



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

TEAM PROPERTIES, LLC)	STORMWATER MANAGEMENT LAW
Bangor, Penobscot County)	AMENDMENT
RESIDENTIAL DEVELOPMENT)	TRANSFER
L-23285-NJ-G-T (approval))	
L-23285-NJ-H-A (approval))	FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. § 420-D, and Chapters 500 and 502 (06-096 C.M.R. ch.500 and 502, last amended August 12, 2015) of the Department’s Regulations, the Department of Environmental Protection (Department) has considered the application of TEAMS PROPERTIES, LLC (applicant) with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. History: In Department Order #L-23285-NJ-A-N, dated February 16, 2007, the Department granted a permit to Maine Capitol Companies for the construction of a stormwater management system for a project consisting of 36 condominium units with associated roads and driveways. The project as proposed resulted in 2.84 acres of impervious area on a 13.24-acre parcel of land, all as shown on set of plans the first of which is entitled “Lancaster Farms,” prepared by Albert E. Hodsdon, and dated November 30, 2006. Work on the proposed road and infrastructure was started within a year of the date of the permit. Green Diamond, LLC submitted an application for a revised Stormwater permit on February 2, 2017, which was accepted by the Department on February 17, 2017, and withdrawn on November 15, 2017. The project site is located on Lancaster Avenue in the City of Bangor.

B. Project Description: The applicant proposes to transfer the existing permit from Maine Capitol Companies to itself, and to modify the original stormwater management system. A portion of the property has been sold and the parcel size is now 12.09 acres. The applicant has re-designed the project to include 30 duplexes, and access road and parking areas. The proposed project will result in approximately 8.75 acres of new developed area, of which 2.83 acres is impervious area. The revised project is indicated on a plan entitled “Existing Conditions,” prepared by Plymouth Engineering, and dated July 20, 2022, with a last revision of January 5, 2023.

The proposed project will impact 1,700 square feet of freshwater wetland; this amount of freshwater wetland impact is exempt from regulation under the Natural Resources Protection Act pursuant to §480-Q (17). The location in the watershed of Artic Brook does not impact this exemption.

C. Current Use of the Site: The site of the proposed project is currently vacant field, with a portion of it being the partially constructed road.

D. Public Hearing Requests and Comments: During the Department's review of this project, it received three requests for a public hearing. These requests were denied because the requests did not contain credible conflicting technical information pertinent to the Stormwater Management Law, a criterion for a decision to hold a public hearing. The Department has also received numerous comments from interested persons with concerns about potential flooding, blasting issues, impacts to both Artic and Meadow Brook, adequate test pits and geotechnical information, current wetland information, proper erosion controls and the density of the proposed housing.

The Department does not review the density of the housing or blasting under the Stormwater Management Law standards. Any blasting should be reviewed by the City of Bangor and must conform to the Fire Marshall's regulations.

The Department's review under the Stormwater Management Law is limited to whether the proposal meets the Basic and General Standards set forth in Chapter 500 of the Department's rules. The proposal will create less than three-acres of impervious area (structure area) and therefore pursuant to Chapter 500, § 4(F)(1), the Flooding Standards are not applicable.

The Department issued a Draft Order on March 2, 2023. The Department received comments from the applicant as well as one other interested party. The applicant raised concerns with the requirement for a pre-construction meeting and a third-party inspector. The interested party had concerns about a current legal case against the City of Bangor and the applicant related to this project, the timeliness of the transfer, the location of the project, impacts to Interstate 95, inspection of the Stormwater structures by a homeowner association, PFAS testing and the responsibility of the Third-Party Inspector. The Department considered all timely comments.

The on-going legal case against the City of Bangor and the applicant does not impact the ability of the Department to issue a Stormwater permit for this proposal. The applicant is not requesting any easement from Maine Department of Transportation for any impacts to the Interstate and therefore the Department did not solicit comments regarding impacts to the Interstate. There is no requirement for PFAS testing under the Stormwater Management Act. Response to concerns regarding the transfer are discussed in Finding 2 and response to comments regarding the inspection of Stormwater structures and the third-party inspector are discussed in Finding 3.

