ENFORCEMENT MANUAL

FOR THE

MAINE SUBSURFACE WASTEWATER DISPOSAL

RULES

Maine Department of Human Services,
Bureau of Health,
Division of Health Engineering

December, 2003

Appropriation 014-10A-2426-012-2658

Nondiscrimination Notice

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ACKNOWLEDGMENT

Maine's Department of Human Services, Bureau of Health, Division of Health Engineering is responsible for promulgating the Subsurface Wastewater Disposal Rules, which regulate the design and installation of subsurface wastewater disposal systems. Minimum standards are established through the Rules to protect the public health, safety and welfare.

This material is presented as an educational manual for explaining the principles and concepts of enforcement of these Rules.

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1. Introduction

This Enforcement Manual has been expressly written to assist the Local Plumbing Inspector (LPI) with enforcement of the Maine State Plumbing Code, Subsurface Wastewater Disposal Rules (Rules) and related statutes, and to answer the questions:

"What do I, as the LPI, do in the event of a violation of the Rules?" and

"What is the proper procedure to follow?"

Common sense is the most important element of the Rules, and the following procedures have some flexibility depending upon the nature of the enforcement problem.

There are three basic types of violations that an LPI will generally encounter. Briefly, they are:

1. Violation of the Rules. Under 22 MRSA § 42 and 30-A M.R.S.A. 4452(3), the Department of Human Services (Department) has been granted authority to promulgate rules relating to subsurface wastewater disposal. Violations of the Rules are a violation of 22 MRSA § 42 and are punishable by a fine of between $100.00 and $1,000.00 for each offense.

Under 30-A M.R.S.A. 4452(3) any person who installs or orders the installation of an onsite sewage disposal system without the permit required under this section commits a civil violation for which forfeiture of not less than $100.00 nor more than $1,000.00 may be adjudged.

2. Plumbing without a license. A Plumbing License is required by 32 MRSA § 3302, for plumbing as defined under provisions of 32 MRSA § 3301. While enforcement of the Maine Internal Plumbing Rules (CMR 238) is a responsibility of the LPI, internal plumbing issues are not dealt with within this document. Nonetheless, many of the enforcement processes detailed in this document can be applied to enforcement of CMR 238.

3. Violations of related statutes and rules. Violations of related statutes and rules, for example, the Mandatory Shoreland Zoning Act, should be referred to the proper State or Local authority.

The LPI will primarily be concerned with the enforcement and prosecution of violations of the Internal Plumbing Rules and the Subsurface Wastewater Disposal Rules. Other violations are usually the responsibility of other State agencies or other local officers, such as the Code Enforcement Officer or Local Health Officer.

2. Duties of the Local Plumbing Inspector

The Local Plumbing Inspector (LPI) is the primary contact at the local level for issuance of internal plumbing permits, subsurface wastewater disposal system permits, and enforcement of the Maine Internal Plumbing Rules (CMR 238) and the Maine Subsurface Wastewater Disposal Rules (CMR241).

The LPI is responsible for enforcing all the provisions of both Rules. He or she shall act on any question concerning the method or manner of construction and the materials to be used in the installation of a system, except as may be specifically provided for by other requirements of the Rules, such as variances.

The LPI is responsible for receiving applications for internal plumbing and disposal system permits, issuing permits for the installation of plumbing and systems, inspecting the premises for which such permits have been issued, and enforcing compliance with the provisions of the Rules.

The LPI is responsible for issuing all necessary notices or order pertaining to removal of illegal or unsafe conditions, assuring necessary safeguards during construction, and securing compliance with all requirements of the rules for the safety, health and general welfare of the public.

The LPI is responsible for making all the inspections required in the Rules. The LPI may engage such expert opinions as may be deemed necessary to report upon unusual technical issues that may arise, subject to the approval of the municipal officers.

The LPI must carry proper credentials of the office while inspecting any and all systems and premises in the performance of his or her duties.

At least annually, the LPI shall submit to the municipal officers of the jurisdiction a written statement of enforcement activities in form and content as shall be prescribed by such authority.

3. Resolving Violations

The four major steps in pursuing a violation of the Rules are:

1. Investigate the situation,
2. Evaluate the problem,
3. Document the violation, and
4. Initiate corrective action.

Upon receipt of a verbal or written complaint, or upon the LPI's own knowledge, the LPI is legally obligated to investigate any potential violation of the Rules. Upon arriving at the location of a potential violation, the LPI must request permission from the landowner or resident to inspect the site. The LPI has the right of entry pursuant to Section 111.3 of the Rules. The right of entry should only be used during normal working hours absent other arrangements with the landowner or resident, and the LPI should always present proper identification upon an inspection.

If the LPI is denied the right of entry for inspection purposes, s/he should proceed no further. Refer to the section titled "Right of Entry", below, for guidance in such an instance.

After obtaining permission from the landowner or resident, or by an Administrative Warrant, the LPI should inspect the property for the reported violation. The LPI should keep a notebook for recording all observations made during the inspection. Minimally, the notes should include the date, time, location, parties present, and result of the inspection. A copy of the site inspection report form used by the Division of Health Engineering is included in Section 7.

4. Corrective Actions

Once a situation has been investigated, documented, and determined to be a violation of the Rules, or other rules or statutes, the LPI should take the following steps for resolving the violation.

Violation of the Subsurface Wastewater Disposal Rules. If a violation of the Subsurface Wastewater Disposal Rules has occurred, including but not limited to work without a permit or a malfunction of the system, the following steps should be taken, in the order listed.

1. Issue an oral notice of violation to the responsible party.
2. Issue a Stop Work Order to the responsible party.
3. Issue a written Notice of Violation to the responsible party.

A. For violations of the Rules,

   1) Issue a Compliance Order to the responsible party

   2) In coordination with the Municipal Attorney, or pursuant to District Court Civil Rule 80-K if so certified, pursue resolution of the violation in court.

B. For violations involving a malfunctioning onsite sewage disposal system,

   1) Issue a first written letter ordering abatement of the malfunction to the responsible party.

