



**HAMPDEN EROSION AND SEDIMENTATION
CONTROL ORDINANCE**
TOWN OF HAMPDEN, MAINE

EFFECTIVE DATE: 10-04-2023

Town of Hampden, Maine
Erosion and Sedimentation Control Ordinance

CERTIFIED BY:

Gayle C. Decker

Gayle C. Decker, Town Clerk

Date: 10-04-2023

Town Clerk
Affix Seal

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ARTICLE 1: GENERAL

1. PURPOSE

The Purpose of this “Erosion and Sedimentation Control Ordinance” (the Ordinance) is to provide for the health, safety, and general welfare of the citizens of the Town of Hampden by establishing minimum requirements and procedures to control erosion at construction sites and prevent migration of sediment from construction sites so that erosion and sedimentation do not adversely impact off-Site natural resources, properties, or the Regulated Small MS4.

This Ordinance establishes methods for implementing erosion and sedimentation control strategies to comply with minimum control measure requirements of the federal Clean Water Act, of federal regulations and of Maine’s Small Municipal Separate Storm Sewer Systems (MS4) General Permit.

2. OBJECTIVES

The Objective of this Ordinance is to minimize the adverse effects of new development and redevelopment on the environment specifically through management practices to prevent or reduce the pollution of waterways and to control erosion and sedimentation. This Ordinance also includes treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

3. APPLICABILITY

This Ordinance applies to any project in the Town of Hampden for which an application for subdivision or site plan approval is filed with the Municipality on or after July 1, 2023, which results in:

- A. Disturbed Area of one or more acres of land; or
- B. Disturbed Area that is less than one acre of land if the Construction Activity creating Disturbed Area is less than one acre of land and is part of a larger Common Plan of Development or Sale that as approved or amended would create Disturbed Area of one acre or more; or
- C. 2,000 square feet or more of new Impervious Area regardless of total Disturbed Area.

4. PROCEDURE

4.1. EROSION AND SEDIMENTATION CONTROL PLAN REQUIRED

No Person shall commence Construction Activity subject to the Applicability Section of this Ordinance without first preparing and obtaining approval for an Erosion and Sedimentation Control Plan in accordance with this Ordinance.

4.2. SUBMISSION

When Construction Activity is subject to subdivision, site plan, or other review under the Municipality's planning, zoning, and land use ordinances which includes a review for erosion and sedimentation control, an Erosion and Sedimentation Control Plan meeting these requirements shall be submitted to the Permitting Authority concurrently with that review. When a concurrent review is not otherwise required, an Erosion and Sedimentation Control Plan shall be submitted to the Enforcement Authority.

4.3. REVIEW

The Erosion and Sedimentation Control Plan shall be reviewed by the Enforcement Authority or incorporated into the municipal review of a subdivision, site plan, or other review under the Municipality's planning, zoning, and land use ordinances by the Permitting Authority, in accordance with subsection 4.2 above. The Enforcement Authority and the Permitting Authority, as appropriate, will conduct the review under the standards of this Ordinance, and will accept and consider public comment provided as part of that review.

The Enforcement Authority or Permitting Authority, as appropriate, will review the Erosion and Sedimentation Control Plan for compliance with the standards of Section 5, Section 6, and Appendix A of this Ordinance and may provide comments where standards have not been met. Once an Applicant has submitted an Erosion and Sedimentation Control Plan that the Enforcement Authority or Permitting Authority finds is in compliance with the standards of Section 5, Section 6, and Appendix A of this Ordinance, the Enforcement Authority or Permitting Authority shall provide written confirmation to the Applicant. The Enforcement Authority or Permitting Authority may approve the Erosion and Sedimentation Control Plan, approve it with conditions, or deny the Erosion and Sedimentation Control Plan, and that decision shall be in writing and supported by findings of fact and conclusions of law. Appeals from decisions of the Enforcement Authority regarding the Erosion and Sedimentation Control Plan may be taken within 30 days of the date of decision to the Board of Appeals as provided under the Municipality's Zoning Ordinance; appeals from decisions of the Permitting Authority regarding the Erosion and Sedimentation Control Plan may be taken within 30 days of the date of decision in the same manner as appeals are taken under the Municipality's subdivision or site plan ordinance, as appropriate.

