

**SECTION 02320**

**SLOPE PROTECTION AND EROSION CONTROL**

**PART 1 GENERAL**

**1.01 SECTION INCLUDES**

- A. Temporary silt fence.
- B. Erosion control mesh.
- C. Stone check dams.
- D. Wood waste compost/bark filter berm.
- E. Stabilized Construction Entrance

**1.02 RELATED SECTIONS**

- A. Section 02230- Site Clearing and Grubbing.
- B. Section 02315 - Common Excavation, Embankment and Compaction.
- C. Section 02910- Seeding .

**1.03 ENVIRONMENTAL REQUIREMENTS**

- A. Conform to Maine Department of Environmental Protection publication "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices".
- B. Comply with Maine Department of Environmental Protection General Permit - Construction Activity (see attached).
- C. Maintain erosion control installations in a functional condition at all times. Inspect after each rainfall and at least daily during prolonged rainfall. Immediately correct deficiencies to prevent erosion and sedimentation.

**PART 2 PRODUCTS**

**2.01 MATERIALS**

- A. Silt Fence: MDOT Section 656.03.
- B. Erosion Control Mesh: MDOT Section 717.061.
- C. Stone check dams: Crushed stone - see Section 02315.
- D. Filter Fabric-Woven: Mirafi 500x or Approved Equivalent.
- E. Filter Fabric-Non-Woven: Mirafi 140N or Approved Equivalent.
- F. Stone for Stabilized Construction Entrance: Crushed Stone meeting the following requirements:
  - 1. 3 inch sieve: 100 percent passing by weight.
  - 2. 2 inch sieve: 0 to 20 percent passing by weight.
  - 3. 3/4 inch: 0-5 percent passing by weight.

**PART 3 EXECUTION**

**3.01 EXAMINATION**

- A. Verify that surfaces are ready to receive work.
- B. Beginning of installation means installer accepts existing surface conditions.

**3.02 INSTALLATION**

- A. Install silt fences before beginning grubbing.

- B. Install silt fences in accordance with MDOT 656.08.
- C. Install erosion control mesh in accordance with MDOT 613.

### **3.03 MAINTENANCE**

- A. Maintain erosion control installations in a functional condition at all times. Inspect measures at least weekly, after each rainfall and at least daily during prolonged rainfall as directed in the Maine DEP General Permit - Construction Activity. Immediately correct deficiencies to prevent erosion and sedimentation.
- B. Make a daily review of the location of erosion control measures in areas where construction activity causes drainage runoff to ensure that erosion control measures are properly located for effectiveness.
- C. Where deficiencies exist, install additional erosion control measures as approved or directed by the Owner. No additional payment shall be made for additional erosion control measures which may be required.

### **3.04 TEMPORARY EROSION CONTROL REMOVAL**

- A. Remove temporary silt fence and hay bales when site is stabilized and grass catch is at least 80 percent and dispose of in a proper manner.
- B. Remove stone check dams when drainage channel is stabilized and grass catch is at least 80 percent and dispose of in a proper manner. Stone shall be raked out to a maximum depth of one layer to allow future vegetation to grow through the stone.

**END OF SECTION**

**Attachment**

**Maine DEP**

**General Permit – Construction Activities**

**STATE OF MAINE**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**General Permit – Construction Activity**

**Maine Pollutant Discharge Elimination System (MPDES)**  
**With Basic Performance Standards Appendices**



## APPENDICES – BASIC PERFORMANCE STANDARDS

**GENERAL PERMIT -- CONSTRUCTION ACTIVITY**  
Maine Pollutant Discharge Elimination System (MPDES)

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**PART I -- General Permit Coverage**

**A. General coverage of this permit.** This general permit authorizes the direct discharge (point source discharge) of stormwater associated with construction activity to waters of the state other than groundwater, provided that the discharge meets the requirements of this general permit and applicable provisions of Maine's waste discharge and water classification statutes and rules. This general permit also authorizes the direct discharge of stormwater from support activities. "Construction activity" is defined in Part II (page 2).

This general permit is effective July 20, 2004, and authorization to discharge under this general permit expires July 20, 2006. . This general permit applies in those parts of the State of Maine for which the Department has received delegated authority under the federal NPDES program. See Part V (page 10), for a list of specific limitations on coverage of this general permit.

**B. Authority.** A permit is required for the direct or indirect discharge of pollutants to waters of the State.<sup>1</sup> A general permit may be issued for point discharges (direct discharges) of stormwater.<sup>2</sup> A violation of a condition or requirement of a general permit constitutes a violation of Maine's water quality laws and the federal Clean Water Act, and subjects the discharger to penalties under 38 M.R.S.A. § 349, and § 309 of the Clean Water Act. Nothing in this general permit is intended to limit the Department's authority under the waste discharge and water classification statutes or rules. This general permit does not affect requirements under other applicable Maine statutes such as Site Location of Development (Site Law), Stormwater Management, Land Use Regulation Commission (LURC), and Natural Resources Protection (NRPA).

This general permit does not prevent a municipality from adopting stricter standards than contained in this general permit, or in state or federal law.

<sup>1</sup> See 38 M.R.S.A. § 413.

<sup>2</sup> See 06-096 CMR 529(2)(a)(2)(i).

## **PART II -- Definitions**

The following terms have the following meanings when used in this general permit.

Note: Additional definitions are found in 06-096 CMR 520 and in the waste discharge and classification laws.

**A. Construction activity.** "Construction activity" or "activity" means:

1. Construction activity including one acre or more of disturbed area, or activity with less than one acre of total land area that is part of a common plan of development or sale, if the common plan of development or sale will ultimately disturb equal to or greater than one acre; or
2. Any other construction activity designated by the Department based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the State.

Note: Based upon Maine's soils, topography, and extensive water resources, the Department has determined that the great majority of construction activities disturbing one acre or more will result in discernable concentrated flows (direct discharges) to waters of the state.

**B. Common plan of development or sale.** A "common plan of development or sale" means a subdivision as determined by the Land Use Regulation Commission (LURC), or a subdivision under municipal law as determined by the municipality where the subdivision is located.

**C. Department.** "Department" means the State of Maine Department of Environmental Protection.

**D. Direct discharge.** "Direct discharge" or "point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.<sup>3</sup>

**E. Disturbed area.** "Disturbed area" is clearing, grading and excavation. "Disturbed area" does not include routine maintenance, but does include redevelopment and new impervious areas. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving an impervious gravel surface while maintaining the original line and grade, hydraulic capacity and original purpose of the facility is considered *routine* maintenance. Mere cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered "disturbed area".

**F. Impaired waterbody (C).** An "impaired waterbody" means a waterbody that is not attaining water quality criteria or standards, as determined by the Department. If a construction activity may cause or contribute to the impairment of a waterbody, the Department includes the waterbody on a sub-list referred to as the "Construction General Permit List". If a waterbody is included on the list, it is referred to as an "impaired waterbody (C)."

**1. Construction General Permit List.** The list of the impaired waterbodies (C) is in Appendix D.

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<sup>3</sup> 38 MRSA § 466(5) (definition of "direct discharge") and 06-096 CMR 520 (definition of "point source").

