notice must be received within 30 days prior to filing an application, or a resubmitted application returned as incomplete pursuant to Chapter 2.

C. Assistance and materials. Department staff is available to answer questions. Direct questions concerning application requirements to the project manager or, if a project manager has not yet been assigned, to the Division of Land Resource Regulation's Licensing Coordinator in Portland (822-6300). The applicant should obtain copies of the Maine Waste Discharge Law (especially Chapter 521, 9-A) before compiling an application. The following list includes other materials that may also be helpful.

Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices. Available from Cumberland County Soil and Water Conservation District, 35 Main Street, Windham, Maine 04062 (892-4700), or on the DEP website at <http://www.maine.gov/dep/blwq/docstand/escbmps/index.htm>

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

Rules Concerning Processing of Applications, 06-096 CMR 2. Available from any DEP office or on the DEP website at <http://www.maine.gov/sos/cec/rules/06/096/096c002.doc> These rules include requirements for notice, "title, right or interest", public access to information, hearings, and other subjects.

Stormwater Management for Maine: Best Management Practices (January, 2006). Available from the Nonpoint Source Training and Resource Center, at the DEP office in Augusta (287-7726) or on the DEP website at <http://www.maine.gov/dep/blwq/docstand/stormwater/stormwaterbmps/index.htm>

Stormwater Management Law, 38 M.R.S.A. § 420-D. Available from any DEP office or on the DEP's web site at <http://www.maine.gov/dep/blwq/docstand/stormwater.htm>

Stormwater Management Rules, Chapters 500 and 502. Available from any DEP office or on the DEP's web site at <http://www.maine.gov/dep/blwq/docstand/stormwater/rules.htm>

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

The Clean Water Act, 33 U.S.C. Section 1251 et seq., and 40 C.F.R. Section 122.26 (a)(9)(I)(D)

Maine Waste Discharge Law, Section 413 et seq., Chapter 521 (9)(a)(1)(v)

<http://www.mainelegislature.org/legis/statutes/38/titlesec413.pdf>

http://www.maine.gov/blwq/rules/stormwater/2009_2010/521_adopted_rule.pdf

D. The application. The application submitted to the department should include completed forms (see Section 2 for blank forms), and applicable submissions described in Section 3 of this publication. The submissions necessary to demonstrate that the standards will be met may vary depending upon the applicable standards, project location, site conditions, and project design, including proposed BMPs. In addition, if the applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing. Any questions concerning which submission requirements apply can be addressed as part of the pre-application meeting.

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

(a) Place completed copies of the forms, on pages 12-16, at the front of the application. Also include information demonstrating that the applicant has sufficient title, right or interest in all of the property proposed for use, such as a copy of the deed, a lease, an easement, an option to buy, or a statement concerning the ability and intent to use eminent domain.

(b) Organize the submissions in the order followed in Section 3 of this publication. Divide the subsections with tabs.

(c) Provide two (2) copies of the application and any attachments to the department. Additional copies may be required by the project manager at a later date.

(2) Combining figures. Plans, drawings and maps may be combined as long as all details are clearly shown. Adhere to the following specifications, unless variations are specifically approved prior to submission of the application:

(a) Sheet size 24" X 36";

(b) Use a scale of 1" = 100';

(c) Maximum vertical exaggeration of 5X; and

(d) Folded individually to fit 8 1/2" by 11" folders for ease in filing.

(3) Professional assistance. Professional assistance may be necessary to satisfactorily complete the application requirements. Plans, drawings and maps must be prepared by appropriate professionals. All work performed by a professional engineer or other permitted professional must be dated, stamped and signed by the professional. A "certified geologist" or "certified soil scientist", is a professional permitted pursuant to 32

M.R.S.A. §§ 4901 et. seq.. A "registered engineer" is a professional licensed pursuant to 32 M.R.S.A. §§ 1351 et. seq.. A "licensed site evaluator" is a professional licensed under authority established by 22 M.R.S.A. § 42(3-A).