2) Issue a second written letter ordering abatement of the malfunction to the responsible party, sent by Certified Mail, Return Receipt Requested if the responsible party does not respond within 14 calendar days.

3) Prepare and present to the Municipal Officers a report documenting the violation, an Abatement Order, and a Return of Service form.

4) Serve the Abatement Order, signed by the Municipal Officers, upon the responsible party, with a Return of Service form.

5) In the event the malfunction remains unabated, the Municipal Officers may cause the system to be repaired or replaced and recover the costs through court proceedings or a special tax pursuant to 30-A MRSA § 3428 (3)(B).

Plumbing without a license Situations involving plumbing without a license must be referred to the Maine Board of Professional and Financial Regulation, Plumbers Examining Board. The Board can be reached at (207) 624-8627.

Violations of Other Rules and Statutes Refer violations of other regulations to the proper authority, as specified in Appendix A.

Violation Notification

When investigating a violation, the LPI should inform the violator why the situation is noncompliance with the Rules, and the procedures for correcting the violation. Hopefully, most of the LPI's enforcement problems end at this point if the LPI can convince the violator that his/her voluntary cooperation will be beneficial to all parties. It is not always an easy task to gain voluntary cooperation, and will often require a combination of:

- Public relations
- Assertiveness
- Understanding
- Determination, and
- Patience.

For situations in which the installation of an onsite sewage disposal system is already in progress and a violation of the Rules has been confirmed, the LPI should inform the landowner and/or system installer of the procedure for compliance. If a verbal notice is given, the LPI should place a note to that effect in the appropriate file.

In the event that the LPI is unable to inform the landowner s/he should post a **Stop Work Order** at the site. This is a means of notifying the installer and/or landowner of the violation. See Section 7 for a sample Stop Work Order.

If, after the verbal notification the violation continues unabated, the LPI should send written notification, with return receipt, to the violator stating:

1. The violation,

2. The penalties for the violation, and

3. The deadline date by which the violation shall be corrected (generally ten days after receipt of notification).

If the violation continues unabated after the first deadline expires, the LPI should proceed with either a **Compliance Order** (for Rules violations) or an **Abatement Order** (for malfunctioning onsite sewage disposal systems).

Compliance Order

If the violation has not been corrected within the deadline imposed by the written notice, the LPI must issue a Compliance Order to correct the violation. The Compliance Order must refer to the specific sections of the Rules which have been violated. See Section 7 for a sample Compliance Order.

The Compliance Order should be sent by certified mail, return receipt requested or hand delivered to either the landowner or the installer doing the work. If hand delivered, the delivery person must sign a statement which indicates s/he delivered the notice, and the date of delivery.

Abatement Order

If the malfunctioning onsite sewage disposal system has not bee repaired or replaced by the deadline imposed in the second written notice, the LPI should prepare an Abatement Order. This includes:

1. A completed "Evidence of Violation of Malfunctioning Wastewater Disposal Law" form, and

2. A prepared Abatement Order and Return of Service notice.

The LPI must present these documents to the Municipal Officers and request that they serve the Order. By statute, the Municipal Officers ***shall*** issue the Order at that time. The Abatement Order must be hand delivered to the property owner or other responsible party specified in the order by either a Municipal Officer, a Sheriff, a Sheriff's Deputy, Constable, or local Police Officer. Upon delivery, the person delivering the order shall complete a Return of Service Form and file it with the Clerk of the District Court.

If the violation remains unresolved by the deadline imposed in the Abatement Order, the Municipal Officers or any person they appoint as their Agent, may enter the land and cause the malfunction to be corrected. In practical terms, this entails repair or replacement of the malfunctioning onsite sewage disposal system pursuant to the Rules. Any direct expenses associated with this action may be recovered from the property owner by a civil complaint or a special tax assessed against the property pursuant to 30-A MRSA § 3428(4). The LPI should ***not*** enter the land and cause the malfunction to be corrected until specifically directed to do so by the Municipal Officers.

Court Injunctions and Restraining Orders

If the violation remains unresolved by the deadline imposed in the Abatement Order, and the Municipal Officers do not choose to exercise their authority under 30-A MRSA § 3248 (3)(B), the LPI must bring action against the violator in court to secure compliance with the Rules. The application for a Court Injunction and a Restraining Order is a matter that will require the assistance of the Town/City attorney. It is suggested that the Code Enforcement Officer and Local Health Officer be consulted as well for any possible support they might provide.

Alternately, if the LPI is certified to bring actions on behalf of a municipality under provisions of District Court Civil Rule 80-K, s/he may bring the action on behalf of the municipality; provided that s/he is also appointed to do so by the municipality. For more information regarding Rule 80-K, refer to the "Rule 80-K Enforcement Handbook" published by the Maine Municipal Association and the Maine State Planning Office.

Right of Entry

Pursuant to the Subsurface Wastewater Disposal Rules the LPI has right of entry to property for the purpose of enforcing the Rules pursuant to 22 M.R.S.A.§4213. After presentation of proper credentials s/he may enter the property in the performance of her/his duties. If the LPI is denied entry by the property owner or occupant, s/he may seek an Administrative Inspection Warrant pursuant to District Court Civil Rule 80-E, in which the Court orders the owner or occupant to allow inspection of the property.

The following procedure is required to gain entry for inspection if an verbal request is denied.

1. Complete the "Application for an Administrative Inspection Warrant", in consultation with the Town/City attorney.

2. Complete and submit to the property owner or occupant a written notice which includes a statement that the LPI intends to make an Application for an Administrative Inspection Warrant to the District Court for a given date and time specified in the notice. Keep a copy of this written notice in the appropriate file.

The written notice of intent to make an Application for an Administrative Inspection Warrant must be delivered to the property owner or occupant at least 24 hours prior to the date the LPI plans to present the application to the District Court. However, if the violation presents an immediate threat to the public health, safety, or welfare the LPI is not required to provide a written notice. In such cases, the LPI or Town/City attorney should go directly to the District Court Judge to apply for a waiver of the 24 notice period by the court in the event the applicant has probable cause to believe there are conditions on the property which constitute an immediate threat to the public health, safety or welfare (M.R. Civ. P. 80E).