- 2. Best currently available data.** The Department may use the best currently available data to determine the status of a waterbody, rather than relying upon the Construction General Permit List, when the activity itself may have caused or contributed to the impairment, or when the Department reviews an application for a permit such as an individual Waste Discharge or Site Law permit.
- G. Notice of Intent ("NOI").** "Notice of Intent" or "NOI" means a notification of intent to seek coverage under this general permit made by the applicant to the Department on a form provided by the Department.
- H. Notice of Termination ("NOT").** "Notice of Termination" or "NOT" means a notification of intent to end coverage under this general permit on a form provided by the Department.
- I. Person.** An individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.<sup>4</sup>
- J. Stormwater.** "Stormwater" means storm water runoff, snow melt runoff, and surface runoff and drainage. "Stormwater" has the same meaning as "storm water".
- K. Support activities.** "Support activities" means support activities associated with a construction activity (e.g. concrete or asphalt batch plants, equipment storage yards, material storage areas, excavated material disposal areas, borrow areas) provided the following requirements are met.
  - 1. Direct relationship.** The support activity is directly related to a construction site that is required to have waste discharge permit coverage for discharges of storm water associated with construction activity.
  - 2. Type of operation.** The support activity is not a commercial operation serving multiple unrelated construction projects by different persons, and does not operate beyond the completion of the construction activity at the last construction project it supports.

### **PART III -- Requirements**

Part III describes the requirements for obtaining authorization under this general permit. See Part IV for general submission requirements and procedures related to Notices of Intent (NOIs) and Notices of Termination (NOTs).

A person may not construct or cause to be constructed or operate or cause to be operated or, in the case of a common plan of development or sale (subdivision), sell or lease, offer for sale or lease or cause to be sold or leased any area affected by construction activity without obtaining approval from the Department. A person having an interest in or undertaking an activity on a parcel of land affected by this general permit may not act contrary to this general permit.

If a project comes under both (A) and (B) below, only one NOI is required.

- A. Construction activity (other than a common plan of development or sale).** Construction activity including one acre or more of disturbed area on the parcel, or other construction activity designated by the Department, must meet the following requirements.

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<sup>4</sup> See 38 M.R.S.A. § 361-A(4).



- 1. Development requiring review pursuant to the Site Law.** If the development requires a Site Law permit, the following applies.
  - a. Submit NOI and NOT.
  - b. Meet the standards in Appendices A-C of this general permit.
  - c. Erosion and sedimentation control (ESC) plan development and maintenance. An ESC plan is a plan that demonstrates how the standards in Appendix A will be met. An ESC plan is required pursuant to the Site Law, and additional requirements may apply pursuant to the Site Law. It is not necessary to submit a separate ESC plan with the NOI. See Part III (D) concerning referencing a plan submitted as part of a Site Law application.
  
- 2. Other projects.** For other construction activities, the following applies.
  - a. Submit NOI and NOT.
  - b. Meet the standards specified in Appendices A-C of this general permit.
  - c. Erosion and sedimentation control (ESC) plan development and maintenance. An ESC plan is a plan that demonstrates how the standards in Appendix A will be met. See Part III(D) concerning referencing a plan submitted as part of a Stormwater Management application.
    - (i) If the project includes 1 acre or more of disturbed area and directly discharges to an impaired waterbody, develop and maintain an erosion and sedimentation control plan (ESC plan), and submit it to the Department for review.
    - (ii) If the project includes 3 or more acres of disturbed area and directly discharges to a waterbody that is not impaired, develop and maintain an ESC plan. Submit the plan to the Department for review with the NOI, unless the plan is signed by one of the persons listed below certifying that the plan meets the standards of this general permit.
      - A person certified in erosion control practices by the Maine Nonpoint Source Training and Resource Center.
      - A person certified as a "professional in erosion and sedimentation control" under the CPESC program.
      - A Maine registered professional engineer who by education, training, or experience is knowledgeable in stormwater management and erosion and sedimentation control.
      - Soil and Water Conservation District staff person trained to develop erosion and sedimentation control plans, working in an office with which the Department has an agreement concerning review of these plans.

**B. Common plan of development or sale.** A common plan of development or sale must meet the following requirements.

- 1. Site Law, Stormwater, or LURC.** A common plan of development or sale is considered to meet the requirements of this general permit if:
  - a. A Site Law, Stormwater (38 M.R.S.A. § 420-D), or LURC permit is required, and the requirements of Part III (A)(2) are met; and
  - b. If a Stormwater permit is required, the requirements of Part III(A)(2) are also met on all associated lots in the subdivision, as determined by the Department.

An ESC plan is required if the common plan of development or sale drains to an impaired waterbody (C) and a Site Law, Stormwater Management, or LURC permit is required for the project. An ESC plan is required if the common plan of development or sale does not drain to an

impaired waterbody (C) but will result in 3 or more acres of total disturbed area, and a Site Law, Stormwater or LURC permit is required for the project. Total disturbed area includes expected disturbed area on lots as well as associated facilities such as roads, pads, and ponds. The department will assume that one acre of disturbed area will be created per 3 lots (1/3 ac. per lot), unless the person proposing the common plan of development or sale provides information concerning actual disturbed area.

2. **Other.** If the project does not require a Site Law, Stormwater, or LURC permit, and is not located within an area subject to the jurisdiction of LURC, then the project must meet the standards of the Maine Erosion and Sedimentation Control Law. An NOI is not required.

A lot buyer or subsequent transferee within a common plan of development or sale must submit an individual NOI if he or she proposes a construction activity as defined at Part II (A), regardless of whether the developer has filed an NOI.

The standards apply to the lots in the subdivision as well as associated facilities such as roads, pads, and ponds.

Note: The LURC Development Law only applies to areas of the state administered by the Land Use Regulation Commission (LURC). The Maine Site Law (in regard to subdivisions), Erosion and Sedimentation Control Law, and Stormwater Management Law, apply to projects or portions of projects outside the jurisdiction of LURC.

- C. **Total maximum daily load (TMDL).** If the waterbody to which a direct discharge drains is impaired and has an EPA approved TMDL, then the discharge must be consistent with any waste load allocation (WLA) contained in the TMDL and any implementation plan.

Note: based upon TMDLs approved by the federal Environmental Protection Agency prior to March 10, 2003, this subsection concerning TMDLs does not require a construction activity to meet additional requirements to those otherwise specified in this general permit. If additional requirements result from a TMDL or implementation plan on or after March 10, 2003, they will not apply to a construction activity eligible for coverage under this general permit until incorporated into this general permit. Such requirements would be incorporated upon re-issuance of the general permit, or reopening of this subsection of the general permit. A general permit may be reopened or modified as provided in 38 M.R.S.A. § 414-A.

- D. **ESC plan.** Material submitted with an application for a Site Law or Stormwater Management Law permit may be referenced to the extent it substantively addresses the standards in Appendix A. If not all the standards are addressed, supplementary material must be provided with the NOI. If an applicant wishes the Department to rely in whole or part on a submission that is part of a Site Law or Stormwater Management Law application, the applicant should submit a letter with the NOI describing the previous submission and the extent to which it should be relied upon, and listing the standards addressed by any supplementary material.

#### **PART IV. Procedure**

- A. **Notice of Intent (NOI).** When the applicant submits an NOI, he or she agrees to comply with the standards and requirements of this general permit. An NOI must be submitted to the Department with the appropriate fee.

1. **Processing of NOI.** An NOI must be reviewed and approved by the Department prior to beginning construction activity or causing soil disturbance except as provided in Part IV(F).

