



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



PAUL MERCER
COMMISSIONER

Within 75' of a resource:

Natural Resource Protection Act (NRPA), 38 M.R.S. §§ 480-A to 480-HH: A permit is generally required for activities including bulldozing, filling, removing or displacing soil, vegetation or other materials performed in, on, over, or adjacent to (within 75 feet) protected natural resources as defined at 38 M.R.S. § 480-B. These features include waterbodies, freshwater wetlands, and significant wildlife habitat areas. The level of permitting necessary (Permit-by-Rule, Tier 1, 2 or 3, or Individual [full]) depends on the type of activity performed and amount of area involved.

All Projects:

Erosion and Sedimentation Control Law (ESCL), 38 M.R.S. § 420-C: The ESCL requires that a person who conducts, or causes to be conducted, an activity that involves filling, displacing, or exposing soil or other earthen materials is required to take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource as defined in 38 M.R.S. § 480-B. There is no permit required under this law.

>1 acre disturbed:

Stormwater Management Law, 38 M.R.S. § 420-D: A permit is generally required if activities performed after September 19, 1995, will cause 20,000 square feet or more of impervious area or five (5) acres or more of disturbed area in urban impaired stream watersheds or most at risk lake watersheds; or one (1) acre or more of impervious area or five (5) acres or more of disturbed area in any other area. If review is required under the Site Law, a separate Stormwater permit is not required.

Disturbed area is defined in Chapter 500 of the Department's regulations as all land areas stripped, graded, grubbed, filled, bulldozed or excavated at any time during the site preparation or removal of vegetation for, or construction of, a project unless the areas are returned to a condition with the same drainage patterns and vegetation cover type that existed prior to the disturbance. Both planting conducted to restore the previous cover type and restoration of any altered drainage patterns must occur within one year of disturbance. "Disturbed area" does not include maintenance or redevelopment of an impervious area, but does include new impervious area. A land area on which the cutting of trees, without grubbing, stump removal, disturbance or exposure of soil has taken place is not considered a "disturbed area".

Impervious area is defined as including the total area of a parcel that is covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and other surfaces which similarly

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(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete and underdrained artificial turf fields are all considered impervious under this law.

>3 acres impervious or occupies >20 acres:

Site Location of Development Act (Site Law), 38 M.R.S. §§ 481-490: The Site Law requires that review and approval be obtained prior to constructing a “development of state or regional significance that may substantially affect the environment”. “Development...” is defined and jurisdictional thresholds are explained in Section 482. For example, review and approval is required for a project that occupies a land or water area in excess of 20 acres or is a structure, defined as “buildings, parking lots, roads, paved areas ... or areas to be stripped or graded and not revegetated that cause a total project to occupy a ground area in excess of 3 acres. Stripped or graded areas that are not revegetated within a calendar year are included in calculating the 3-acre threshold.

>1 acre disturbed or requires SW or SLODA:

Maine Construction General Permit (MCGP): The MCGP is based on the federal National Pollutant Discharge Elimination System (NPDES) Stormwater program that applies nationwide. The federal Environmental Protection Agency has delegated its authority to administer this program to the Maine Department of Environmental Protection (DEP). A landowner, contractor, or developer may need coverage under the MCGP if their construction project will directly discharge to a surface waterbody, and will result in one acre or more of disturbed area; or a common plan of development that requires a Stormwater Law or Site Location of Development Act permit.

Within 250’ and/or 75’ of waterbodies:

Mandatory Shoreland Zoning Act:

The Mandatory Shoreland Zoning Act (MSZA) requires municipalities to adopt, administer, and enforce local ordinances that regulate land use activities in the shoreland zone. The shoreland zone is comprised of all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river;
- upland edge of a coastal wetland, including all areas affected by tidal action, and
- upland edge of defined freshwater wetlands; and
- all land areas within 75 feet, horizontal distance, of the normal high-water line of certain streams.

Since, shoreland zoning regulations are administered and enforced by each municipality through municipal specific ordinances, the local code enforcement officer is typically the first point of contact for shoreland zoning questions. Shoreland Zoning Staff at the MDEP assist municipalities with shoreland zoning related questions and issues, as well as provide technical assistance and training on the shoreland zoning rules.

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