On the date and time specified in the written notice, the LPI or Town/City attorney should present to the District Court the completed Application for an Administrative Inspection Warrant, a prepared Administrative Inspection Warrant, a list of individuals who should be present at the inspection, and a copy of the written notice in conformance with established District Court processes. It is highly advisable to contact the District Court Clerk for an appointment and to confirm the District Court processes.

If the Judge issues the Administrative Inspection Warrant, the LPI must conduct the inspection within 10 days. When conducting the inspection, the LPI must serve a copy of the Administrative Inspection Warrant to the property owner or occupant, or leave it in a conspicuous place on the property. It is highly advisable to have an unbiased person present as a witness.

Within 10 days after having conducted the inspection, the LPI must file a Return with the District Court Clerk. The Return shall include the date of inspection, the time of inspection, and the nature of any violations found. These documented violations are then enforced through the procedures outlined elsewhere in this document.

Local Health Officer Involvement

Occasionally there will be situations and Rules violations involving the LPI that can be more effectively resolved with the cooperation of the Local Health Officer (LHO). It would be too lengthy here to discuss all the circumstances under which the assistance of the LHO would benefit the LPI in the abatement of a Rules violation. The enforcement authority of the LHO is quite extensive and covers many of the areas of direct concern to the LPI and thereby would compliment the LPI's enforcement authority. Conversely, the LHO may occasionally request the LPI's assistance on a matter relating to plumbing or onsite sewage disposal systems.

For more information regarding the extent of the LHO's authority, please refer to the ***Local Health Officers Manual***, published by the Maine Department of Human Services, Bureau of Health.

5. Subsurface System Malfunctions

Sometimes a disposal field that is not functioning properly can be fixed without replacing the entire system. The age of the system, quality of construction, size and integrity of system components, wastewater generation, usage, soil conditions, site conditions, potential of public sewer extension, economic factors, and risk acceptability must all be considered. Generally, adding fill material or extending fill extensions will not permanently correct a disposal field that has failed due to physical, chemical or biological "seal off".

However, adding or extending fill may be a valid solution to a disposal field that has been constructed above the original soil surface and is failing due to "hydraulic mounding" and/or "short circuiting" through the fill. Hydraulic mounding may occur on modified sites, where the underlying original soils have relatively low infiltrative capacities and slow permeabilties, fill extensions in the direction of the hydraulic gradient are minimum, and hydraulic loadings are moderate to high. Wastewater in this situation readily permeates into the surrounding fill throughout the entire sidewall and bottom area of the disposal bed, but surfaces in, or at the edge of, the surrounding fill.

Short circuiting may occur when a system was constructed with improper fill extensions or shoulders and wastewater seeps through an area of least resistance to flow. The disposal field will not hold an excessive amount of wastewater when hydraulic mounding and short circuiting occur. If the disposal field is full of wastewater, filling the area should not be considered as a permanent solution.

Identification

The identification of a malfunctioning onsite sewage disposal system can be as simple as locating an effluent breakout, or identifying improper owner use patterns. Conversely, sometimes the cause of a malfunction can only be determined by disassembling the disposal area. Figures 1 and 2 show a system with a typical malfunction with effluent breakouts. This malfunction was caused by hydraulic overload from surface runoff, resulting from improper grading upslope of the disposal area. The breakouts, shown by the arrows, also caused serious erosion of the disposal area's backfill.

When inspecting a malfunctioning system, it is vital to determine as best as one can the underlying cause. Inspecting the septic tank or the distribution box may reveal an out of level distribution box condition, excessive solids accumulation, or missing tank baffles, for example. If the system is a relatively recent one (since 1980 or so) a copy of the HHE-200 Form should be obtained, and then the system checked to determine if it was installed at the right location and elevation. The owners should be questioned in detail concerning their use habits, so as to determine if there are any unusual conditions in effect.

Once as much information about the system has been obtained as possible, one can then make a better-informed decision as to repairing or replacing the system. In either event, the Local Plumbing Inspector should be apprised of the situation and brought into the process prior to any work commencing.

Fig. 1 Malfunction resulting in effluent breakout and overland runoff (arrow).

Fig. 2 Malfunction resulting in effluent breakout and ponding (arrow).

Fig. 3 Malfunction resulting in effluent runoff (1) and breakout (2).

If the disposal field is full of effluent, filling the breakout should not be considered as a permanent solution. With many malfunctioning systems, it is often necessary to treat the septic tank as a holding tank and pump it out on a regular basis until a permanent solution is found.

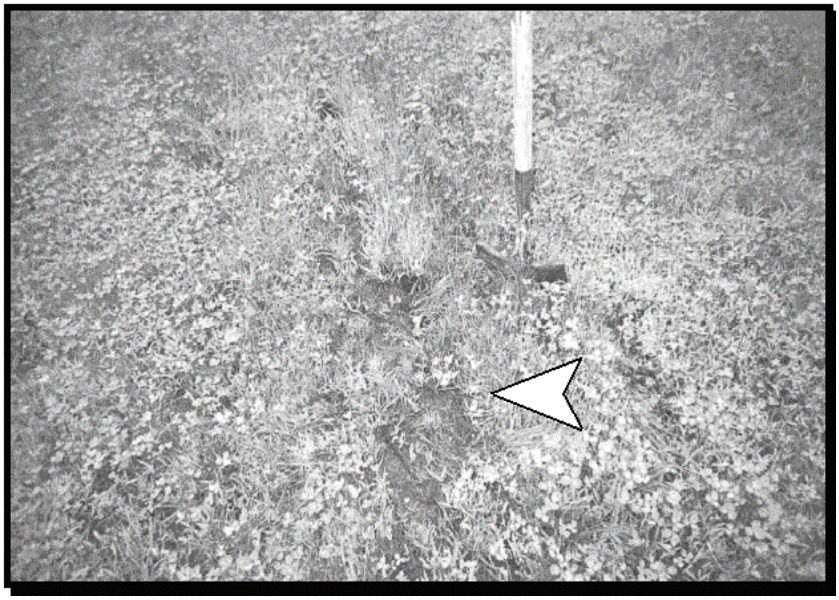


Fig. 4 Malfunction resulting in a chronic wet area (arrow).