The NOI is deemed approved 14 calendar days after the Department receives the application form, unless the Department approves the application sooner, or denies it, or notifies the applicant that he or she is ineligible for coverage under this general permit. If the DEP does not speak with or write to the applicant within this 14-day period regarding NOI, the application is deemed approved by the Department and the applicant may proceed to carry out the activity

Activities that require a permit under the Site Location of Development or the Storm Water Management Acts may not proceed until any required permit under those laws is obtained. Any NOI and supplementary information required by this subsection should be submitted at the same time as any required Stormwater Management or Site Law application for the activity in order to avoid delays in processing. The NOI may not be filed before these applications. The Department may consolidate application materials with these or other programs. When application materials are consolidated, the review period for the NOI is extended to coincide with the review period of the other program.

2. **Submission.** A landowner or leasehold owner, or his or her authorized representative, must file the NOI using a form provided by the Department. The NOI must contain information specified by the Department including that listed in this subsection. The Department may require the submission of additional information as necessary. The NOI must be sent to the address indicated on the NOI form.
  - a. The legal name, address, telephone number, and any email address of the landowner or leasehold owner.
  - b. The legal name, address, telephone number, and any email address of the agent or contractor.
  - c. A narrative describing in detail how to get to and access the parcel and construction activities, and a USGS or similar map with the location marked.
  - d. A narrative describing the project and its purpose.
  - e. UTM Northing and UTM Easting (if known)
  - f. The size of disturbed area proposed.
  - g. A scaled plan or drawing of the proposed activity (site plan). Identify retained downgradient buffers, or explain in a narrative why such buffers will not be retained (see Pollution Prevention standard, Appendix A(1)). Identify protected natural resources, such as wetlands, streams, or high water line of ponds or coastal wetlands on the site plan. It is not necessary to have the plan professionally prepared. However, it must be legible and drawn to a scale that allows clear representation of distances and measurements on the plan.
  - h. An erosion and sedimentation control (ESC) plan if required to be submitted under Part III. If Part III allows certification as an alternative to submission of a plan, include a statement indicating that certification has been obtained and from whom.
  - i. Name of the receiving water(s) or if the discharge is through a municipal separate storm sewer system, the name of the municipal operator of the storm sewer.
  - j. Signature of applicant (landowner or lessee) or authorized representative with documentation showing authorization. For signatory requirements, see 06-096 CMR 521(5).
  - k. For any construction activity occurring within an essential habitat or that may violate protection guidelines, written approval of the activity from the Department of Inland

Fisheries and Wildlife (IF&W). The applicant must follow any conditions stated in the IF&W approval.<sup>5</sup>

Note: Maps showing areas of essential habitat are available from the Department of Inland Fisheries and Wildlife regional headquarters, municipal offices, the Land Use Regulation Commission (or areas within LURC's jurisdiction) and DEP regional offices. If the activity is located in essential habitat, IF&W must be contacted to request and obtain a "certification of review and approval."

**B. Notice of Termination (NOT).** The permittee shall submit a Notice of Termination (NOT) on a form provided by the Department within 20 days of the completion of permanent stabilization or coverage under an alternative MEPDES permit has been obtained. If the property is transferred and construction activity is ongoing, the permittee is not required to file an NOT if the new owner or lessee must file an NOI to continue authorization under this general permit for a continuing discharge.

**1. Common plan of development or sale.** A person who has filed an NOI for a common plan of development or sale shall file an NOT as follows.

- a. For areas of the site over which the developer has control, the NOT must be filed after permanent stabilization has been completed.
- b. For areas of the site over which the developer does not have control (ex. lots sold in an undeveloped or partially undeveloped state), the NOT must be filed after (i) temporary stabilization including perimeter controls for individual lots have been completed if the developer has done prep work (stripping or grading) on the lots, (ii) the developer has informed the lot buyers of the requirements of this general permit, and (iii) the developer has provided the buyers with copies of any erosion control plan, or portion of a plan applicable to the lots, required to be certified or provided to the Department under the requirements of this general permit.

A lot buyer within a common plan of development or sale is required to meet the standards of this general permit, except that residential lot buyers are not required to maintain inspection logs as provided in Appendix A(2).

**2. Timing.** A permittee's authorization to discharge under this permit terminates at midnight on the day the NOT is signed.

**3. Submission.** The NOT must include information specified by the Department, including the following:

- a. The legal name, address, telephone number, and any email address of the landowner or leasehold owner.
- b. The legal name, address, telephone number, and any email address of the agent or contractor.
- c. Photographs showing the completed project and the affected area. Exception: a person filing an NOT for a common plan of development is not required to include photographs for disturbed areas created by lot buyers or lessees.

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<sup>5</sup> A state agency may not license a project that will significantly alter habitat of any species designated as threatened or endangered, or violate protection guidelines, without a determination from IF&W. See 12 M.R.S.A. § 7755-A.

- d. Signature of the permittee or authorized person together with documentation demonstrating authorization. If documentation has been previously submitted and is still current, it may be referenced.

**C. Mail/copy.** The notification forms must be sent to the DEP by certified mail (return receipt requested) or other service providing a record of DEP's receipt of the item to the sender, or hand delivered to the DEP and date stamped by the Department. The applicant must keep a copy of the notification forms and all materials provided to the Department.

**D. Retention of records**

1. **Documents.** The permittee shall retain copies of the ESC plan and 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. This period may be extended by request of the Department.
2. **Accessibility.** Employees and agents of the Department may enter any property at reasonable hours in order to determine compliance.<sup>6</sup> The permittee shall retain a copy of the ESC plan and this general permit at the construction site or other location accessible to the Department, local government officials, and any operator of a municipal separate stormwater sewer receiving discharges from the site, from project initiation to permanent stabilization. The permittee shall ensure that a copy of the ESC plan and this general permit are available for the use of any contractors on the site undertaking work regulated by this general permit.

**E. Changes in the activity or owner/lessee.** Coverage under this general permit will be continued provided there are no changes in the discharge as described in the NOI and associated submissions. If any changes are proposed in the activity, the person having filed the NOI must notify the Department through the submission of updated information in writing, including submitting or obtaining certification for any revisions to an ESC plan required in Part III.

The updated information must be submitted with a new NOI if the permittee proposes to expand or relocate disturbed area of one acre or more beyond what was indicated in the original NOI, or to change the waterbody to which the stormwater will be discharged. Information concerning other changes may be submitted in a letter.

If the owner or lessee of the land changes, the new owner or lessee must file an NOI if he or she wishes to continue coverage under this general permit. Materials submitted with an NOI by a prior owner or lessee may be referenced if they are still current. Exception: a lot buyer or subsequent transferee of a lot within a common plan of development or sale is not required to file an NOI unless he or she proposes a construction activity as defined in Part II(A).

**F. Reissuance.** Upon reissuance of this general permit by the Department, construction activities that disturb less than 5 acres that were covered under the MCGP issued March 10, 2003, that have not completed construction, and that have not submitted a NOT do not have to submit an NOI to obtain coverage under this general permit and are authorized under this general permit provided that the activity meets the standards of this general permit. Persons that have or will disturb five or more acres must notify the Department through submission of an NOI in order to continue coverage for a discharge during a construction activity. The NOI may reference information in prior NOI submissions to the extent it is still current.

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<sup>6</sup> See 38 M.R.S.A. § 347-C(in part).

**G. Request to be excluded.** A person may request that an activity be excluded from coverage under this general permit and apply for an individual waste discharge permit pursuant to the Department's rules. When an individual permit is issued to a person otherwise subject to this general permit, the applicability of this general permit to that person is automatically terminated on the effective date of the individual permit.

**H. Initial issuance of this general permit**

**1. Construction activity including one acre or more of disturbed area.** This subsection applies for purposes of determining jurisdiction under the "one acre" threshold only.