2. TRANSFER:

The applicant applied to transfer Department Order #L-23285-NJ-A-N, currently held by Maine Capitol Companies. Subsequently, the land was sold to Green Diamond, LLC however, the license was not transferred. As discussed above, Green Diamond, LLC

submitted a revised application but withdrew the application and no license was ever issued other than the original license to Maine Capitol Companies.

Pursuant to Chapter 2, § 21 (C)(1), to obtain a transfer of a Department permit, an applicant must demonstrate to the Department's satisfaction the technical and financial capacity and intent to: (a) comply with all terms and conditions of the applicable license, and (b) satisfy all applicable statutory and regulatory criteria.

The applicant submitted the following information in support of this transfer request:

- A. Transfer application dated June 27, 2022, and signed by Emily Ellis on behalf of Teams Properties, LLC. Maine Capitol Companies was administratively dissolved and has not owned the property for some time. The applicant purchased the property from Green Diamond, LLC in 2022 and included documentation in the application.
- B. Financial Capacity: The estimated cost to complete the proposed stormwater management structures and infrastructure is \$1,755,220. The applicant submitted a letter from Katahdin Trust Company, dated July 6, 2022, demonstrating that it has the ability to fund the project.
- C. Technical Ability: Team Properties, LLC is a real estate development company with experience constructing and managing single-family and multi-family developments. The Teams Properties, LLC management team has many years of real estate and development experience.
- D. A Certificate of Good Standing issued by the Maine Secretary of State for Teams Properties LLC, dated June 24, 2022.

While normally a transfer application must be signed by both the original permit holder and the proposed transferee, pursuant to Chapter 2, § 21 (C)(4), if the proposed transferee demonstrates that the original licensee no longer has sufficient title, right or interest in the property subject to the license, the Department may allow the transfer application to be processed without the signature of the original licensee. The Department finds that the transferee (applicant) has demonstrated that Maine Capitol Companies no longer has title, right or interest in the property and therefore, this application for a transfer may be processed and granted without the signature of the original license holder.

- E. Public Comments. An interested party commented that the applicant did not transfer the permit within two weeks of taking ownership of the property. The Department has discretion on whether to bring enforcement for lack of a timely transfer and it does not preclude the Department from approving a transfer application. In this case, the Department did not pursue enforcement.

The Department finds that the applicant's submissions demonstrate that it has the necessary funding and adequate experience in constructing and managing the type of project proposed here to comply with the license terms and conditions.

BASED on the above findings of fact, the Department **CONCLUDES** that **TEAMS PROPERTIES, LLC** has provided adequate evidence of financial capacity and technical ability to comply with all conditions of Department Order #L-23285-NJ-A-N, and this Order, and to satisfy all applicable statutory and regulatory criteria.

3. **STORMWATER STANDARDS:**

The proposed project includes approximately 8.75 acres of developed area, of which 2.83 acres is impervious area. It lies within the watershed of Artic Brook, an urban impaired stream. The applicant submitted a stormwater management plan based on the Basic and General Standards contained in Department Rules, Chapter 500. The proposed stormwater management system consists of four underdrained filters and a wetpond.

A. **Basic Standards:**

To meet the Basic Standards, pursuant to Chapter 500, § 4(B), an applicant must demonstrate that the erosion and sedimentation control, inspection and maintenance, and housekeeping standards specified in Appendices A, B, and C to Chapter 500 are met, and that the grading or other construction activity will not impede or otherwise alter drainageways so as to have an unreasonable adverse impact on a wetland or waterbody, or an adjacent downslope parcel.

(1) **Erosion and Sedimentation Control:** The applicant submitted an Erosion and Sedimentation Control Plan that is based on the performance standards contained in Appendix A of Chapter 500 and the Best Management Practices outlined in the Maine Erosion and Sediment Control BMPs, which were developed by the Department. This plan and plan sheets containing erosion control details were reviewed by, and revised in response to the comments of, the Bureau of Land Resources (BLR).

Erosion control details will be included on the final construction plans and the erosion control narrative will be included in the project specifications to be provided to the construction contractor.