4.4. PRE-CONSTRUCTION MEETING

At least ten (10) days prior to commencing Construction Activity, the Applicant shall request a pre-construction meeting with the Enforcement Authority. At a minimum, attendance at the meeting is required by the Enforcement Authority and the Applicant or their representative in charge of construction. If the representative in charge of construction is not the primary earthwork contractor, a representative of the earth work contractor must also attend the pre-construction meeting. Meeting

minutes must be prepared by the Municipality's representative and distributed to all attendees and the Town Planner.

4.5. COMPLIANCE WITH REQUIREMENTS

The Applicant shall implement and comply with the Erosion and Sedimentation Control Plan as approved throughout all phases of Construction Activity.

4.6. NOTICE OF PERMANENT STABILIZATION

The Applicant shall provide notice to the Enforcement Authority when permanent stabilization of the Site has been achieved to allow for final inspection per Section 7 of this Ordinance.

5. SUBMISSION REQUIREMENTS

The following submission items are required to be submitted with for any Preliminary and Final Major Site Plan, Minor Site Plan, or Subdivision Application (whichever applies):

5.1. PROJECT CONTACTS AND QUALIFICATIONS

The Applicant shall provide contact information (i.e. name, company if applicable, phone number, physical address, and email address) as described below:

1. Applicant,
2. Qualified Professional; and
3. Contractor (if applicable)

5.2. EROSION AND SEDIMENTATION CONTROL PLAN CONTENT

The Erosion and Sedimentation Control Plan shall be prepared in accordance with the performance standards contained in Appendix A.

The Erosion and Sedimentation Control Plan shall consist of a graphic representation of the Site at a scale no smaller than 1 inch = 100 feet showing:

1. Parcel boundaries,
2. Locations of Protected Natural Resources,
3. Locations of all potential sources of authorized and unauthorized non-stormwater discharges,
4. Locations of all Erosion and Sedimentation Control BMPs to be used,
5. Topography for Site pre-and post-construction conditions as 2-foot elevation contours,
6. Details for all Erosion and Sedimentation Control BMPs to be used,
7. Details and timing associated with phasing of Construction Activity in Disturbed Areas at the Site, and phasing of installation and stabilization of Erosion and Sedimentation Control BMPs (if applicable),
8. Erosion and Sedimentation Control BMPs Notes with construction standards,
9. A narrative description of the timing, inspections, and Erosion and Sedimentation Control BMPs to be used,

10. Example inspection form,
11. Dewatering plan if necessary, and
12. Locations of areas not to be disturbed by Construction Activity, including trees, vegetation, and areas intended for infiltration.

The Erosion and Sedimentation Control Plan shall also include documentation of any variances or releases provided by the Maine Department of Environmental Protection from Chapter 500 performance standards.

6. REQUIREMENTS AND STANDARDS

The Enforcement Authority shall determine if the following standards are met in accordance with Appendix A, to include:

1. **Qualified Professional.** The Erosion and Sedimentation Control Plan has been prepared by a Qualified Professional.
2. **Timing of Installation and Maintenance.** The Erosion and Sedimentation Control Plan requires that Sedimentation Control BMPs shall be in place before construction begins, additional Erosion and Sedimentation Control BMPs shall be installed as needed and shall be phased in if phasing is used, and shall be maintained until permanent stabilization is achieved.
3. **Inspection.** The Erosion and Sedimentation Control Plan provides for inspection of the Site by the Applicant to confirm that Erosion and Sedimentation Control BMPs are in place and functioning. The Erosion and Sedimentation Control Plan also provides for corrective action if erosion is occurring or there is a discharge of sediment or turbid water from the construction Site.
4. **Spill Prevention.** The Erosion and Sedimentation Control Plan includes measures that prevent construction Site pollution and spills from entering stormwater.
5. **Groundwater Protection.** The Erosion and Sedimentation Control Plan restricts the storage or handling of liquid petroleum products and other hazardous materials that may drain to an “infiltration area.”
6. **Fugitive Sediment and Dust.** The Erosion and Sedimentation Control Plan includes provisions to prevent erosion of soils, tracking or migration of soils into the right of way, discharge of sediment from the Site, and fugitive dust emissions during or after construction.
7. **Debris.** The Erosion and Sedimentation Control Plan includes provisions to minimize the exposure of construction materials and waste to stormwater runoff and prevent them from migrating off-Site.
8. **Excavation Dewatering.** The Erosion and Sedimentation Control Plan must include provisions to remove or properly disperse the collected water in a manner that prevents sediment from entering stormwater.
9. **Non-stormwater Discharges.** The Erosion and Sedimentation Control Plan minimizes non-stormwater discharges and, if non-stormwater discharges are allowed, they are identified in the Erosion and Sedimentation Control Plan with appropriate pollution measures for discharge.

