

### **Summary of the Most Significant Changes in Chapters 500 & 502 Effective December 27, 2006**

1. Narrowed the definition of developed area to no longer include areas that are changed from forest to meadow. This would allow a project (such as an airport) to clear trees and still qualify under PBR as long as they keep the area in natural vegetation mowed no more than once per year. (see Errata sheet for update)
2. Changed definition of a “linear project” to “linear portion of a project” so that the term matches its usage in the rule, and allows subdivision roads to fall under the definition so that reduced treatment standards will apply to them.
3. Dropped the term “BMP standards” due to confusion over multiple meanings (regulatory and non-regulatory) of the term. Those standards will be referred to as “general standards” in the rule.
4. Added flexibility to general standards so that treatment of impervious area can be reduced from 95% to 90%, provided that overall treatment on the site will remain equivalent.
5. Revised the technical requirements for use of a wet pond under the general standards section.
6. Changed the language on redevelopment of existing impervious area so that it applies to impervious area in place as of November 16, 2005 (the effective date of the rule revisions). This closes a loophole whereby a developer could pave just under an acre just prior to coming in for a permit and have it treated as “existing” in order to avoid treatment of it.
7. Changed the language on redevelopment for Site Location projects under the general Standards section so that the project must “meet the general standards to the extent practicable as determined by the department.” This provides flexibility so that the department is not boxed in to requiring a very expensive treatment technology with high maintenance needs, such as an under parking lot manufactured system.
8. Dropped the requirement for redevelopment projects to meet the urban impaired stream standard if there will be no increase in impacts due to stormwater runoff.
9. In the flooding standard, added provision to allow the department to grant a variance for discharges to rivers other than “major river segments” if department determines there will be no adverse impact.
10. Changed Permit by Rule language to add clarity and greater consistency with current PBR practices under the NRPA.
11. Revised Permit shield (section 14) language to make it clearer and to emphasize that a project cannot get an exemption from a standard required under the Site Law by breaking the project into pieces and first complying with a lesser standard under the Stormwater Law. The current language regarding redevelopment projects is an example of where in the rule this could arise.
12. Changed language in Appendix E to include under-drained soil filter beds, with specifications consistent with language in our new Stormwater BMP Manual.
13. Throughout the rule, made minor word changes to improve readability.
14. In Chapter 502, Lakes Most at Risk list, added the following: Abrams Lake in Eastbrooke; Androscoggin Lake in Wayne; Long Pond in Belgrade; Messalonskee Lake in Belgrade; Great Moose Lake in Hartland. Removes Cobbossee Lake from “severely blooming” category.
15. In Chapter 502, Urban Impaired Stream list, removed Bobbin Mill Brook in Auburn.