- (4) Keep a copy. Retain a copy of the application, as filed with the department, in order to facilitate communications with the department's staff during the review process.
- (5) Fees. Attach the appropriate annual waste discharge permit fee to the application. The fee must be paid at the time the application is submitted to the department. Checks should be made payable to: Treasurer, State of Maine. Fees for existing discharges are charged on an annual basis and are due on the anniversary date of the permit. The fee schedule is updated every November 1st and can be found on the DEP web site at <http://www.maine.gov/dep/feesched.pdf>. As of May 2010, the fee for a stormwater discharge permit includes:

\$152 base fee (AIS code 5S)
\$150 annualized permit renewal fee
\$23 14..per acre discharge fee

Failure to fully complete all required forms or to pay necessary application fees will result in the application being returned.

- (6) Location. Send the application to the DEP Southern Maine Regional Office DEP 312 Canco Road, Portland, Maine 04103 (Attention: Project Manager, if you have been assigned one at pre-application meeting).
- (7) Timing. Submit the application sufficiently in advance of the date of BMP construction to allow time for review. The review period begins when an application is determined to be complete and acceptable for processing. Keep in mind that, as provided in the department's administrative statutes, certain activities may allow the review time to be extended if additional time is needed.

E. Processing.

- (1) Acceptance review. Upon submission and payment of all applicable fees, the application is assigned a project number and given to a project manager. Within 15 business days, the project manager will determine if the application is complete and acceptable for processing. Once this review is complete,
 - (a) The applicant will receive a letter, including the application number, the project manager's name, and the deadline for processing of the application, stating that the application is acceptable for processing; or
 - (b) The application will be returned with a letter stating that the application is not acceptable for processing as filed and identifying deficiencies in the application.
- (2) Application review. The project manager makes a recommendation for final action based upon his or her review of the application, including knowledge gained from any comments received, and any site visit. Additional information may be requested. "Acceptance of an application as complete for review does not constitute a determination

by the department on the sufficiency of that information and does not preclude the department from requesting additional information during processing." 38 M.R.S.A. §344 (in part).

(3) Correspondence and questions. Correspondence and questions concerning the application should be directed to the project manager. The assigned application number should be included in all correspondence.

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

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

G. Application Form Instructions

Block 1. Name of applicant. Write in the name of the landowner or entity that has title, right or legal interest in the property. If the applicant is an agency, company, corporation, or other organization, please include the organization's name and the name of a staff person that can be contacted about the application. If applicant is a registered corporation, provide either a *Certificate of Good Standing* (available from the Secretary of State) or a statement signed by a corporate officer affirming that the corporation is in good standing.

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

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

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

Block 5. Applicant's Fax number, if available.

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

Block 7. Agent's full mailing address. All original correspondence will be sent to this address.

Block 8. Agent's daytime phone #. Write in the telephone number where the agent can be reached during normal office hours. If the DEP has any questions about the application, they will use this number. Quick answers can help minimize delays in the application process.

Block 9. Agent's email address, if available, in order for the permit to be e-mailed to the applicant. Without an e-mail address the permit will be sent via regular mail and will not be received as quickly.

Block 10. Agent's fax number, if available.

Block 11. Billing Address. Write in the address to receive the annual billing.

Block 12. Location of project. Write in the street address of the project or the name of the nearest road, street, or route number.

Block 13. City/Town. Write in the name of the town or city where the project site is located. This may be different from the applicant's mailing address.

Block 14. Stormwater Discharge Permit Fees. They will vary with the acreage of impervious cover to be treated (round acres to two decimal points before figuring). Write in the amount of application fees enclosed with the application (see **current** Licensing Fee Schedule or use the Fee Worksheet included in Section 2 (Form D) of this application packet). Make check payable to “Treasurer, State of Maine.”

NOTE: Fees for restoration/mitigation work in stream channel and riparian zones on your property or that of others as well as on-going water quality monitoring fees will be collected by the Long Creek Stormwater District. The Department requires a receipt from the District for your one-time (five year cycle) payment or a copy of the signed agreement with the District paid for appropriate annual fee.

Please mention any credits you wish to receive from the Department for prior contributions toward implementation of the Department-approved watershed management plan. The amount of credit given is determined by the Department on a case-by-case basis.

Block 15. Brief project description. In several sentences, describe the BMP and/or stream restoration project. Detailed plans must be provided as an attachment to this application according to the standards in Section 1.