7. INSPECTION

The Enforcement Authority will inspect the Site as follows at a minimum:

1. Once before any disturbance begins and after all Erosion and Sedimentation Control BMPs specified in the Erosion and Sedimentation Control Plan are in place;
2. Three times during the active earth moving phase of construction; and
3. Once at project completion to ensure the Site has reached permanent stabilization and all temporary erosion and sedimentation controls have been removed.

Additional inspection requirements to be completed by the Applicant during construction are contained in Appendix A.

8. ENFORCEMENT

It shall be unlawful for any Person to violate any provision of or to fail to comply with any of the requirements of this Ordinance. Whenever the Enforcement Authority believes that a Person has violated this Ordinance, the Enforcement Authority may enforce this Ordinance in accordance with 30-A M.R.S.A. §4452 and this Section.

8.1. RIGHT OF ENTRY

In order to determine compliance with this Ordinance, the Enforcement Authority may enter upon the Parcel at reasonable hours with the consent of the owner, occupant, agent, or contractor to inspect the Parcel for compliance with this Ordinance.

8.2. NOTICE OF VIOLATION

Whenever the Enforcement Authority finds that a Person has violated this Ordinance, the Enforcement Authority may order compliance with this Ordinance by written notice of violation to that Person indicating the nature of the violation(s), a statement of the Ordinance provision(s) alleged to have been violated, including a statement of the penalties for violation, and ordering the action necessary to correct it, including, without limitation:

1. The abatement of violations and the cessation of practices or operations in violation of this Ordinance;
2. At the Person's expense, compliance with or repair of the Erosion and Sedimentation Control BMPs required as a condition of approval of the Erosion and Sedimentation Control Plan, and/or the restoration of any affected portion(s) of the Parcel;
3. The payment of fines, of the Municipality's remediation costs and of the Municipality's reasonable administrative costs and attorneys' fees and costs;
4. If abatement of a violation, compliance with the Erosion and Sedimentation Control Plan, repair of Erosion and Sedimentation Control BMPs, and/or restoration of affected portions of the Parcel is required, the notice shall set forth a deadline within which such abatement, compliance, repair, and/or restoration must be completed.

8.3. STOP WORK NOTICE

The Enforcement Authority may issue a Stop Work Notice whenever:

1. A Person has not acted on a notice of violation issued pursuant to this Ordinance within the time set forth in the notice, or

2. A Person subject to the applicability section of this Ordinance undertakes Construction Activity without first submitting an application for and obtaining approval of an Erosion and Sedimentation Control Plan.

The Enforcement Authority will attempt to deliver the Stop Work Notice to the Applicant, the Person performing the Construction Activity, or the owner or occupant of the Parcel, as appropriate, by any means reasonable calculated to effectuate delivery.

Once the Stop Work Notice has been delivered, no further Construction Activity at the Site may proceed other than as is necessary to correct the non-compliance. Construction Activity may resume only when the Enforcement Authority provides written notice that the Person may resume that Construction Activity.

8.4. PENALTIES/FINES/INJUNCTIVE RELIEF

Any Person who violates this Ordinance, including, but not limited to the Erosion and Sedimentation Control Plan, shall be subject to fines, penalties, and orders for injunctive relief and shall be responsible for the Municipality's attorney's fees and costs, all in accordance with 30-A M.R.S. § 4452. Each day that such violation continues shall constitute a separate violation. Moreover, any Person who violates this Ordinance also shall be responsible for any and all fines, penalties, damages, and costs, including, but not limited to attorneys' fees and costs, incurred by the Municipality for enforcement of violation(s) of Federal and State environmental laws and regulations caused by or related to that Person's violation of this Ordinance; this responsibility shall be in addition to any penalties, fines, or injunctive relief imposed under this Section.

8.5. CONSENT AGREEMENT

The Enforcement Authority may, with the approval of the municipal officers, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this Ordinance for the purposes of eliminating violations of this Ordinance and of recovering fines, costs, and fees without court action.