- a. Prior authorization under Phase I. A person with on-going construction activity as of March 10, 2003 who received authorization to discharge for the project under the prior federal Phase I Construction General Permit shall submit a notice of intent (NOI) prior to or on June 9, 2003. Until filing of the NOI or NOT, the person shall comply with the all requirements of the prior federal construction general permit.

An ongoing activity must submit an NOI as required in this general permit unless (i) it completes permanent stabilization prior to March 10, 2003; or (ii) it is eligible to submit a Notice of Termination (NOT) prior to or on June 9, 2003. If an NOI is required, the requirements of Part III must be met for areas that have not been permanently stabilized as of the date the NOI is approved by the Department.

- b. Lack of prior authorization under Phase I. A person with on-going construction activity as of March 10, 2003, who was required but did not obtain authorization required under the prior federal Phase I Construction General, is required to submit an NOI as provided in this general permit as of March 10, 2003.
- c. Phase II construction activity. A person with an on-going activity as of March 10, 2003 (or new activity on or after March 10, 2003 and before June 9, 2003), who was not required to obtain authorization under the federal Phase I Construction General permit, but is required to obtain authorization under this general permit, shall submit an NOI by June 9, 2003. This requirement applies without regard to whether the project will be completed prior to June 9, 2003.

An ongoing activity or new construction activity must submit an NOI as required in this general permit if one or more acres is cleared, graded or excavated so as to meet the definition of "disturbed area" (in Part II) on or after March 10, 2003.

- c. Prior authorization under MCGP. A person with on-going construction activity as of July 20, 2004, who received authorization to discharge for the project under the prior MCGP and whose project includes 5 acres or more of disturbed area shall submit a notice of intent (NOI) prior to or on October 20, 2004. Until filing of the NOI or NOT, the person shall comply with the all requirements of the prior MCGP.
- 2. Common plan of development or sale.** This subsection applies for purposes of determining jurisdiction under the "common plan of development or sale" threshold only.

A common plan of development or sale (subdivision) is not required to meet the requirements of this general permit if it received approval from LURC or the municipality where it is located before March 10, 2003.

- a. If a subdivision that received municipal or LURC approval prior to March 10, 2003 is modified on or after the effective date of this permit so as to add three or more subdivision lots as determined by LURC or the municipality, this general permit applies to those lots and their associated facilities as provided in Part III.
- b. If a subdivision receives approval on or after March 10, 2003, then this general permit does not apply to lots transferred before March 10, 2003.

Note: The person subdividing the land must still file an NOI if he or she will undertake construction activity on the parcel that includes one or more acres of disturbed area, as provided in Part IV(H)(1) above, on or after March 10, 2003. Examples of such activity would be road or pad construction, or stripping and grading. A single NOI may be filed for both the common plan of development or sale and this disturbed area.

Note: A lot buyer or lessee who will undertake construction activity including one or more acre of disturbed area on or after March 10, 2003 must file an NOI, under Part IV(H)(1) above, without regard to whether municipal or LURC approval has been obtained for the subdivision containing the lot or when such approval occurred.

## **PART V -- Limitations on Coverage**

**A. Individual permit or other general permit.** This general permit does not authorize a stormwater discharge associated with construction activity that requires an individual waste discharge permit or is required to obtain coverage under another waste discharge general permit. See Part VI(A) for information on related waste discharge permits.

The Department may require any person with a discharge authorized by this general permit to apply for and obtain an individual permit.<sup>7</sup> When the DEP notifies an applicant that an individual permit is required, no work may be begun or continued unless and until the individual permit is obtained. Any interested person may petition the Department to take action under this paragraph. Examples of when an individual waste discharge permit may be required are specified in rule.<sup>8</sup>

**B. Compliance with this general permit.** This general permit does not authorize a stormwater discharge that is not in compliance with the requirements of this general permit. If the Department determines that the standards of this general permit have not been met, the Department shall notify the person and may:

1. Authorize coverage under this general permit after appropriate controls and implementation procedures designed to bring the discharge into compliance with this general permit and water quality standards have been implemented as determined by the Department;
2. Require an individual waste discharge permit; or
3. Inform the person that the discharge is prohibited.

Compliance with this subparagraph does not preclude any enforcement activity under Maine law for an underlying violation.

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<sup>7</sup> See 06-096 CMR 529(2)(B)(3).

<sup>8</sup> 06-096 CMR 529(2)(b)(3)

- C. Non-stormwater.** This general permit does not authorize a discharge that is mixed with a source of non-stormwater, other than those discharges in compliance with Appendix C(6).
- D. Total maximum daily load (TMDL).** This general permit does not authorize a direct discharge that is inconsistent with any EPA approved TMDL for the waterbody to which the direct discharge drains as provided in Part III(C).
- E. Discharge of hazardous substances, chemicals, or oil.** This general permit does not authorize the discharge of hazardous substances, chemicals, or oil resulting from an on-site spill.
- F. Violation of water quality standards.** This general permit does not authorize a discharge that may cause or contribute to a violation of a water quality standard.
- G. Related laws.** This general permit does not authorize stormwater discharges that are not in conformance with the terms and conditions of permits issued under Site Location of, 38 M.R.S.A. §§ 481-490; Stormwater Management, 38 M.R.S.A. § 420-D; Natural Resources Protection, 38 M.R.S.A. §§ 480-A - 480-Z; or the Land Use Regulation Commission §§ 481 *et. seq.*. This general permit does not authorize stormwater discharges that are not in conformance with the Maine Erosion and Sedimentation Control Law, 38 M.R.S.A. § 420-C.
- H. Post-construction discharges.** This general permit does not authorize stormwater discharges after the completion of permanent stabilization.
- I. Metallic mineral mining or advanced exploration.** This general permit does not authorize discharges from metallic mineral mining or advanced exploration. Stormwater and erosion and sedimentation standards related to construction are specified in the Site Location of Development permit and LURC permit and, if required, an individual waste discharge permit.
- J. Exemptions.** Certain exemptions apply and are specified in the Maine Waste Discharge Law. An exemption in a Maine law other than the Maine Waste Discharge Law, such as the Site Law or Maine Stormwater Management Law, does not create an exemption to the Maine Waste Discharge Law or the requirements of this general permit. Each law has its own set of statutory exemptions.
- K. Reopener.** This general permit may be modified or reopened as provided in 38 M.R.S.A. § 414-A(5).

## Part VI -- Relationship to other programs

An activity may include "construction activity" and also be regulated under other programs.

### A. Related waste discharge permits

- 1. Multi-sector.** A stormwater discharge requiring approval as an industrial activity other than 06-096 CMR 521(b)(14)(x) is not authorized under this general permit.
- 2. Waste discharge permit (surface water).** A waste discharge permit may be required for activities such as combined sewer overflows (CSOs), spray irrigation, process water treatment systems, metallic mine drainage, and other discharges inadequately covered by this general permit, as determined by the Department.



- 3. Waste discharge permit (groundwater).** A waste discharge permit may be required for the discharge of stormwater through any well or wells, including drywells and subsurface fluid distribution systems. For complete requirements, see 06-096 CMR 543.

A "subsurface fluid distribution system" is an assemblage of perforated pipes, drain tiles, or similar mechanisms intended to distribute fluids below the surface of the ground. A "well" is a bored, drilled, or driven shaft the depth of which is greater than the largest surface dimension, whether the shaft is typically dry or contains liquid; or a dug hole the depth of which is greater than the largest surface dimension; or a subsurface fluid distribution system. "Well injection" means the subsurface discharge of fluids into or through a well.