Block 16.. Applicable standards for post-construction stormwater discharges in urban impaired stream watersheds Check off the applicable boxes of standards which will show how you intend to comply with individual requirements.

Block 17. Exceptions &/or waivers requested. Indicate whether an exception and/or waiver to an applicable standard are being requested as part of the application. The requirement of pre-application or pre-submission meeting may be waived by written notice from the Department and agreement by the applicant. The Department will agree to waive the above meetings if the Department is satisfied that such a meeting would be of no value in achieving the purposes noted above.

Block 18. Brief description of how standards will be met.

Block 19. Location of Project: Describe using either latitude and longitude or UTM Easting and Northing

Block 20. Title, right or interest. Check whether you own, lease, have an option to buy, or have a written agreement to use the property. Please attach a copy of your deed, or other legal documents establishing title, right, or interest in the site and label it as “Block 17”.

Block 21. Tax Map # and Tax Lot #. Write in the town tax map number(s) and lot number(s) for the property where the activity is located. This information may be obtained from the local tax bill, tax assessor or town office or from the Long Creek Watershed Management District (phone # 892-4700).

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

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

Block 24. Photos of the project site included? Check yes, if photos are included with the application. Enough photos should be submitted to show typical site conditions of proposed BMP and any other work to be completed on the property.

Block 25. Submissions. This block outlines what attachments to the application form are required. This is a summary of application requirements. For a more specific list of submissions, see the Submissions Checklist provided as Section 2, Form E of this application packet.

Block 25. FEES. The current fee **MUST** be included with this application. Check should be made payable to the Treasurer, State of Maine. The total amount is due and must be included when mailing the application to the Department.

Sections 2. Forms, Section 3. Submissions, & Section 4 Draft Deed Restriction –

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Long Creek Individual Stormwater Discharge Application

This application is for an individual permit for post-construction discharge of stormwater to the Long Creek Watershed

APPLICANT INFORMATION:		AGENT INFORMATION:	
1. Name of Applicant:		6. Name of Agent:	
2. Applicant's Mailing Address:		7. Agent's Mailing Address:	
3. Applicant's Phone #:		8. Agent's Phone # :	
4. Email address (REQUIRED-permit will be sent via email:)		9.E-mail address REQUIRED-permit will be sent via email	
5. Applicant's Fax #: (if available)		10. Agent's Fax # (if available):	
PROJECT INFORMATION:			
11. BILLING ADDRESS:			
12. Location of Project: (Road, Street, Rt #)		13. Town / City:	
14. Annual Stormwater Discharge Permit Fee:	<input type="checkbox"/> Base Fee plus Annualized Permit Renewal Service Fee = \$302 <input type="checkbox"/> Discharge Fee @ \$23.14 per Acre = _____ Total Fee: \$ _____		
15. Brief description of project along with construction schedules:			
16. You must meet each and every one of the criteria listed to the right Checking each box means you have addressed that issue in your application: Chapter 521, Sec. 9-A(a)(1)(2)(3)(4):	Individual Permit Standards: <input type="checkbox"/> Erosion/Sed Control, Inspection and Maintenance, Housekeeping Sec.9-A(a)(1) Appendices A, B, C Chapter 500, Sec. (A) <input type="checkbox"/> Stormwater Treatment Standards Sec. 9-A(a)(2) Chapter 500, Sec. 4 (B) <input type="checkbox"/> BMP inspection and maintenance Sec. 9-A(a)(3) <input type="checkbox"/> On-going Monitoring Plan, Sec.9-A(a)(4)		