8.6. APPEAL OF NOTICE OF VIOLATION

Any Person receiving a Notice of Violation or Stop Work Notice may appeal the determination of the Enforcement Authority to the Zoning Board of Appeals. The notice of appeal must be received within 30 days from the date of receipt of the Notice of Violation. The Board of Appeals shall hold a de novo hearing on the appeal within 30 days from the date of receipt of the notice of appeal. A party aggrieved by the decision of the Board of Appeals may appeal that decision to the Maine Superior Court within 45 days of that date of the Board of Appeals decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

8.7. ENFORCEMENT MEASURES

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal to the Board of Appeals, within 45 days of a decision of the Board of Appeals affirming or modifying the Enforcement Authority's decision, then the Enforcement Authority may recommend to the municipal officers that the Municipality's attorney file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

9. SEVERABILITY AND CONFLICTS

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any Person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this Ordinance.

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the Municipality, the more restrictive provision shall control.

10. WAIVERS

Where the Enforcement Authority finds that there are special circumstances of a particular Erosion and Sedimentation Control Plan that make a particular submission requirement or standard inapplicable, a waiver may be granted, provided that such waiver will not have the effect of nullifying the intent and purpose of this Ordinance. The Applicant shall submit, in writing, the reason for the requested waiver. In granting waivers or modifications, the Enforcement Authority may require such conditions that will substantially secure the objectives of the standards so waived or modified.

11. AUTHORITY

The Municipality enacts this Erosion and Sedimentation Control Ordinance pursuant to 30-A M.R.S.A. §§3001 et seq. (municipal home rule ordinance authority), 38 M.R.S.A. §413 (the Wastewater Discharge Law), 33 USC §§1251 et seq. (the Clean Water Act), and 40 CFR Part 122 (US Environmental Protection Agency's regulations governing the National Pollution Discharge Elimination System (NPDES)). The Maine Department of Environmental Protection, through its promulgation of the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems has listed the Municipality as having a Regulated Small MS4; under this General Permit, listing as a Regulated Small MS4 necessitates enactment of elements of this Ordinance as part of the Municipality's stormwater management program in order to satisfy the minimum control measures for Construction Site Stormwater Runoff Control.

12. DEFINITIONS

Adverse Impact – Means any undue deleterious effect due to erosion or sedimentation from Construction Activity on Waters of the State, Protected Natural Resources, the infrastructure of the Regulated Small MS4, or off-Site. Such undue deleterious effect is or may be potentially harmful or injurious to human health, welfare, safety, or property to biological productivity, diversity, or stability, or may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Erosion and Sedimentation Control Best Management Practices (Erosion and Sedimentation Control BMPs) – Means schedules of activities, prohibitions of practices, maintenance procedures, and other methods, techniques, designs, and management practices to prevent or reduce the pollution of Waters of the State and to control erosion (Erosion Control BMPs) and sedimentation (Sedimentation Control BMPs). BMPs also include treatment requirements, operating procedures, and practices to control Site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Common Plan of Development or Sale – Means a “subdivision” as defined in Title 30-A M.R.S.A. §§ 4401 et seq. (the Maine Subdivision statute) and in the Town of Hampden Subdivision Ordinance.

Construction Activity – Means any activity on a Parcel that results in Disturbed Area.

Discharge – Means any spilling, leaking, pumping, pouring, emptying, dumping, disposing, or other addition of pollutants to the Waters of the State located within the Municipality’s Urbanized Area and not including groundwater.

Disturbed Area – Means all land areas of a Parcel that are stripped, graded, grubbed, filled, or excavated at any time during the Site preparation or removing vegetation for, or construction of, a project. Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. 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 impervious gravel surfaces provided that an Applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same is considered routine maintenance. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area.

Enforcement Authority – The Code Enforcement Officer, and their designee, are authorized to enforce this Ordinance. The use of Enforcement Authority in this Ordinance is synonymous with “Enforcement Authority or their designee”.

General Permit – Means the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4) approved October 15, 2020 and modified November 23, 2021 and any amendment or renewal thereof.

Impervious Area – Means the total area of a Parcel covered with a low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common Impervious Areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete, and underdrained artificial turf fields are all considered impervious.

Municipal Separate Storm Sewer Systems (MS4) – Means a conveyance or system of conveyances designed or used for collecting or conveying stormwater (other than a publicly owned treatment works (POTW), as defined at 40 CFR 122.2, or a combined sewer), including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains owned or operated by any municipality, sewer or sewage district, Maine Department of Transportation (MDOT), Maine Turnpike Authority (MTA), State agency or Federal agency or other public entity that Discharges to Waters of the State other than groundwater.