- B. Quarry or an excavation for borrow, clay, topsoil, or silt.** Clearing, grading or excavation activities conducted as part of the exploration and construction phase of a mineral mining operation must meet the requirements of this general permit, if they will result in the direct discharge of stormwater to waters of the state other than groundwater, will disturb one or more acres of land, and occur on or after March 10, 2003. These requirements do not apply to an area that is internally drained. Construction activity includes the building of site access roads and removal of overburden and waste rock to expose mineable materials. If the activity must meet the requirements of this general permit, the following exceptions apply.

- 1. Stabilization deadlines.** The 14 day time limit for temporary stabilization in Appendix A(3), and the one-year time limit for permanent stabilization in Appendix A(5) do not apply.
- 2. If under the Gravel Pit or Quarry Program -- may need to do an ESC plan.** If the clearing, grading, or excavation activity subject to this general permit is also required to meet the Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt,<sup>9</sup> or Performance Standards for Quarries<sup>10</sup>, then the operator does not have to meet the requirements specified in Part III of this general permit, except for the ESC plan requirements in Part III(A)(2).

In some cases, an area that is not internally drained initially may become internally drained during construction. For an area that has become internally drained, it is not necessary to undertake stabilization as otherwise required under this general permit before filing the NOT.

- C. Other programs such as Site Law, Stormwater, and Waste.** The Department may combine application requirements for this general permit and other programs administered by the Department. Other programs may include facilities and projects regulated pursuant to programs such as 38 M.R.S.A. § 1310-N (Solid waste facility licenses), 1319-R (facility siting), 1319-X (criteria for development of waste oil facilities and biomedical facilities), 38 M.R.S.A. § 483-A (Site Location), 38 M.R.S.A. 420-C (Stormwater Management), and 12 M.R.S.A. § 685-A (LURC). In case of a conflict between the standards in Appendix A, B, and C and those adopted pursuant to any of these laws, the stricter standard applies, as determined by the Department. The review period for the NOI may be extended as provided in Part IV(A)(1)(b). The Department may waive the fee required with the NOI pursuant to this general permit for certain combined applications.
- D. Silvicultural activities.** Authorization under this general permit is not required for non-point silvicultural activities as provided in 06-096 CMR 521(10).

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<sup>9</sup> 38 M.R.S.A. §§ 490-A et. seq.

<sup>10</sup> 38 M.R.S.A. §§ 490-W et. seq.

**E. Maine Department of Transportation.** Construction activities conducted by the Maine Department of Transportation (MDOT) or the Maine Turnpike Authority (MTA) pursuant to a Memorandum of Understanding between the Department, and MDOT and MTA, are authorized under this general permit within the limits of coverage specified in this general permit. MDOT and MTA are considered qualifying state programs as provided in 40 CFR 122.44(s).

## **PART VII -- Standard Conditions**

**A. General restrictions.** A discharge covered by a General Permit may not:

1. Be to a body of water classified as Class GPA, AA, A or SA;<sup>11</sup>
2. Be to a body of water having a drainage area of less than 10 square miles;
3. Contain any pollutant, including toxic substances, in quantities or concentrations, which may cause or contribute to any adverse impact on the receiving water;
4. Be to a receiving water which is not meeting its classification standard for any characteristic which may be affected by the discharge; or
5. Impart color, taste, turbidity, radioactivity, settleable materials, floating substances or other properties that cause the receiving water to be unsuitable for the designated uses ascribed to its classification.

**B. Removed substances.** Pollutants removed or resulting from the treatment of wastewaters must be disposed of in a manner approved by the Department.

**C. Monitoring requirement.** The Department may require monitoring of an individual discharge as may be reasonably necessary in order to characterize the nature, volume or other attributes of that discharge or its sources.

**D. Other information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, he or she shall promptly submit such facts or information.

**E. Other applicable conditions.** The conditions in 06-096 CMR 523(2) also apply to discharges pursuant to this general permit<sup>12</sup> and are incorporated herein as if fully set forth. These conditions address areas such as: duty to comply; need to reduce or halt activity not a defense; duty to mitigate; permit actions; property rights; duty to provide information; and inspection and entry.

**F. Duty to reapply.** If the permittee wishes to continue an activity regulated by this general permit after the expiration date of this general permit, the permittee must apply for and obtain a new permit.

**G. Severability.** The conditions of this general permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

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<sup>11</sup> This standard condition is required by 06-096 CMR 529(3), effective January 12, 2001. However, note that 38 M.R.S.A. 465-A(1)(C), 465(1)(C) allow discharge of stormwater to GPA, AA and SA waters if the discharge is in compliance with state and local requirements. For requirements applicable to discharges to Class A waters, see 38 MRSA 465(2)(C). The Department is proposing emergency legislation to allow certain stormwater discharges to Class A waters and to watersheds of less than 10 square miles. The statutory provisions control for purposes of this general permit.

<sup>12</sup> See 06-096 CMR 529(3)(i).

## APPENDICES -- BASIC PERFORMANCE STANDARDS

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### APPENDIX A. Erosion and sedimentation control

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 MRSA § 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 site must be maintained to prevent unreasonable erosion and sedimentation. See 38 M.R.S.A § 420-C (in part). A license is required for any stormwater discharge that the department "determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the State". 06-096 CMR 521(9)(a)(1)(v)(in part).

**(1) Pollution prevention.** Minimize disturbed areas and protect natural downgradient buffer areas to the extent practicable.

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.

**(2) Sediment barriers.** Properly install sediment barriers at the edge of any downgradient disturbed area and adjacent to any drainage channels within the disturbed area. Maintain the sediment barriers until the disturbed area is permanently stabilized.

**(3) Temporary stabilization.** Stabilize with temporary seeding, mulch, or other non-erodable cover any exposed soils that will remain unworked for more than 14 days except, stabilize areas within 100 feet of a wetland or waterbody within 7 days or prior to a predicted storm event, whichever comes first.

NOTE: For guidance on erosion and sedimentation controls, consult *the Maine Erosion and Sediment Control Handbook for Construction -- Best Management Practices* or *the Maine Erosion and Sedimentation Control Best Management Practices*.

**(4) 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 fence be removed by cutting the fence materials at ground level so as to avoid additional soil disturbance.

- (5) Permanent stabilization.** If the area will remain unworked for more than one year or has been brought to final grade, then provide permanent stabilization using vegetation through planting, seeding, sod, or through the use of permanent mulch or riprap. If using vegetation for stabilization, select the proper vegetation for the light, moisture, and soil conditions; amend areas of disturbed subsoils with topsoil or other organic amendments; 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. 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 an 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.
  - (g) Ditches, channels, and swales.** For open channels, permanent stabilization means the channel is stabilized with mature vegetation at least three inches in height, with well-graded riprap, or with another non-erosive lining capable of withstanding the anticipated flow velocities and flow depths without reliance on check dams to slow flow. There must be no evidence of slumping of the lining, undercutting of the banks, or down-cutting of the channel.
- (6) Winter Construction.** "Winter construction" is construction activity performed during the period from November 1 through April 15. If areas within the construction activity are not stabilized with temporary or permanent measures outlined above by November 15, then the site must be protected with additional stabilization measures that are specific to winter conditions. No more than one acre of the site may be without stabilization at one time.
- (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 100 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.

NOTE: For additional guidance on winter construction standards, contact the Department for a copy of the *draft Winter Construction Standards and Guidelines for Stabilizing Sites for Winter Construction*.