Given the nature of the project site which includes several abutters in close proximity to the project parcel and the sensitive watershed, the applicant must retain the services of a third-party inspector in accordance with the Special Condition for Third Party Inspection Program, which is attached to this Order. Prior to the start of construction, the applicant must conduct a pre-construction meeting. This meeting must be attended by the applicant's representative, Department staff, the design engineer, the contractor, and the third-party inspector.

(2) Inspection and Maintenance: The applicant submitted a maintenance plan that addresses both short and long-term maintenance requirements. The maintenance plan is based on the standards contained in Appendix B of Chapter 500. This plan was reviewed by, and revised in response to the comments of, BLR. Prior to the formation of the homeowner association, the applicant will be responsible for the maintenance of all common facilities including the stormwater management system. Once the homeowner association is established the applicant must submit the Declaration of Covenants and Restrictions for to the Department review and approval prior to the homeowner association taking responsibility for maintenance.

Storm sewer grit and sediment materials removed from stormwater control structures during maintenance activities must be disposed of in compliance with the Maine Solid Waste Management Rules.

(3) Housekeeping: The proposed project will comply with the performance standards outlined in Appendix C of Chapter 500.

Based on BLR's review of the erosion and sedimentation control plan and the maintenance plan, the Department finds that the proposed project meets the Basic Standards contained in Chapter 500(4)(B) provided the applicant conducts a pre-construction meeting as outlined above and retain the services of a third-party inspector in accordance with the Special Condition for Third Party Inspection Program.

B. General Standards:

To meet the General Standards set forth in Chapter 500, §4(C), an applicant must demonstrate that a project's stormwater management system includes treatment measures that will provide pollutant removal or treatment, and mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms and potential temperature impacts, unless the Department determines that channel protection and/or temperature control are unnecessary due to the nature of the resource.

The applicant's stormwater management plan includes general treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater, and mitigate potential temperature impacts. This mitigation is being achieved by using Best Management Practices that will control runoff from no less than 95% of the impervious area and no less than 80% of the developed area.

The stormwater management system proposed by the applicant was reviewed by, and revised in response to comments from, BLR. After a final review, BLR commented that the proposed stormwater management system is designed in accordance with the Chapter 500 General Standards and recommended that the applicant's design engineer or other qualified professional oversee the construction of the stormwater management system to ensure that they are installed in accordance with the details and notes specified on the approved plans. Within 30 days from completion of the entire system or if the project

takes more than one year to complete, at least once per year, the applicant must submit a log of inspection reports detailing the items inspected, photographs taken, and the dates of each inspection to the BLR for review.

C. Public Comments:

The Department received public comments regarding the lack of detail on plans, lack of soil information, lack of current wetland information and the adequacy of the wet pond and capacity for the run-off. BLR reviewed the application and did determine that additional information was necessary. BLR asked for and received additional detailed plans, an update wetland plan and soil information. With the additional submissions, the Department had sufficient information necessary to review the proposal. As stated above, this project was not required to meet the Flooding Standard and therefore, it was not included in BLR's review of this project.

The Department received a comment from the applicant concerning the requirement for a pre-construction meeting and a third-party inspector. The applicant commented that the design engineer could act as the third-party inspector while inspecting the stormwater BMPs.

As a condition of this permit, the Department has required the permit applicant to retain the services of a third-party inspector to monitor compliance with the permit conditions during construction. The objectives of this condition are as follows:

- 1) to ensure that all construction and stabilization activities comply with the permit conditions and the approved drawings and specifications,
- 2) to ensure that field decisions regarding erosion control implementation, stormwater system installation, and natural resource protection are based on sound engineering and environmental considerations, and
- 3) to ensure communication between the contractor and the Department regarding any changes to the development's erosion control plan, stormwater management plan, or final stabilization plan.

The third-party inspector will be an unbiased inspector that will report back to the Department weekly during construction. The Department has required this because this development is located within a sensitive resource and is in close proximity to many residences.

An interested party also commented on the roles of a third-party inspector. The role of the inspector would not be to shut down the project, but to communicate any issues that may occur during construction of the project site to the Department. A third-party inspector will allow the Department to have reliable and routine inspections conducted at the site to ensure that all work is being done according to the license. If an abutter has concerns during construction, those should be directly communicated with the Department.