Municipality – Means the Town of Hampden.

Parcel – Means all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or Parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 1971.

Permitting Authority – Means the Planning Board, Code Enforcement Officer, or other official or body authorized by State law or the Municipality’s ordinances to approve development or redevelopment projects.

Person – Means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency, or other legal entity which creates, initiates, originates, or maintains a Discharge authorized or regulated by the General Permit.

Protected Natural Resource – Means coastal sand dunes, coastal wetlands, significant wildlife habitat, fragile mountain areas, freshwater wetlands, community public water system primary protection areas, great ponds, or rivers, streams or brooks as defined in the Natural Resources Protection Act at 38 M.R.S. §480-B.

Qualified Professional – Means a person who has been certified by Enviro-Cert International in erosion and sedimentation control practices or has been certified by completing the Maine Department of Environmental Protection Erosion and Sedimentation Control Practices Workshop, or is a Maine Professional Engineer with at least two years’ experience in designing Erosion and Sedimentation Control BMPs.

Regulated Small MS4 – Means any Small MS4 authorized by the most recent, in-force MS4 General Permit or the general permits for the Discharge of stormwater from MDOT and MTA Small MS4s or state or federally owned or operated Small MS4s including all those located partially or entirely within an Urbanized Area.

Small MS4 – Means any MS4 that is not already covered by the Phase I MS4 stormwater program including municipally owned or operated storm sewer systems, state or federally owned systems, such as colleges, universities, prisons, military bases and facilities, and transportation entities such as MDOT and MTA road systems and facilities. See also 40 CFR 122.26(b)(16).

Site – Means the portion(s) of a Parcel upon which Construction Activity subject to this Ordinance is located.

Urbanized Area – Means the area of the Municipality so defined by the inclusive sum of the 2000 decennial census and the 2010 decennial census by the U.S. Census Bureau.

Waters of the State – Means Waters of the State as defined in 38 M.R.S. §361-A (7).

TECHNICAL APPENDIX A: EROSION AND SEDIMENTATION CONTROL STANDARDS

The Erosion and Sedimentation Control Plan required under this Ordinance shall be developed and implemented to conform to the Maine Department of Environmental Protection's 06-096 CMR Chapter 500 Stormwater Management Rule Appendices A, B, and C as mandatory minimum standards with the following additional standards.

Where not otherwise specified in this Appendix, the Erosion and Sedimentation Control BMPs shall be designed using Performance Standards specified in the Maine Erosion and Sediment Control BMPs Manual developed by the Maine DEP (October 2016 or most current version).

Erosion and Sedimentation Control BMPs that require design to accommodate specific storm events shall be designed using precipitation data from either the Northeast Regional Climate Center (<http://precip.eas.cornell.edu>), Extreme Precipitation Tables, or the NOAA Atlas 14 precipitation data (https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html).

The Erosion and Sedimentation Control Plan shall be prepared by a Qualified Professional as defined in this Ordinance.

Chapter 500 Appendix A. Erosion and Sedimentation Control:

Sedimentation Control BMPs must be in place before Construction Activity begins.

- Additional Erosion and Sedimentation Control BMPs must be phased in as appropriate.
 - BMPs must remain in place and functional until the Site is permanently stabilized.
 - Adequate and timely maintenance of Erosion and Sedimentation Control BMPs must be conducted until permanent stabilization is achieved.
1. **Pollution Prevention: Minimize Disturbed Areas and protect natural downgradient buffer areas, and any areas where stormwater may flow off-Site to the extent practicable. Control stormwater volume and velocity within the Site to minimize soil erosion. Minimize the disturbance of steep slopes. Control stormwater Discharges, including both peak flow rates and volume, to minimize erosion at outlets. The Discharge may not result in erosion of any open drainage channels, swales, stream channels or stream banks, upland, or coastal or freshwater wetlands off the project Site.**
 - a. Whenever practicable, no disturbance activities shall take place within 50 feet of any Protected Natural Resource.
 - b. If it is not practicable to maintain the 50-foot buffer of no disturbance, the Erosion and Sedimentation Control Plan must include redundant (at least two) perimeter control measures that are appropriate for the soil and slope.
 2. **Sediment Barriers: Prior to construction, properly install sediment barriers at the downgradient edge of any area to be disturbed and adjacent to any drainage channels within the Disturbed Area. Sediment barriers shall be installed downgradient of soil and sediment stockpiles and stormwater must be prevented from running onto the stockpile. Storm drain inlet protection must include effective curb inlet or "back throat" protection, where applicable.**