- (7) **Stormwater channels.** Ditches, swales, and other open stormwater channels must be designed, constructed, and stabilized using erosion and sedimentation control best management practices that achieve long term erosion control. Ditches, swales and other open stormwater channels must be sized to handle, at a minimum, the expected volume and rate of runoff from a 10-year frequency storm. They must be stabilized with vegetation, riprap, or other non-erosive lining appropriate to the slope, soil, drainage condition and expected runoff velocity. Permanent stabilization for channels is addressed under Appendix A(5)(g) above.

NOTE: (1) The channel should receive adequate routine maintenance to maintain capacity and prevent or correct any erosion of the channel's bottom or sideslopes. (2) 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.

- (8) **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.

- (9) **Culverts.** Culverts must be sized to avoid unintended flooding of upstream areas or frequent overtopping 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 or plunge pools, 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.

- (10) **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 head at the inlet so to allow inflow of peak runoff rates without by-pass of runoff to other areas.

NOTE: Other or additional standards than those provided in Appendix A may apply, under the Natural Resources Protection Act, to a project located in or adjacent to a protected natural resource.

## APPENDIX B. Inspection and maintenance

- (1) Inspection and maintenance.** Inspect disturbed and impervious areas, and erosion and stormwater control measures, areas used for storage that are exposed to precipitation, and locations where vehicles enter or exit the parcel at least once a week and before and after a storm event, prior to completion of permanent stabilization. A person with knowledge of erosion and stormwater control, including the standards in this permit and any departmental companion document to this permit, must conduct the inspection. This person must be identified in the inspection log. If best management practices (BMPs) need to be modified or if additional 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.
- (2) Inspection log (report).** A log (report) must be kept summarizing the scope of the inspection, name(s) and qualifications of the personnel making the inspection, the date(s) of the inspection, and major observations relating to operation of erosion and sedimentation controls and pollution prevention measures. Major observations must include: BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. Follow-up to correct deficiencies or enhance controls must also be indicated in the log and dated, including what action was taken and when.

## APPENDIX C. Housekeeping

These performance standards apply to all sites.

- (1) Spill prevention.** Controls must be used to prevent pollutants from construction and waste materials stored on-site, including storage practices to minimize exposure of the materials to stormwater, and appropriate spill prevention, containment, and response planning and implementation.
- (2) Groundwater protection.** During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials.

NOTE: Lack of appropriate pollutant removal best management practices (BMPs) may result in violations of the groundwater quality standard established by 38 M.R.S.A. §465-C(1). Any project proposing infiltration of stormwater must provide adequate pre-treatment of stormwater prior to discharge of stormwater to the infiltration area, or provide for treatment within the infiltration area, in order to prevent the accumulation of fines, reduction in infiltration rate, and consequent flooding and destabilization. Many pollutants found in stormwater accumulate in the soils in infiltration areas and are released due to chemical changes that occur in the infiltration area over time. Consequently, runoff quality often underestimates the long-term adverse effects on groundwater quality due to these contaminants, and cannot be used as a direct indicator of anticipated adverse effects. Maintenance of the infiltration area to prevent clogging by fine sediments or accumulation of organic matter, and to prevent development of anaerobic conditions, or other conditions that could increase the risk of pollutant discharge from the infiltration area, may be necessary.

- (3) Fugitive sediment and dust.** Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control.

Examples of BMPS -- Operations during wet months, that experience tracking of mud off the construction site onto public roads, should provide for sweeping of road areas at least once a week and prior to significant storm events. Where chronic mud tracking occurs, a stabilized construction entrance should be provided. Operations during dry months, that experience fugitive dust problems, should wet down the access roads once a week or more frequently if needed.

NOTE: Dewatering a stream without a permit from the department violates state water quality standards and the Natural Resources Protection Act.

- (4) Debris and other materials.** Litter, construction debris, and construction chemicals exposed to stormwater must be prevented from becoming a pollutant source.

NOTE: Construction activities are required to comply with applicable provision of rules related to solid, universal, and hazardous waste:

Maine solid waste and hazardous waste management rules;  
Maine hazardous waste management rules;  
Maine oil conveyance and storage rules; and  
Maine pesticide requirements.

- (5) Trench or foundation de-watering.** Trench de-watering is the removal of water from trenches, foundations, coffer dams, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water removed from the ponded area, either through gravity or pumping, must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site.

NOTE: For guidance on de-watering controls, consult the Maine Department of Transportation's (MDOT's) *Best Management Practices for Erosion and Sedimentation Control*.

- (6) Non-stormwater discharges.** Identify and prevent contamination by non-stormwater discharges. Where allowed non-stormwater discharges exist, they must be identified and steps should be taken to ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge. Authorized non-stormwater discharges are:

- (i) Discharges from firefighting activity;
- (ii) Fire hydrant flushings;<sup>1</sup>
- (iii) Vehicle washwater if detergents are not used and washing is limited to the exterior of vehicles (engine, undercarriage and transmission washing is prohibited);
- (iv) Dust control runoff in accordance with permit conditions and Appendix (C)(3);
- (v) Routine external building washdown, not including surface paint removal, that does not involve detergents;

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<sup>1</sup> This non-stormwater discharge is authorized under this general permit until the Department issues a separate general permit containing requirements specific to this type of discharge, which would replace this authorization.

- (vi) Pavement washwater (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material had been removed) if detergents are not used;
- (vii) Uncontaminated air conditioning or compressor condensate;
- (viii) Uncontaminated groundwater or spring water;
- (ix) Foundation or footer drain-water where flows are not contaminated; and
- (x) Uncontaminated excavation dewatering (see requirements in Appendix C(5)).
- (vi) Potable water sources including waterline flushings.<sup>2</sup>

Allowable non-stormwater discharges cannot be authorized under this permit unless they are directly related to and originate from a construction site or dedicated support activity (e.g., a pressure washing company cannot broadly use this general permit for their business operations, because general vehicle washing is not associated with a construction site). It is not necessary to list these sources of non-stormwater in the NOI.

**APPENDIX D. Construction General Permit List -- Impaired Waterbodies (C)**

**Category 4-A: Lake Waters with Impaired Use, TMDL Completed**

HUC	LAKE NAME	LAKE ID	LAKE AREA (acres)	TOWN*	TMDL year approved by EPA (impaired use)
ME 0101000413 *	MADAWASKA L	1802	1526	T16 R04 WELS	2000 (Prim. contact)
ME 0103000308 *	SEBASTICOOK L	2264	4288	NEWPORT	2001 (Prim. contact)
ME 0103000309 *	CHINA L	5448	3845	CHINA	2001 (Prim. contact)
ME 0103000310 *	EAST P	5349	1823	SMITHFIELD	2001 (Prim. contact)
ME 0103000311 *	COBBOSSEECONTEE L	5236	5543	WINTHROP	2000 (Prim. contact)

**Category 5-A: Lake Waters Needing TMDLs**

HUC	LAKE NAME	LAKE ID	LAKE AREA (acres)	TOWN*	IMPAIRED USE
ME 010100030 3 *	CROSS L	1674	2515	T17 05 WELS	Prim. Cont.
ME 010100030 3 *	DAIGLE P	1665	36	NEW CANADA	Prim. Cont.
ME 010100041 2 *	ARNOLD BROOK L	409	395	PRESQUE ISLE	Prim. Cont.
ME 010100041 2 *	ECHO L	1776	90	PRESQUE ISLE	Prim. Cont.
ME 010100041 3 *	TRAFTON L	9779	85	LIMESTONE	Prim. Cont.
ME 010100041 3 *	MONSON P	1820	160	FORT FAIRFIELD	Prim. Cont.