6. Administration

Record Keeping

HHE-200 forms shall be kept on file until a replacement system has been installed, that is, for the life of the system.

Filing by map and lot number is the most popular method simply because everything that has to deal with that certain property is all contained in one folder.

If the permits are filed by permit number or property owner, it is more difficult to have access to it when the property has been sold and the previous owners name isn't available or the permit number is unknown. This method is still used as well.

Permit labels

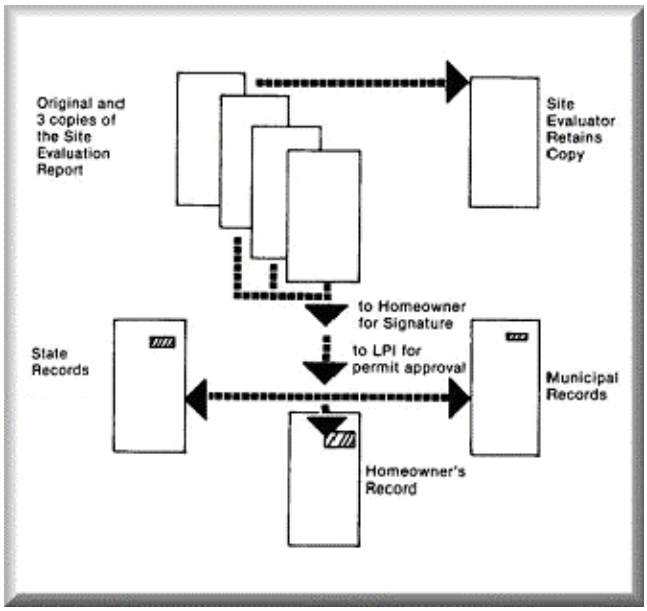
Permit labels will only be issued to the Local Plumbing Inspector appointed to the area. Permit labels should be ordered when the LPI's quantity reaches ten. This gives the department time to process the order. If an LPI has more than one area, make sure the correct area is printed on the label in which the permit label is being used.

Certificates of Approval

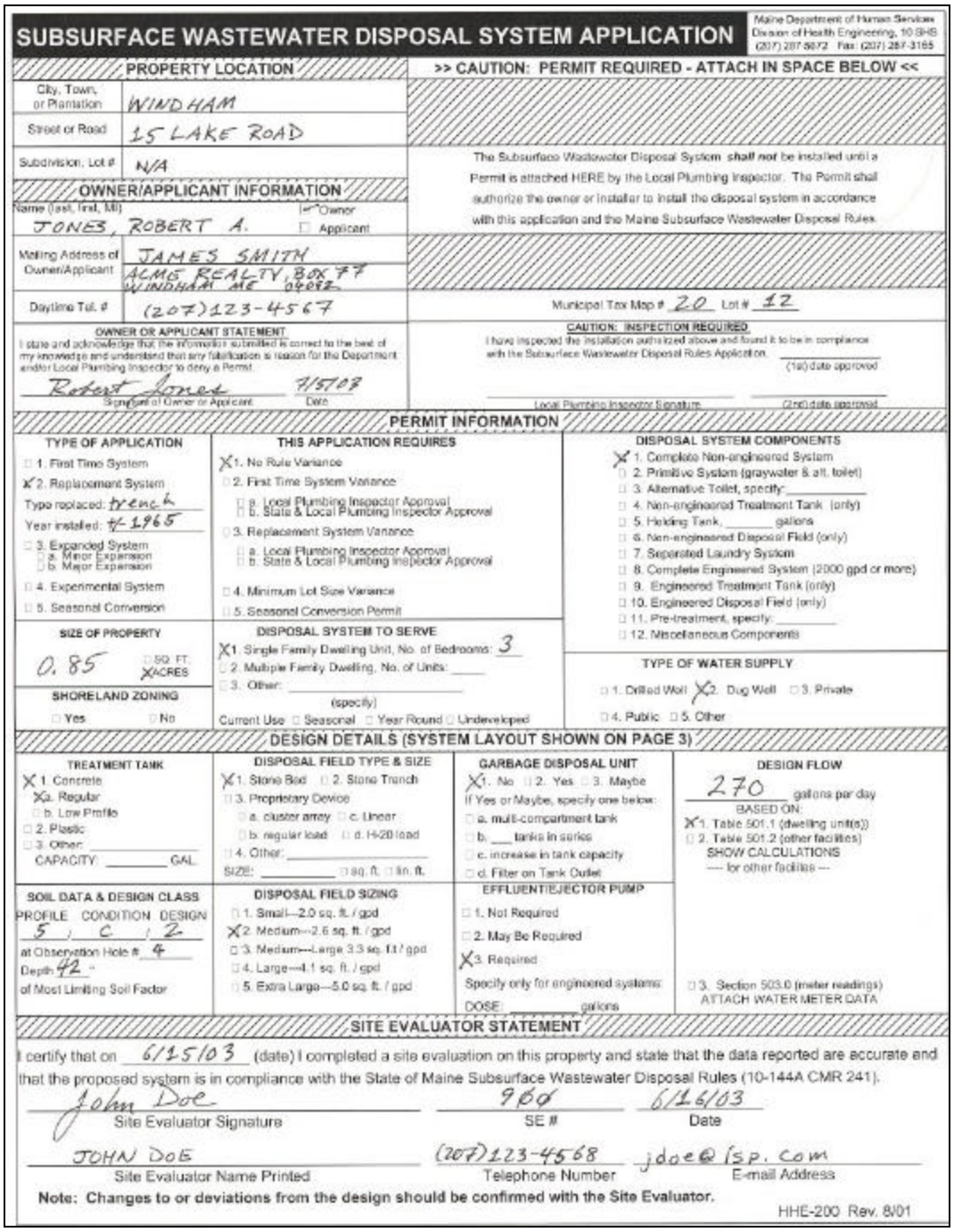
The certificate of approval form is to be filled out by the LPI and sent into the department. This form is for the plumbing permits that have been issued and not finally inspected by the LPI. When the LPI does a final inspection and that permit has already been sent into our department, the LPI writes down the correct information on the form, and upon completing the page, or every six months, the LPI sends it into the department so we may update our records and keep track of all the labels that have been issued.