An interested party also commented on how the homeowner association will take over maintenance requirements from the applicant. The applicant will need to submit the Declarations of Covenants and Restrictions with maintenance requirements once the homeowner association is created to the Department for review and approval prior to the transfer of the maintenance responsibility to the homeowner association. This will ensure that the maintenance requirements are clearly outlined for the homeowner association.

Based on the stormwater system's design and BLR's review, the Department finds that the applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic and General Standards provided that the applicant meets the inspection and reporting requirements outlined above, submits the Declaration of Covenants and Restriction for the homeowner association to the Department for review and approval prior to the transfer of inspection responsibility from the applicant to the homeowner association, conducts a pre-construction meeting as outlined above and retain the services of a third-party inspector in accordance with the Special Condition for Third Party Inspection Program.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. § 420-D, and Chapters 500 of the Department's Regulations:

- A. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 Basic Standards for: (1) erosion and sediment control; (2) inspection and maintenance; (3) housekeeping; and (4) grading and construction activity.
- B. The applicant has made adequate provision to ensure that the proposed project will meet the Chapter 500 General Standards provided that the applicant meets the requirements outlined in Finding 3.

THEREFORE, the Department APPROVES the above noted application of TEAMS PROPERTIES, LLC to construct a stormwater management system as described above in Bangor, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached.
2. In addition to any specific erosion control measures described in this order, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

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4. Prior to the start of construction, the applicant shall conduct a pre-construction meeting. This meeting shall be attended by the applicant's representative, Department staff, the design engineer, the contractor, and the third-party inspector.
5. The applicant shall retain the services of a third-party inspector in accordance with the Special Condition for Third Party Inspection Program, which is attached to this Order.
6. Storm sewer grit and sediment materials removed from stormwater control structures shall be disposed of in compliance with the Maine Solid Waste Management Rules.
7. The applicant shall retain the design engineer or other qualified professional to oversee the construction of the stormwater management structures according to the details and notes specified on the approved plans. Within 30 days of completion of the entire system or if the project takes more than one year to complete, at least once per year, the applicant shall submit a log of inspection reports detailing the items inspected, photographs taken, and dates of each inspection to the BLR for review.
8. The applicant shall submit the Declaration of Covenants and Restrictions to the Department for review and approval prior to the homeowner association taking responsibility for maintenance.
9. All other Findings of Fact, Conclusions and Conditions remain as approved in Department Order #L-27671-NJ-A-N and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 24th DAY OF MARCH, 2023.

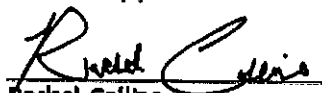
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
For: Melanie Loyzim, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

JD/L23285GTHA/ATS90319, 90320

ATTEST:
A true copy


Rachel Collins

<p>FILED March 24th, 2023 State of Maine Board of Environmental Protection</p>
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STORMWATER STANDARD CONDITIONS

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL

Standard conditions of approval. Unless otherwise specifically stated in the approval, a department approval is subject to the following standard conditions pursuant to Chapter 500 Stormwater Management Law.

- (1) Approval of variations from plans. The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the permittee. Any variation from these plans, proposals, and supporting documents must be reviewed and approved by the department prior to implementation. Any variation undertaken without approval of the department is in violation of 38 M.R.S. §420-D(8) and is subject to penalties under 38 M.R.S. §349.
- (2) Compliance with all terms and conditions of approval. The applicant shall submit all reports and information requested by the department demonstrating that the applicant has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- (3) Advertising. Advertising relating to matters included in this application may not refer to this approval unless it notes that the approval has been granted WITH CONDITIONS and indicates where copies of those conditions may be obtained.
- (4) Transfer of project. Unless otherwise provided in this approval, the applicant may not sell, lease, assign, or otherwise transfer the project or any portion thereof without written approval by the department where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval may only be granted if the applicant or transferee demonstrates to the department that the transferee agrees to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant. Approval of a transfer of the permit must be applied for no later than two weeks after any transfer of property subject to the license.
- (5) Time frame for approvals. If the construction or operation of the activity is not begun within four years, this approval shall lapse, and the applicant shall reapply to the department for a new approval. The applicant may not begin construction or operation of the project until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- (6) Certification. Contracts must specify that "all work is to comply with the conditions of the Stormwater Permit." Work done by a contractor or subcontractor pursuant to this approval may not begin before the contractor and any subcontractors have been shown a copy of this approval with the conditions by the permittee, and the permittee and each contractor and subcontractor has certified, on a form provided by the department, that the approval and conditions have been received and read, and that the work will be carried out in accordance with the approval and conditions. Completed certification forms must be forwarded to the department.