<p>17. The rules for stream restoration allow for several options to comply and obtain a permit. Check the choices you have made towards stream restoration or mitigation:</p> <p>Chapter 521, Sec. 9-A(b)(1)(2)(c) and (d)</p>	<p>Stream Restoration Standards:</p> <p><input type="checkbox"/> Mitigation from Past Stormwater Discharges from Applicant's Property Sec. 9-A(b)(1)</p> <p><input type="checkbox"/> Financial Contribution to a Watershed Management Plan and In- stream and/or Riparian Restoration Activities in Plan Sec.9-A(b)(2)</p> <p><input type="checkbox"/> Credit for Watershed and Contributions Sec..9-A(c)</p> <p><input type="checkbox"/> Additional Requirements Sec. 9-A(d)</p>							
<p>18. Brief description of how the standards for stream restoration will be met:</p>								
19. Location of Parcel:	Latitude:		Longitude:		UTM Easting:		UTM Northing:	
20. Title, Right or Interest;	<input type="checkbox"/> own	<input type="checkbox"/> lease	<input type="checkbox"/> purchase option	<input type="checkbox"/> written agreement				
21. Tax Map Numbers:	Lot Number:		Tax Map Number:					
22. Deed Reference #'s:	Book #		Page #:					
23. DEP/CCSWCD Staff Previously Contacted:								
24. Photos of Project included?			If yes, check here <input type="checkbox"/>					
25. FEES, Amount Enclosed:			\$					
SIGNATURES / CERTIFICATIONS ON PAGE 3								

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

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

CERTIFICATIONS / SIGNATURES

"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.

Further, I hereby authorize the DEP to send me an electronically signed decision on the permit I am applying for with this application by e-mailing the decision to the electronic address located on the front page of this application (see #4 for the applicant and #9 for the agent.)"

Signed: _____ Title _____ Date: _____

Notice of Intent to Comply with Maine Waste Discharge Law, Chapter 521, Section 9 - A	With this Maine Waste Discharge Law application form and my signature below, I am filing notice of my intent to carry out work which meets the requirements of the Maine Waste Discharge Law, Chapter 521, Section 9 -A. I have read and will comply with all of the Chapter 521, Section 9 - A standards. Signed _____ Date: _____
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FORM A
6/2/10

ADDITIONAL SIGNATURES / CERTIFICATIONS

FORM A 6/2/2010

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

Signature: _____ Re/Cert/Lic No.: _____
 Name (print): _____ Engineer _____
 Date: _____ Geologist _____
 Soil Scientist _____
 Land Surveyor _____
 Site Evaluator _____
 Active Member of the Maine Bar _____
 Professional Landscape Architect _____
 Other _____

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

Please take notice that

(name, address & phone #)

is intending to file a Maine Waste Discharge of Pre-Construction Stormwater Discharges to the Long Creek Watershed application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. § 413, Chapter 52, section 9 - A 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* 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 where the application is filed for public inspection

Don Kale Bureau of Land and Water Quality
MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103

PUBLIC NOTICE FILING AND CERTIFICATION

The DEP Rules, Chapter 2, require an applicant to provide public notice for all individual applications for post-construction discharge of stormwater to the Long Creek Watershed 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.

Signature of Applicant or authorized agent

Date

FEE WORKSHEET

Use this form to help determine the Maine Pollutant Discharge Elimination System Permit System Individual Waste Discharge Permit fee. The fee is based upon the amount of impervious area in existence with direct discharge of post construction storm water to Long Creek Watershed.

NOTE: "Impervious area" is defined in General Permit – Post Construction Discharge of Stormwater in the Long Creek Watershed (Part II.D)

Base Fee: \$152.00

Annual Fee: \$150.00

Permit Fee: \$23.14/acre of impervious area (Note: The Department has calculated that one acre of impervious surface will discharge one million gallons.

Individual Waste Discharge Permit Fee for Long Creek Watershed can be paid to DEP annually or once every five years.

SUBMITTAL CHECKLIST**Submissions for all post construction of stormwater discharges to Long Creek:**

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

Basic standards submissions:

- Erosion and sedimentation control plan
 - Location plan
 - Site details – pre- and post- construction plans; plans stamped and signed by professional engineer; grading and drainage plan; erosion control notes
- Inspection and maintenance plan
 - List of measures
 - Inspection & maintenance tasks
 - Task frequency
 - Responsible parties
 - Maintenance plans (may include condo documents; letter from town)
- Housekeeping plan

General standards submissions:

- Narrative
- Drainage plans
- Calculations
 - Water volume
 - Buffer sizing
- Details, designs, and specifications
 - Ponds
 - Underdrained vegetated filters
 - Infiltration systems
 - Buffers

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Bureau of Water Quality
 17 State House Station, Augusta, Maine 04333-0017
 Telephone: 287-3901

CERTIFICATION – MAINE WASTE DISCHARGE 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 Maine Waste Discharge Law may not begin before the contractor and any subcontractors have been shown a copy of the approval with conditions by the developer, and the owner and each contractor and subcontractor have certified, on this form provided by the department, that the approval and conditions have been received and read, and the work will be carried out in accordance with the approval and conditions. Completed certifications forms must be forwarded to the department. See 06-096 CMR 500(9)(A)(7).