APPLICATION FOR WASTEWATER DISPOSAL PERMIT

One original and three copies of the Subsurface Wastewater Disposal Application are required; the Site Evaluator is expected to provide the necessary copies for the applicant. The applicant must sign all copies of the application before submitting them to the Local Plumbing Inspector. The forms are then distributed as illustrated below.



While it is not necessary that the LPI be ***completely*** familiar with the site evaluation process, it is necessary that s/he be familiar with the site evaluation report, known as the HHE-200 Form. In the sections which follow, an HHE-200 Form will be explained, piece by piece. The first page of a typical HHE-200 Form is shown below, followed by pages 2 and 3. These three pages comprise the minimum required pages for an HHE-200 Form.



SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services, Division of Health Engineering, 10 SHS, (207) 287-5672 Fax: (207) 287-3165

PROPERTY LOCATION

City, Town, or Plantation: WINDHAM
Street or Road: 15 LAKE ROAD
Subdivision, Lot #: N/A

>> CAUTION: PERMIT REQUIRED - ATTACH IN SPACE BELOW <<

The Subsurface Wastewater Disposal System **shall not** be installed until a Permit is attached HERE by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.

OWNER/APPLICANT INFORMATION

Name (last, first, MI): JONES, ROBERT A. — ☑ Owner ☐ Applicant
Mailing Address of Owner/Applicant: JAMES SMITH, ALMS REALTY, BOX 77, WINDHAM ME 04062
Daytime Tel. #: (207)123-4567

Municipal Tax Map # 20 Lot # 12

OWNER OR APPLICANT STATEMENT

I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.

Robert Jones — Signature of Owner or Applicant — 7/5/03 Date

CAUTION: INSPECTION REQUIRED

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application. _____ (1st) date approved

_____ Local Plumbing Inspector Signature — _____ (2nd) date approved

PERMIT INFORMATION

TYPE OF APPLICATION

☐ 1. First Time System
☒ 2. Replacement System
Type replaced: trench
Year installed: ≠1965
☐ 3. Expanded System ☐ a. Minor Expansion ☐ b. Major Expansion
☐ 4. Experimental System
☐ 5. Seasonal Conversion

THIS APPLICATION REQUIRES

☒ 1. No Rule Variance
☐ 2. First Time System Variance ☐ a. Local Plumbing Inspector Approval ☐ b. State & Local Plumbing Inspector Approval
☐ 3. Replacement System Variance ☐ a. Local Plumbing Inspector Approval ☐ b. State & Local Plumbing Inspector Approval
☐ 4. Minimum Lot Size Variance
☐ 5. Seasonal Conversion Permit

DISPOSAL SYSTEM COMPONENTS

☒ 1. Complete Non-engineered System
☐ 2. Primitive System (graywater & alt. toilet)
☐ 3. Alternative Toilet, specify: _____
☐ 4. Non-engineered Treatment Tank (only)
☐ 5. Holding Tank: _____ gallons
☐ 6. Non-engineered Disposal Field (only)
☐ 7. Separated Laundry System
☐ 8. Complete Engineered System (2000 gpd or more)
☐ 9. Engineered Treatment Tank (only)
☐ 10. Engineered Disposal Field (only)
☐ 11. Pre-treatment, specify: _____
☐ 12. Miscellaneous Components

SIZE OF PROPERTY

0.85 ☐ SQ. FT. ☒ ACRES

SHORELAND ZONING

☐ Yes ☐ No

DISPOSAL SYSTEM TO SERVE

☒ 1. Single Family Dwelling Unit, No. of Bedrooms: 3
☐ 2. Multiple Family Dwelling, No. of Units: ____
☐ 3. Other: _____ (specify)
Current Use: ☐ Seasonal ☐ Year Round ☐ Undeveloped

TYPE OF WATER SUPPLY

☐ 1. Drilled Well ☒ 2. Dug Well ☐ 3. Private ☐ 4. Public ☐ 5. Other

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK

☒ 1. Concrete
☒ a. Regular
☐ b. Low Profile
☐ 2. Plastic
☐ 3. Other: _____
CAPACITY: _____ GAL.

DISPOSAL FIELD TYPE & SIZE

☒ 1. Stone Bed ☐ 2. Stone Trench
☐ 3. Proprietary Device ☐ a. cluster array ☐ c. Linear ☐ b. regular load ☐ d. H-20 load
☐ 4. Other: _____
SIZE: _____ ☐ sq. ft. ☐ ln. ft.

GARBAGE DISPOSAL UNIT

☒ 1. No ☐ 2. Yes ☐ 3. Maybe
If Yes or Maybe, specify one below:
☐ a. multi-compartment tank
☐ b. ___ tanks in series
☐ c. increase in tank capacity
☐ d. Filter on Tank Outlet

DESIGN FLOW

270 gallons per day
BASED ON:
☒ 1. Table 501.1 (dwelling units))
☐ 2. Table 501.2 (other facilities)
SHOW CALCULATIONS --- for other facilities ---

SOIL DATA & DESIGN CLASS

PROFILE: 5 CONDITION: C DESIGN: 2
at Observation Hole #: 4
Depth: 42 "
of Most Limiting Soil Factor

DISPOSAL FIELD SIZING

☐ 1. Small---2.0 sq. ft. / gpd
☒ 2. Medium---2.6 sq. ft. / gpd
☐ 3. Medium---Large 3.3 sq. ft. / gpd
☐ 4. Large---4.1 sq. ft. / gpd
☐ 5. Extra Large---5.0 sq. ft. / gpd