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DEPARTMENT OF ENVIRONMENTAL PROTECTION
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1. PROJECT DESCRIPTION:

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The proposed project will impact 1,700 square feet of freshwater wetland; this amount of freshwater wetland impact is exempt from regulation under the Natural Resources Protection Act pursuant to §480-Q (17). The location in the watershed of Artic Brook does not impact this exemption.

- (7) **Maintenance.** The components of the stormwater management system must be adequately maintained to ensure that the system operates as designed, and as approved by the Department. If maintenance responsibility is to be transferred from the permittee to another entity, a transfer request must be filed with the Department which includes the name and contact information for the person or entity responsible for this maintenance. The form must be signed by the responsible person or agent of the responsible entity.
- (8) **Recertification requirement.** Within three months of the expiration of each five-year interval from the date of issuance of the permit, the permittee shall certify the following to the department.
- (a) All areas of the project site have been inspected for areas of erosion, and appropriate steps have been taken to permanently stabilize these areas.
- (b) All aspects of the stormwater control system are operating as approved, have been inspected for damage, wear, and malfunction, and appropriate steps have been taken to repair or replace the system, or portions of the system, as necessary.
- (c) The stormwater maintenance plan for the site is being implemented as approved by the Department, and the maintenance log is being maintained.
- (d) All proprietary systems have been maintained according to the manufacturer's recommendations. Where required by the Department, the permittee shall execute a 5-year maintenance contract with a qualified professional for the coming 5-year interval. The maintenance contract must include provisions for routine inspections, cleaning and general maintenance.
- (e) The Department may waive some or all of these recertification requirements on a case-by-case basis for permittees subject to the Department's Multi-Sector General Permit ("MSGP") and/or Maine Pollutant Discharge Elimination System ("MEPDES") programs where it is demonstrated that these programs are providing stormwater control that is at least as effective as required pursuant to this Chapter.
- (9) **Transfer of property subject to the license.** If any portion of the property subject to the license containing areas of flow or areas that are flooded are transferred to a new property owner, restrictive covenants protecting these areas must be included in any deeds or leases, and recorded at the appropriate county registry of deeds. Also, in all transfers of such areas and areas containing parts of the stormwater management system, deed restrictions must be included making the property transfer subject to all applicable terms and conditions of the permit. These terms and conditions must be incorporated by specific and prominent reference to the permit in the deed. All transfers must include in the restrictions the requirement that any subsequent transfer must specifically include the same restrictions unless their removal or modification is approved by the Department. These restrictions must be written to be enforceable by the Department and must reference the permit number.
- (10) **Severability.** The invalidity or unenforceability of any provision, or part thereof, of this permit shall not affect the remainder of the provision or any other provisions. This permit shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

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**Special Condition
for
Third Party Inspection Program**

THIRD-PARTY INSPECTION PROGRAM

1.0 THE PURPOSE OF THE THIRD-PARTY INSPECTION

As a condition of this permit, the Maine Department of Environmental Protection (MDEP) requires the permit applicant to retain the services of a third-party inspector to monitor compliance with MDEP permit conditions during construction. The objectives of this condition are as follows:

- 1) to ensure that all construction and stabilization activities comply with the permit conditions and the MDEP-approved drawings and specifications,
- 2) to ensure that field decisions regarding erosion control implementation, stormwater system installation, and natural resource protection are based on sound engineering and environmental considerations, and
- 3) to ensure communication between the contractor and MDEP regarding any changes to the development's erosion control plan, stormwater management plan, or final stabilization plan.