<sup>2</sup> See previous footnote.



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ME 010100050 1	*	CHRISTINA RESERVOIR	9525	400	FORT FAIRFIELD	Prim. Cont.
ME 010200051 1	*	HERMON P	2286	461	HERMON	Prim. Cont.
ME 010300030 5	*	TOOTHAKER P	2336	30	PHILLIPS	Prim. Cont.
ME 010300030 9	*	LOVEJOY P	5176	324	ALBION	Prim. Cont.
ME 010300030 9	*	UNITY P	5172	2528	UNITY	Prim. Cont.
ME 010300031 1	*	NARROWS P (UPPER)	98	279	WINTHROP	Decl. Trend (DO)
ME 010300031 1	*	PLEASANT (MUD) P	5254	746	GARDINER	Prim. Cont.
ME 010300031 1	*	COBBOSEECONTEE (LT)	8065	75	WINTHROP	Prim. Cont.
ME 010300031 1	*	ANNABESSACOOK L	9961	1420	MONMOUTH	Prim. Cont.
ME 010300031 2	*	WEBBER P	5408	1201	VASSALBORO	Prim. Cont.
ME 010300031 2	*	TOGUS P	9931	660	AUGUSTA	Prim. Cont.
ME 010300031 2	*	THREECORNERED P	5424	182	AUGUSTA	Prim. Cont.
ME 010300031 2	*	THREEMILE P	5416	1162	CHINA	Prim. Cont.
ME 010400021 0	*	SABATTUS P	3796	1962	GREENE	Prim. Cont.
ME 010500022 0		LILLY P	83	29	ROCKPORT	Prim. Cont.
ME 010500030 3	*	DUCKPUDDLE P	5702	293	NOBLEBORO	Prim. Cont.
ME 010600010 1	*	HIGHLAND L	3454	1401	BRIDGTON	Decl. Trend (DO)
ME 010600010 1	*	LONG L	5780	4867	BRIDGTON	Decl. Trend (DO)
ME 010600010 3	*	HIGHLAND (DUCK) L	3734	634	FALMOUTH	Decl. Trend(Transp)
ME 010600030 2	*	MOUSAM L	3838	900	ACTON	Decl. Trend(Transp)

\*The town name is included to help identify where a lake is located, as there are sometimes multiple lakes with the same name. The watershed of a lake may include several towns.

**Category 4-A. Rivers and Streams with Impaired Use -- TMDL Complete**

ASSESSMENT UNIT (HUC)	SEGID	SEGNAME	SEGSIZE	SEGCLASS	IMPAIRED USE	TMDL APPROVED
ME0101000504	152R01	Meduxnekeag River below confluence with S Branch	22.1	Class B	Aquatic Life	2001

ME0106000103	609R	Presumpscot R, main stem, below Sacarappa Dam	6.9	Class C	Aquatic Life	1998
ME0106000302	628R	Mousam R, main stem, below Rt. 224 bridge in Sanford	20.5	Class B,C	Aquatic Life	2001
ME0106000305	630R	Salmon Falls R, main stem, Town of Berwick only	27.1	Class B,C	Aquatic Life	1999

**Category 5-A. Rivers and Streams with Impaired Use (other than those listed in 5-B through 5-D) (TMDL Required).**

ASSESSMENT UNIT (HUC)	SEGID	SEGNAME	SEGSIZE	SEG CLASS	IMPAIRED USE	CAUSE(S)	POTENTIAL SOURCE(S)
ME0101000412	140R01	Presque Isle Stream, Castle Hill, Mapleton and Presque Isle only	11.5	Class B	Aquatic life	Dissolved oxygen Nutrients	Agric NPS Water withdrawal
ME0101000412	140R02	Dudley Brook (Chapman)	4.7	Class A	Aquatic life	Aq life criteria	Agric NPS
ME0101000413	142R01	Caribou Stream (Caribou)	2.0	Class B	Aquatic life	Aq life criteria	Urban NPS, Habitat
ME0101000413	143R01	Everett Brook (Ft. Fairfield)	3.4	Class B	Aquatic life	Dissolved oxygen	Agric NPS
ME0101000501	149R01	Prestile Stream above dam in Mars Hill	14.5	Class A	Aquatic life, Fishing (consumption)	Dissolved oxygen Nutrients, DDT	Agric NPS
ME0102000509	226R03	Penjajawoc Stream (Bangor) Meadow Bk (Bangor)	6.3	Class B	Aquatic life (Meadow Bk - Threatened)	Aq life criteria Dissolved oxygen	Urban NPS, Habitat
ME0102000510	224R01	Burnham Brook (Garland)	3.7	Class B	Aquatic life	Dissolved oxygen	NPS (unspecified)
ME0102000510	224R03	French Stream (Exeter)	10.2	Class B	Aquatic life	Aq life criteria	Agric NPS
ME0102000510	224R04	Unnamed Stream near Ohio St (Bangor)	0.5	Class B	Aquatic life	Aq life criteria	Urban NPS
ME0102000510	224R05	Unnamed (Pushaw) Stream (Bangor)	0.5	Class B	Aquatic life	Aq life criteria	Urban NPS

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ME0102000510	224R06	Unnamed Stream near Valley Ave (Bangor)	0.5	Class B	Aquatic life	Aq life criteria	Urban NPS
ME0102000511	225R01	Shaw Brook (Bangor, Hampden)	5.5	Class B	Aquatic life	Aq life criteria	Urban NPS
ME0103000306	314R02	Cold Stream (Skowhegan)	5.4	Class B	Aquatic life	Aq life criteria	Gen Dev NPS
ME0103000306	320R04	Mill Stream (Norridgewock)	6.5	Class B	Aquatic life	Aq life criteria	Waste disposal, habitat
ME0103000308	331R	E Branch of Sebasticook R, main stem, below Sebasticook Lake	9.0	Class C	Aquatic life Fishing (Consumption)	Dissolved oxygen Dioxin, PCBs	Eutrophic lake source, Agric NPS
ME0103000309	327R01	Mill Stream (Albion)	2.3	Class B	Aquatic life	Dissolved oxygen	Agric NPS
ME0103000309	328R01	China Lake Outlet (Vassalboro)	4.3	Class B	Aquatic life	Aq life criteria Nutrients	Eutrophic lake source, Agric NPS
ME0103000310	322R01	Fish Brook (Fairfield)	4.9	Class B	Aquatic life	Aq life criteria	Agric NPS, Habitat
ME0103000311	334R03	Jock Stream (Wales)	4.8	Class B	Aquatic life	Dissolved oxygen Nutrients	Agric NPS
ME0103000311	334R04	Mill Stream (Winthrop)	1.4	Class B	Aquatic life	Aq life criteria	Urban NPS, Habitat
ME0103000311	334R05	Cobbossee Stream (Gardiner)	1.5	Class B	Aquatic life	Aq life criteria Nutrients	Eutrophic lake source, habitat
ME0103000312	333R03	Kennedy Brook (Augusta)	2.0	Class B	Aquatic life Recreation	Aq life criteria Bacteria	Urban NPS, Habitat
ME0103000312	335R02	Togus Stream (Chelsea)	2.0	Class B	Aquatic life	Aq life criteria Dissolved oxygen Nutrients	Eutrophic lake source, Hospital PS
ME0105000218	521R01	Warren Brook (Belfast)	6.3	Class B	Aquatic life	Dissolved oxygen	NPS (unspecified)
ME0105000305	528R02	West Branch Sheepscot River below Halls Corner	4.0	Class AA	Aquatic life Recreation	Dissolved oxygen Bacteria	Agric NPS
ME0105000305	528R03	Dyer River below Rt 215	5.0	Class B	Aquatic life Recreation	Dissolved oxygen Bacteria	Agric NPS
ME0105000305	528R04	Trout Brook (Alna)	2.3	Class B	Aquatic life	Dissolved oxygen	NPS (unspecified)
ME0105000305	528R05	Meadow Bk	5.0	Class	Aquatic life	Dissolved oxygen	NPS (unspecified)