EFFLUENT/EJECTOR PUMP

☐ 1. Not Required
☐ 2. May Be Required
☒ 3. Required
Specify only for engineered systems:
DOSE: _____ gallons

☐ 3. Section 503.0 (meter readings) ATTACH WATER METER DATA

SITE EVALUATOR STATEMENT

I certify that on 6/15/03 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

John Doe — Site Evaluator Signature — 960 — SE # — 6/16/03 — Date

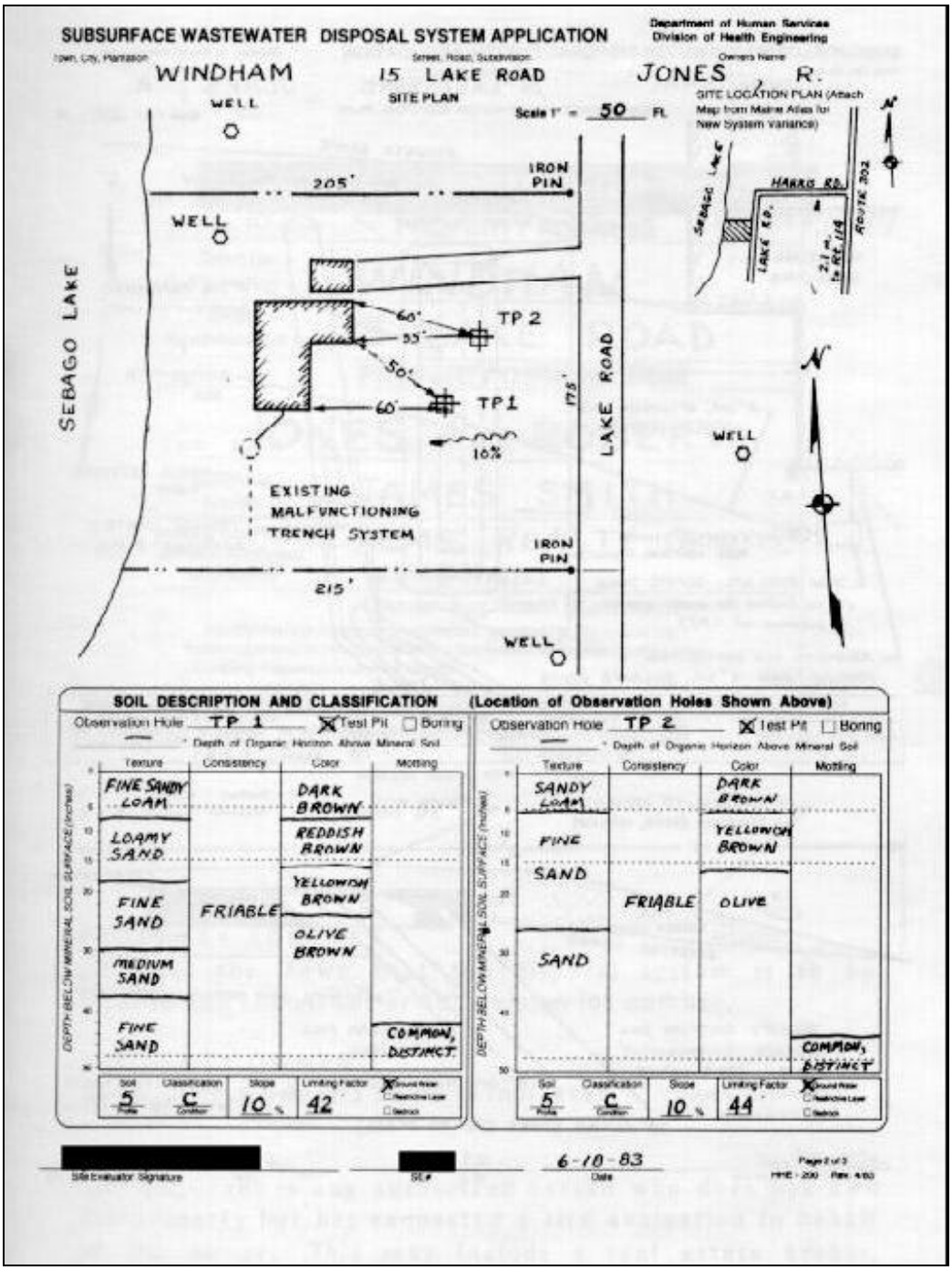
JOHN DOE — Site Evaluator Name Printed — (207)123-4568 — Telephone Number — jdoe@isp.com — E-mail Address

Note: Changes to or deviations from the design should be confirmed with the Site Evaluator.