This document establishes the inspection program and outlines the responsibilities of the permit applicant, the MDEP, and the inspector.

2.0 SELECTING THE INSPECTOR

At least 30 days prior to starting any construction activity on the site, the applicant will submit the names of at least two inspector candidates to the MDEP. Each candidate must meet the minimum qualifications listed under section 3.0. The candidates may not be employees, partners, or contracted consultants involved with the permitting of the project or otherwise employed by the same company or agency except that the MDEP may accept subcontractors who worked for the project's primary consultant on some aspect of the project such as, but not limited to, completing wetland delineations, identifying significant wildlife habitats, or conducting geotechnical investigations, but who were not directly employed by the applicant, as Third Party inspectors on a case by case basis. The MDEP will have 15 days from receiving the names to select one of the candidates as the inspector or to reject both candidates. If the MDEP rejects both candidates, then the MDEP shall state the particular reasons for the rejections. In this case, the applicant may either dispute the rejection to the Director of the Bureau of Land Resources or start the selection process over by nominating two, new candidates.

3.0 THE INSPECTOR'S QUALIFICATIONS

Each inspector candidate nominated by the applicant shall have the following minimum qualifications:

- 1) a degree in an environmental science or civil engineering, or other demonstrated expertise,
- 2) a practical knowledge of erosion control practices and stormwater hydrology,
- 3) experience in management or supervision on large construction projects,
- 4) the ability to understand and articulate permit conditions to contractors concerning erosion control or stormwater management,
- 5) the ability to clearly document activities being inspected,
- 6) appropriate facilities and, if necessary, support staff to carry out the duties and responsibilities set forth in section 6.0 in a timely manner, and
- 7) no ownership or financial interest in the development other than that created by being retained as the third-party inspector.

4.0 INITIATING THE INSPECTOR'S SERVICES

The applicant will not formally and finally engage for service any inspector under this permit condition prior to MDEP approval or waiver by omission under section 2.0. No clearing, grubbing, grading, filling, stockpiling, or other construction activity will take place on the development site until the applicant retains the MDEP-approved inspector for service.

5.0 TERMINATING THE INSPECTOR'S SERVICES

The applicant will not terminate the services of the MDEP-approved inspector at any time between commencing construction and completing final site stabilization without first getting written approval to do so from the MDEP.

6.0 THE INSPECTOR'S DUTIES AND RESPONSIBILITIES

The inspector's work shall consist of the duties and responsibilities outlined below.

- 1) Prior to construction, the inspector will become thoroughly familiar with the terms and conditions of the state-issued site permit, natural resources protection permit, or both.
- 2) Prior to construction, the inspector will become thoroughly familiar with the proposed construction schedule, including the timing for installing and removing erosion controls, the timing for constructing and stabilizing any basins or ponds, and the deadlines for completing stabilization of disturbed soils.
- 3) Prior to construction, the inspector will become thoroughly familiar with the project plans and specifications, including those for building detention basins, those for installing the erosion control measures to be used on the site, and those for temporarily or permanently stabilizing disturbed soils in a timely manner.
- 4) During construction, the inspector will monitor the contractor's installation and maintenance of the erosion control measures called for in the state permit(s) and any additional measures the inspector believes are necessary to prevent sediment discharge to off-site properties or natural resources. This direction will be based on the approved erosion control plan, field conditions at the time of construction, and the natural resources potentially impacted by construction activities.
- 5) During construction, the inspector will monitor the contractor's construction of the stormwater system, including the construction and stabilization of ditches, culverts, detention basins, water quality treatment measures, and storm sewers.
- 6) During construction, the inspector will monitor the contractor's installation of any stream or wetland crossings.
- 7) During construction, the inspector will monitor the contractor's final stabilization of the project site.
- 8) During construction, the inspector will keep logs recording any rain storms at the site, the contractor's activities on the site, discussions with the contractor(s), and possible violations of the permit conditions.
- 9) During construction, the inspector will inspect the project site at least once a week and before and after any significant rain event. The inspector will photograph all protected natural resources both before and after construction and will photograph all areas under construction. All photographs will be identified with, at a minimum the date the photo was taken, the location and the name of the individual taking the photograph.
Note: the frequency of these inspections as contained in this condition may be varied to best address particular project needs.
- 10) During construction, the inspector will prepare and submit weekly (or other frequency) inspection reports to the MDEP.