3. **Stabilized Construction Entrance:** Prior to construction, properly install a stabilized construction entrance (SCE) at all points of egress from the Site. The SCE is typically a stabilized pad of aggregate, underlain by a geotextile filter fabric, or an engineered track out control mat which has been approved by Maine DEP which is used to prevent traffic from tracking material away from the Site onto public ROWs. Maintain the SCE until all Disturbed Areas are stabilized. If an alternate SCE has been approved by Maine DEP, provide proof of this with the Plan or application.
4. **Winter Construction:** Add to item c. Ditch: If release from Maine DEP has been granted, provide proof of this with the Plan or application.
5. **Sediment Basins:** Add to end of first paragraph: Clearly visible staking must be installed with marks showing the elevation of half design capacity for easier inspection.

Items 10, 11, 12 and 13 of Chapter 500 Appendix A do not apply to ESC requirements during construction and are therefore not applicable to this Model Ordinance

10. **Add: Phasing Plan Requirements:** No phasing plan is required if contractor shall limit disturbance to a maximum of 5 acres of Disturbed Area across the Site at any time. If the Site shall result in more than 5 acres of Disturbed Area at any one time, the contractor shall provide a phasing plan showing:
 - a. the initial 5-acre area to be disturbed
 - b. which portions of the initial disturbance shall be stabilized, and what temporary or permanent stabilization methods shall be used
 - c. which areas shall be subsequently disturbed and what temporary or permanent stabilization methods shall be used
 - d. each phase of disturbance and stabilization shall clearly show the total areas in square feet or acres such that the 5-acre Disturbed Area limit at any one time is met throughout the entire project

Chapter 500 Appendix B Inspection and Maintenance

1. **During Construction:**
 - a. **Inspection and Corrective Action:** Add: A Qualified Professional shall conduct the inspections.
 - b. **Maintenance:** If Erosion or Sedimentation Control BMPs need to be repaired or enhanced, the repair work shall be initiated upon discovery of the problem but no later than the end of the next workday.
2. **Post-construction, 3. Re-certification, 4. Duration of Maintenance:** these sections of Chapter 500 Appendix B do not apply to ESC requirements during construction and are therefore not applicable to this Model Ordinance

Chapter 500 Appendix C Housekeeping

4. **Debris & Other Materials:** Minimize the exposure of construction debris, building and landscaping materials, trash, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials to precipitation and stormwater runoff. These materials must be prevented from becoming a pollutant source. Sediment generated by concrete or mortar mixing, brick cutting & saw cutting activities must be contained (e.g., sausage boom, straw bales, etc.) and cleaned up using dry methods (i.e., sweeping or vacuuming) to prevent it from entering drainage structures or water resources. These activities shall be done on vegetated areas whenever possible and away from drainage structures and water resources.
5. **Excavation Dewatering:** Excavation dewatering 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 otherwise treated to collect the maximum amount of sediment possible, like a coffer dam sedimentation basin. Avoid allowing the water to flow over Disturbed Areas of the Site. If the Maine DEP has approved equivalent Erosion and Sedimentation Control BMPs, provide proof of approval. Note that Discharge of excavation dewater fluids from the Site must be visually clear (no visible suspended or settleable solids).
6. **Authorized Non-SW Discharges change only item b:**
 - b. Fire hydrant flushing if dechlorinated to 0.05 mg/l or less
9. **Add: Washout from concrete, stucco, paint, curing compounds, or other construction materials:** If washout/cleanout is to be completed on-Site, a designated area(s) shall be established and marked on the Erosion and Sedimentation Control Plan. This area shall be a minimum of 50 feet from all drainage structures, ditches, waterbodies, and resource areas, as well as property boundaries. The area shall not have an outlet to Discharge wastes or flows. No detergents shall be used or vehicles washed in this location. A leak-proof pit or container shall be established in the washout area(s), to which washings shall be directed. This area shall be used for washout containment and dewatering by evaporation only. The pit shall not allow infiltration to occur. To prevent clean water from entering the pit, the washout area shall be covered during precipitation events. Inspections of the pit shall be conducted daily to ensure no leaks are present and no Discharge is occurring.