This certification form must be completed and mailed to sent to Shari Berry Goodwin, Department of Environmental Protection, Bureau of Land and Water Quality, 17 State House Station, Augusta, Maine 04333 prior to start of construction. Separate forms may be submitted for each person, or persons may be listed on a single form. List the name, address, phone number, of each person signing the form.

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

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

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

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

Section 3. Submissions

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

A. Design requirements. A design for a stormwater management system that includes any form of conveyance structure must be prepared under the supervision of, and dated, signed and sealed by, a professional engineer registered in the State of Maine, who by education, training, or experience is knowledgeable in stormwater management.

B. Basic standards submissions. Each project is required to meet the basic standards (Chapter 500, Section 4(A) of the Stormwater Management Rules. An erosion and sedimentation control plan or an inspection and maintenance plan for a project must be prepared by a professional engineer registered in the State of Maine, or a certified erosion and sedimentation control professional.

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

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

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

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

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

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

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

(a) List of measures. Submit a list of the erosion control measure and stormwater management measures to be inspected and maintained (e.g., “parking lot catch basins”).

- (b) Inspection and maintenance tasks. Submit a list of inspection and maintenance tasks specific to each erosion control measure or stormwater management measure (e.g., “remove accumulated sediments in basin sumps”). Submit the specific qualifications of the person performing each task (e.g., “a professional engineer registered in the State of Maine will inspect the retention pond embankment”).
- (c) Task frequency. Indicate the required frequency of each inspection and maintenance task (e.g., “accumulated sediments will be removed from all catch basins annually in early spring”).
- (d) Responsible parties. Submit the name, job title, employer, employer address, phone number, and current 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.

(3) Housekeeping. Submit a plan to address spill prevention, groundwater protection, fugitive sediment and dust, debris and other materials, trench or foundation de-watering, or non-stormwater charges, as applicable to the specific site. Housekeeping requirements are described in Appendix C of Chapter 500.

C. General standards submissions. In addition to the basic standards submissions, a project required to meet general standards Section 4(B) must provide the following information and design specifications.

(1) Narrative. A narrative describing site layout, and on-site and off-site watershed hydrology, including all new and existing buildings and facilities, which may be affected by the site runoff. Provide the total amount of impervious area, disturbed area, and developed area created by the project.

(2) Drainage Plans. All topographic features, such as buildings and other facilities, drainageways, cover type, roads, drainage easements and subcatchment boundaries for pre-construction and post-construction conditions must be shown on a plan. Show all hydrologic flow lines and hydrologic soil groups boundaries on a plan and identify each subcatchment, reach, and pond consistent with the runoff model. For post-construction conditions, show all new stormwater management structures and changes to the hydrologic drainage patterns.

(3) Calculations. The stormwater runoff calculations for measures designed to meet general standards 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.

(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, 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 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 covenants and restrictions, demonstrating that buffer area(s) will be maintained as buffer.
- (6) 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.

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

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

Diameter of tree at 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.

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)

(date)

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

Notary Public

C. Meadow buffer

DECLARATION OF RESTRICTIONS

(Non-Wooded Meadow Buffer)

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

_____, _____
(name) (street address)

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

"Declarant"), pursuant to a permit received from the Maine Department of Environmental Protection under the Maine Waste Discharge Law, 38 M.R.S.A. Section 413, Chapter 521, Section 9-A, 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 Maine Waste Discharge Law, 38 M.R.S.A. Section 413, Chapter 521, Section 9-A and Chapter 500 of rules promulgated by the Maine Board of Environmental Protection ("Stormwater Management Rules"), Declarant has agreed to impose certain restrictions on the Restricted Buffer Area as more particularly set forth herein and has agreed that these restrictions may be enforced by the Maine Department of Environmental Protection or any successor (hereinafter the "MDEP"),

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

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

- a. No soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material will be placed, stored or dumped on the Restricted Buffer Area, nor 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) (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