HHE-200 Rev. 8/01

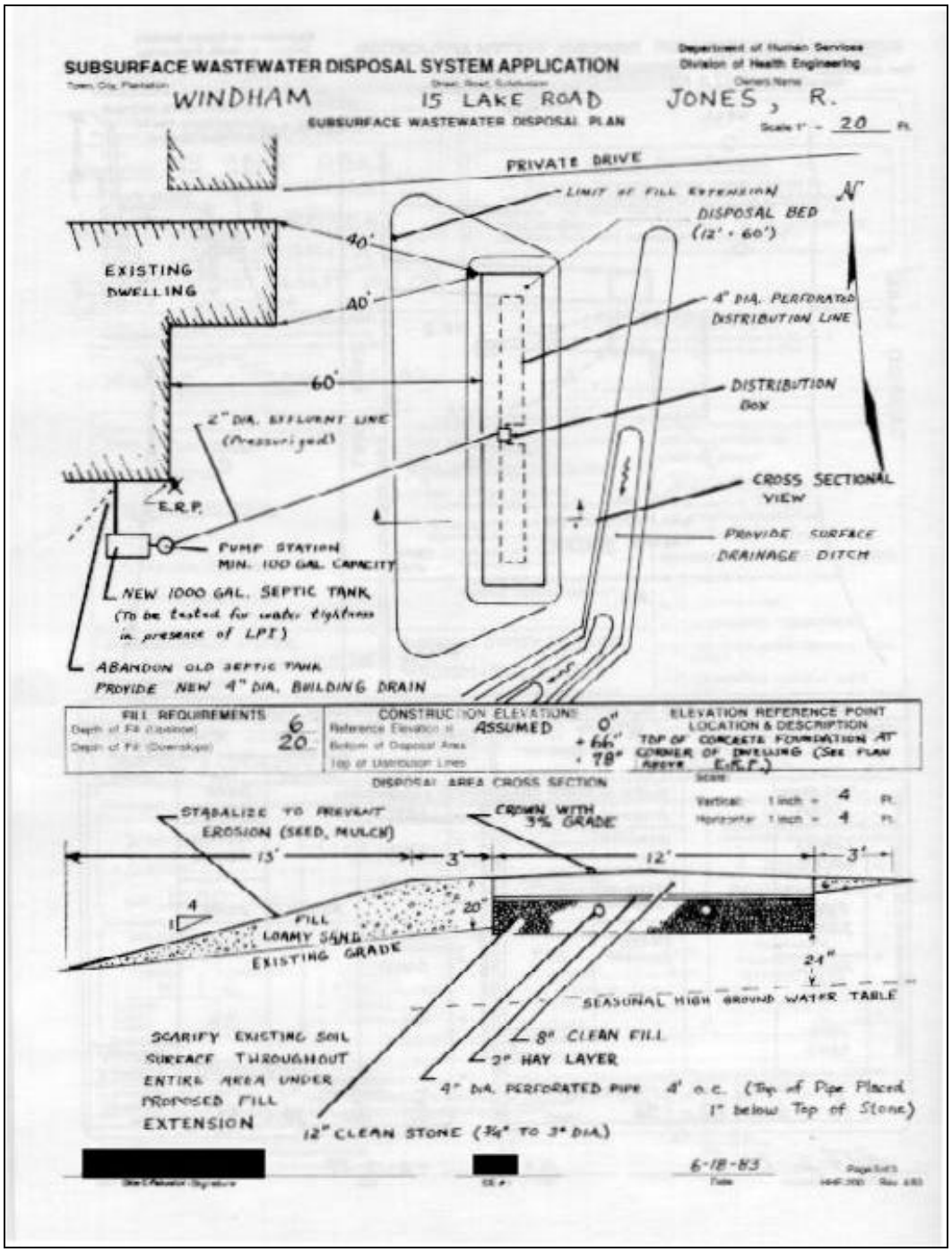
APPLICATION FOR ON-SITE WASTEWATER DISPOSAL SYSTEM (PAGE 1)

Page 2, shown below, consists of a general site plan and soil test pit logs. The LPI should check the soil profile and condition shown in the test pit logs against the profile and condition used for design purposes on Page 1. The LPI should also check that at least one test pit is located in the disposal area.



APPLICATION FOR ON-SITE WASTEWATER DISPOSAL SYSTEM (PAGE 2)

Page 3, shown below, consists of a detailed construction plan which indicates the location of the treatment tank, disposal field, limits of fill, extension, setbacks, property lines, test pit locations, and elevation reference point location. This plan must include horizontal swing ties, system layout, and construction elevations. If any of these are missing, even in part, the LPI should withhold the permit and contact the site evaluator.



APPLICATION FOR ON-SITE WASTEWATER DISPOSAL SYSTEM (PAGE 3)

7. Sample Notices and Forms

The following sample notices and forms are intended for use by the LPI in enforcing the Subsurface Wastewater Disposal Rules. They may be copied and filled-in by the LPI, or used as guidance in creating original documents.

Division of Health Engineering Site Inspection Form

This form shows the minimum information collected by the Division when performing site inspections.

ID	Inspection Date	Owner First Name	Owner Last Name

Owner Address	Owner Town	Owner State	Owner Zip Code

Owner Telephone	Property Location	Property Town	Property County

LPI First Name	LPI Last Name	SE First Name

SE Last Name	Installer First Name	Installer Last Name

Installer Certified?	HHE-200 Form Available?	Permit Issued?

Inspection Requested by	Reason for Inspection	System Category

System Size	System Type	System Age

Disposal Area Type	Septic Tank Volume	Advanced Treatment

Effluent Pump	Garbage Grinder	Distribution Box

Filter	Water Softener	Spa/Hot Tub

Soil Profile	Soil Class	Site Characteristics

Adjacent Development	Adjacent Waterbodies

People Present

Notes

STOP WORK ORDER

Town/City of _____

STOP WORK ORDER

Date Issued: _____/_____/_____

The Local Plumbing Inspector inspected the premises on _____/_____/_____ and found violations of the Maine Subsurface Wastewater Disposal Rules. You are hereby ordered to stop all construction of the onsite sewage disposal system on this job until you have contacted the Local Plumbing Inspector at:

_____ **Tel: _____**
Name

_____
Address

_____
Town, State, Zip Code

SAMPLE LETTER FOR INSTALLATION WITHOUT A PERMIT

Date: _____/_____/_____

_____
Name

_____
Address

_____
Town, State, Zip Code

Subject: Notice of Violation of Maine Subsurface Wastewater Disposal Rules

Dear _____:

It has been brought to my attention that you installed or caused to be installed an onsite sewage disposal system at _____ without a Subsurface Wastewater Disposal Permit first being issued for the system.

(location)

Under provisions of Section 107.1 of the Subsurface Wastewater Disposal Rules, work on an onsite sewage disposal system shall not be started until the Local Plumbing Inspector has issued a permit.

Failure to secure the required permit is a violation of the Rules as well as 22 M.R.S.A.§42(3) and 30-A M.R.S.A. §§4215 & 4452(3) and is punishable by a penalty of not less than $100 and not more than $1000 for each offense. In addition, the Town/City of _____ may seek to enjoin the violation.

If you do not advise me of your intentions within 10 days, I shall commence proceedings under 22 MRSA § 42.