- 11) During construction, the inspector will notify the designated person at the MDEP immediately of any sediment-laden discharges to a protected natural resource or other significant issues such as the improper construction of a stormwater control structure or the use of construction plans not approved by the MDEP.

7.0 INSPECTION REPORTS

The inspector will submit weekly written reports (*or at another designated frequency*), including photographs of areas that are under construction, on a form provided by the Department to the designated person at the MDEP. Each report will be due at the MDEP by the Friday (*or other designated day*) following the inspection week (Monday through Sunday).

The weekly report will summarize construction activities and events on the site for the previous week as outlined below.

- 1) The report will state the name of the development, its permit number(s), and the start and end dates for the inspection week (Monday through Sunday).
- 2) The report will state the date(s) and time(s) when the inspector was on the site making inspections.
- 3) The report will state the date(s) and approximate duration(s) of any rainfall events on the site for the week.
- 4) The report will identify and describe any erosion problems that resulted in sediment leaving the property or sediment being discharged into a wetland, brook, stream, river, lake, or public storm sewer system. The report will describe the contractor's actions to repair any damage to other properties or natural resources, actions to eliminate the erosion source, and actions to prevent future sediment discharges from the area.
- 5) The report will list the buildings, roads, parking lots, detention basins, stream crossings or other features open to construction for the week, including those features or areas actively worked and those left unworked (dormant).
- 6) For each area open to construction, the report will list the date of initial soil disturbance for the area.
- 7) For each area open to construction, the report will note which areas were actively worked that week and which were left dormant for the week. For those areas actively worked, the report will briefly state the work performed in the area that week and the progress toward final stabilization of the area – e.g. “grubbing in progress,” “grubbing complete,” “rough grading in progress,” “rough grading complete,” “finish grading in progress,” “finish grading complete,” “permanent seeding completed,” “area fully stable and temporary erosion controls removed,” etc.
- 8) For each area open to construction, the report will list the erosion and sedimentation control measures installed, maintained, or removed during the week.
- 9) For each erosion control measure in-place, the report will note the condition of the measure and any maintenance performed to bring it to standard.

Third Party Inspection Form

This report is prepared by a Third-Party Inspector to meet the requirements of the Third Party Inspector Condition attached as a Special Condition to the Department Order that was issued for the project identified below. The information in this report/form is not intended to serve as a determination of whether the project is in compliance with the Department permit or other applicable Department laws and rules.

Only Department staff may make that determination.

TO: <i>PA, Maine DEP (@maine.gov)</i>	FROM:
PROJECT NAME & LOCATION:	DEP #:
DATE OF INSPECTION:	DATE OF REPORT:
WEATHER:	CONDITIONS:

CONTRACTOR:	
CONTACT NAME:	PHONE NUMBER:
LANDOWNER:	PHONE NUMBER:

SITE CHARACTERISTICS:

# ACRES OPEN:	# ACRES ACTIVE:	# ACRES INACTIVE:
LOCATION OF OPEN LAND:	LOCATION OF ACTIVE LAND:	LOCATION OF INACTIVE LAND:
OPEN SINCE:	OPEN SINCE:	OPEN SINCE:

PROGRESS OF WORK:

INSPECTION OF:	Satisfactory	Minor Deviation (corrective action required)	Unsatisfactory (include photos)
STORMWATER CONTROL (VEGETATIVE & STRUCTURAL BMP'S)			
EROSION & SEDIMENTATION CONTROL (TEMPORARY & PERMANENT BMP'S)			
OTHER: (PERMIT CONDITIONS, ENGINEERING DESIGN, ETC.)			

COMMENTS/CORRECTIVE ACTIONS TAKEN (attach additional sheets as necessary):

Photos (must be labeled with date, photographer and location)

cc:		
<i>Original and all copies were sent by email only.</i>		