Maine Environmental Permitting for Solar Developments

Under the Site Location of Development Act (SLODA), Natural Resources Protection Act (NRPA) and Solar Decommissioning Law applicants must demonstrate compliance with all applicable Maine permitting standards.

1 | Permitting framework and process

- **SLODA — 38 M.R.S. §§ 481–489-E.** Applies when jurisdictional thresholds are met (often developments occupying more than 20 acres); DEP reviews overall environmental and community compatibility.
- **NRPA — 38 M.R.S. §§ 480-A–480-KK**. Regulates qualifying work in or near wetlands, streams, significant vernal pool habitat and other protected natural resources.
- **Review sequence.** Screen constraints; perform seasonal field surveys; consult DEP and resource agencies; prepare engineering and impact studies; submit applications and public notice; address comments; secure approvals and meet conditions.

2 | Site Location of Development Act (SLODA) review standards — topic-by-topic

- **Visual / scenic character (DEP Ch. 375).** Identify public viewpoints and scenic resources; assess panels, clearing and facilities; use simulations, setbacks and visual screening where appropriate.
- **Sound / noise (DEP Ch. 375)**. Inventory inverters and transformers; model sound at nearby protected locations and demonstrate applicable limits (45 dBA Nighttime at property lines).
- **Wildlife, fisheries and unusual natural areas.** Surveys for rare species, habitats, natural communities, vernal pools and connectivity; consult MDIFW and Maine Natural Areas Program; evaluate fragmentation.
- **Stormwater quantity and quality (DEP Ch. 500)**. Model upslope and on-site drainage, pre/post-development flows, treatment, downstream stability and maintenance. No increase in stormwater volume or concentration offsite.
- **Erosion and sedimentation (Maine Construction General Permit).** Document construction sequencing, stabilization, sediment controls, inspections and maintenance. Third Party Inspector required for large solar developments.
- **Soils, groundwater and surface waters.** Evaluate soils, infiltration, wells, groundwater, stream crossings and water quality.
- **Historic / archaeological resources.** Consult Maine Historic Preservation Commission as appropriate; survey, avoid or mitigate impacts.
- **Financial and technical capacity** Demonstrate capability to construct, operate and maintain controls

3 | NRPA: protected-resource impact review

- **Field identification.** Delineate wetlands and streams; assess vernal pools, significant wildlife habitat and direct/indirect impacts.
- **Avoidance and minimization.** Compare feasible layouts and access routes; avoid resources first, then minimize necessary fill, crossings and disturbance.
- **Statutory findings (38 M.R.S. § 480-D).** Demonstrate no unreasonable interference with protected scenic, recreational, navigational, habitat and wetland values and no unreasonable erosion or sedimentation.

- **Compensation and related permits.** Address qualifying unavoidable impacts

4 | Maine solar decommissioning requirements

- **Applicability and approval (35-A M.R.S.** §§ 3491–3497). Ground-mounted solar panel arrays occupying 3 or more acres require an approved decommissioning plan before construction or operation.
- **Removal and restoration.** At the end of operations, the Project must remove panels, racking, foundations, roads, fencing, cables and related facilities to at least 24 inches below grade (or bedrock if shallower). On land classified as farmland within five years before construction, the depth is 48 inches (or bedrock), and farmland must be restored for agricultural use. Project is held responsible to grade and revegetate disturbed land.
- **Financial assurance.** Provide an acceptable bond, letter of credit or other security covering the full decommissioning cost independent of the owner's future finances. Update financial assurance 15 years after plan approval and at least every five years thereafter; required updates are due by December 31 of the update year.
- **Ownership changes.** A transferring owner remains jointly and severally liable until the permitting authority approves transfer of the decommissioning plan.

5 | Public Participation in Permitting Process

The Department has many ways for the public to comment and engage in the permitting process. The application material will be available on the Department's MELS system for the public.