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ME0105000305	528R06	Carlton Bk (Whitefield)	2.8	Class	Aquatic life	Dissolved oxygen	NPS (unspecified)
ME0105000305	528R07	Choate Bk (Windsor)	1.3	Class	Aquatic life	Dissolved oxygen	NPS (unspecified)
ME0104000205	410R01	Whitney Brook (Canton)	2.0	Class B	Aquatic life	Aq life criteria	NPS (unspecified)
ME0104000208	413R01	Jepson Brook (Lewiston)	3.0	Class B	Aquatic life Recreation	Dissolved oxygen Bacteria	Urban NPS, Habitat, CSO
ME0104000208	413R02	Penley Brook (Auburn)	0.7	Class B	Aquatic life	Dissolved oxygen	NPS(unspecified), Habitat
ME0104000208	413R03	Stetson Brook (Lewiston)	5.3	Class B	Aquatic life Recreation	Dissolved oxygen Bacteria	Gen Dev NPS, Habitat
ME0104000208	413R04	Logan Brook (Auburn)	1.0	Class B	Aquatic life Recreation	Dissolved oxygen Bacteria	Urban NPS, Habitat
ME0104000208	413R06	Goff Bk (Lewiston)	1.0	Class B	Aquatic life Recreation	Habitat, Bacteria	Urban NPS, Habitat
ME0104000208	413R07	Gully Brook (Lewiston)	0.1	Class B	Aquatic life Recreation	Habitat, Bacteria	Urban NPS, Habitat
ME0104000208	413R08	Lake Auburn Outlet (Auburn)	1.5	Class B	Aquatic life	Aq life criteria	Urban NPS, Habitat
ME0104000210	418R01	Sabattus River between Sabattus and Androscoggin R	22.8	Class C	Aquatic life	Dissolved oxygen, Nutrients	Eutrophic lake source, Municipal PS, Agric NPS
ME0104000210	418R02	No Name Brook (Lewiston)	9.2	Class C	Aquatic life Recreation	Dissolved oxygen Bacteria	Gen Dev NPS
ME0104000210	419R02	Dill Bk (Lewiston)	1.0	Class B	Aquatic life	Aq life criteria	Urban NPS, Habitat
ME0104000210	419R01	Unnamed stream (Lisbon Falls at Rt 196)	0.5	Class B	Aquatic life	Aq life criteria	Urban NPS
ME0106000102	603R02	Chandler River including East Branch	29.0	Class B	Aquatic life	Dissolved oxygen	NPS (unspecified)
ME0106000102	603R06	Cole Brook (Gray)	2.0	Class B	Aquatic life	Aq life criteria	Agric NPS
ME0106000103	608R01	Presumpscot River, Dundee Dam to Sacarrappa Dam	16.1	Class A,B,C	Aquatic life	Dissolved oxygen	Hydropower, NPS (unspecified)
ME0106000103	607R01	Black Brook (Windham)	5.6	Class B	Aquatic life	Dissolved oxygen	Gen Dev NPS
ME0106000103	607R03	Colley Wright Brook (Windham)	7.6	Class B	Aquatic life Recreation	Dissolved oxygen Bacteria	Gen Dev NPS

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ME0106000103	607R06	Hobbs Brook (Cumberland)	1.5	Class B	Aquatic life Recreation	Dissolved oxygen Bacteria	Gen Dev NPS
ME0106000103	607R07	Inkhorn Brook (Westbrook)	4.1	Class B	Aquatic life Recreation	Dissolved oxygen Bacteria	Gen Dev NPS
ME0106000103	607R08	Mosher Brook (Gorham)	1.8	Class B	Aquatic life Recreation	Dissolved oxygen Bacteria	Gen Dev NPS
ME0106000103	607R09	Otter Brook (Windham)	1.9	Class B	Aquatic life Recreation	Dissolved oxygen Bacteria	Gen Dev NPS
ME0106000103	607R10	Thayer Brook (Gray)	4.3	Class B	Aquatic life	Dissolved oxygen	Agric NPS
ME0106000104	611R02	Phillips Brook (Scarborough)	1.5	Class C	Aquatic life	Dissolved oxygen	Urban NPS
ME0106000105	610R01	Capisic Brook (Portland)	3.0	Class C	Aquatic life	Aq life criteria	Urban NPS, Habitat
ME0106000105	610R02	Clark Brook (Westbrook)	1.2	Class C	Aquatic life	Dissolved oxygen	Gen Dev NPS, Habitat
ME0106000105	610R03	Long Creek (South Portland)	3.5	Class C	Fishing Aquatic life	Aq life criteria	Urban NPS, Habitat
ME0106000105	610R04	Stroudwater River (South Portland, Westbrook)	14.1	Class B	Aquatic life	Dissolved oxygen	Gen Dev NPS
ME0106000105	610R05	Trout Brook (South Portland)	2.9	Class C	Aquatic life	Aq life criteria	Urban NPS
ME0106000105	610R06	Kimball Brook (South Portland)	1.5	Class C	Aquatic life	Aq life criteria	Urban NPS
ME0106000105	610R07	Red Brook (Scarborough, S Portland)	4.6	Class C	Aquatic life Fishing (consumption)	Aq life criteria PCBs	Urban NPS, Waste disposal
ME0106000105	610R08	Fall Bk (Portland)	2.5	Class C	Aquatic life	Aq life criteria	Urban NPS
ME0106000105	610R09	Barberry Cr (South Portland)	1.0	Class C	Aquatic life	Aq life criteria	Urban NPS
ME0106000106	602R01	Frost Gully Brook (Freeport)	3.0	Class A	Aquatic life Recreation	Dissolved oxygen Bacteria	Urban NPS
ME0106000106	602R02	Mare Brook (Brunswick)	3.1	Class B	Aquatic life	Aq life criteria	Indus (military) NPS, Urban NPS

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ME0106000106	612R01	Goosefare Brook .	6.1	Class B	Aquatic Life	Aq life criteria, metals	Urban NPS, Waste disposal
ME0106000210	615R02	Brown Brook (Limerick) .	2.7	Class B	Aquatic life	Aq life criteria	Urban NPS
ME0106000211	616R01	Deep Brook (Saco) .	2.5	Class B	Aquatic life	Dissolved oxygen	Agric NPS
ME0106000303	624R01	Stevens Brook (Ogunquit) .	1.5	Class B	Aquatic life	Aq life criteria	Urban NPS
ME0106000304	625R01	Adams Brook (Berwick) .	2.0	Class B	Aquatic life	Aq life criteria	Agric NPS
Total miles			312.7				

This general permit may be reopened to include or delete specific waterbodies or segments based upon new information. Reopening the general permit for this purpose is subject to the requirements in 38 MRSA 414-A(5), including notice to interested parties of record and opportunity for hearing. Actions may be appealed as provided in 38 MRSA 341-D and 346.