Sincerely,

_____, LPI

_____
Address

_____
Town, State, Zip Code

Tel: _____

COMPLIANCE ORDER

Subject: Compliance Order

Date Issued: _____/_____/_____

Issued to: _____
Name

_____
Address

_____
Town, State, Zip Code

Dear _____:

This is a Compliance Order issued by the Local Plumbing Inspector pursuant to authority granted under Section 106.0 of the Maine Subsurface Wastewater Disposal Rules.

You are hereby ordered to ☐ discontinue ☐ correct the following violation(s) of the Maine

Subsurface Wastewater Disposal Rules existing at _____

Section:_____ Description of Violation:_____

_____

Section:_____ Description of Violation:_____

_____

(Use additional pages if necessary)

Failure to comply with this Order is a violation of the Rules as well as 22 M.R.S.A.§42(3) and 30-A M.R.S.A.§§4215(3) & 4452(3) and is punishable by a penalty of not less than $100 and not more than $1000 for each offense. In addition, the Town/City of _____ may seek to obtain a Court Injunction to prohibit the violation.

Sincerely,

_____, LPI

_____
Address

_____
Town, State, Zip Code

Tel: _____

EVIDENCE OF VIOLATION FORM

Alleged Violation:

____(a) Plumbing without a permit, Section 107.1 of the Subsurface Wastewater Disposal Rules and 22 MRSA § 42.

____(b) Plumbing in violation of the Subsurface Wastewater Disposal Rules and 22 MRSA § 42.

____(c) Malfunctioning onsite sewage disposal system, Section 116.1 Subsurface Wastewater Disposal Rules and 22 MRSA § 42.

____(d) Other:_____

Location of Violation: _____
Street Address, Town, State

Tax Map #_____ **Lot #** _____

Date of Violation: _____/_____/_____ **Date of Inspection:** _____/_____/_____

Occupant of Property: _____ **Owner of Property:** _____
Name **Name**

_____ _____
Address **Address**

_____ _____
Town, State, Zip Code **Town, State, Zip Code**

Description of Violation: _____

_____

Other witnesses to violation: _____ **[ ] None**

Prior Notices to violator ____ (a) Verbal Date: _____/_____/_____

____(b) Written Date: _____/_____/_____

____(c) Compliance Order Date: _____/_____/_____

Subsurface Wastewater Disposal Permit Number (if any): _____

Date Issued: _____/_____/_____

Other Evidence on File [ ] Check(s) [ ] Receipt(s) [ ] Contract(s)

[ ] Photograph(s) [ ] Registered Mail Receipt

[ ] Other: _____

SAMPLE VIOLATION OF SUBSURFACE WASTEWATER DISPOSAL RULES
FOR SUBMISSION TO CLERK OF COURTS

Complaint for violation of 22 MRSA § 42

Defendant: _____

Local Plumbing Inspector: _____

Date(s) violation(s) occurred: _____

Location of violation: _____
Street Address, Town, State

Tax Map #_____ **Lot #** _____

Allegation:

[ ] Rules violation. At _____
Street Address, Town, State

Then and there, knowingly and unlawfully Defendant did violate 22 MRSA § 42 by causing or permitting to exist violations of Section(s) _____ **of the Maine Subsurface Wastewater Disposal Rules, to wit, by noncompliance with a duly issued Order of the Local Plumbing Inspector, issued pursuant to Section 113.0 of said Rules, dated** _____/_____/_____ **and ordering compliance by** _____/_____/_____ **.**

[ ] Plumbing without a permit. At _____
Street Address, Town, State

Then and there, knowingly and unlawfully Defendant did violate 22 MRSA § 42 by installation of an onsite sewage disposal system or component thereof without there and then having a permit for such installation, issued by the Local Plumbing Inspector pursuant to 30 M.R.S.A.§3223 to 30-A M.R.S.A. §§4215 & 4221.

Sample Letter Seeking True Copy of Subsurface Wastewater Disposal Rules

Date _____/_____/_____

_____, Director
Division of Health Engineering
Department of Human Services
11 State House Station
Augusta, ME 04333-0011

Dear _____:

As Local Plumbing Inspector for the Town/City of _____ I am preparing court action for violation(s) of the Maine Subsurface Wastewater Disposal Rules.

I am requesting a copy of the Maine Subsurface Wastewater Disposal Rules with an attached affidavit stating that the copy is a true copy of the Rules which have been duly adopted by the Department of Human Services under provisions of 22 MRSA § 42 and have been filed in the office of the Secretary of State in accordance with statutory requirements.

Date of Trial (approx. if not known): _____/_____/_____

Rules Violation(s) by Section Number: _____

_____

Violator's Name: _____

Sincerely,

_____, LPI

_____
Address

_____
Town, State, Zip Code

Tel: _____

Abatement Order

ABATEMENT ORDER

Issued by: Municipal Officers of Town/City of _____

Issued to: _____

Date Issued: _____/_____/_____

This is an Order issued by the Municipal Officers of Town/City of _____ pursuant to the powers conferred upon them by 30 MRSA § 4359.

Your property at [location] _____, Tax Map # _____ Lot #_____

has been inspected by _____, Local Plumbing Inspector. The onsite sewage disposal system at that property was found to be malfunctioning and is a threat to the public health safety and welfare. Therefore the system is hereby declared to be a nuisance pursuant to 30-A MRSA § 3428.

You are hereby ordered by the Municipal Officers of Town/City of _____ to remedy this situation within ten (10) days of receipt of this Order.

Under 30-A MRSA § 3428 if you do not comply with this Order, the Municipal Officers or any person they appoint as their Agent, may enter the land and cause the malfunction to be corrected. Any direct expenses associated with this action may be recovered from you by a civil complaint or a special tax assessed against the property pursuant to 30-A MRSA § 3248 (4).

Municipal Officers of Town/City of _____

_____

_____

_____

Return of Service

Return of Service

_____ **County, ss**

On the _____ day of _____, A.D. _____
day **month** **year**

I served a copy of the attached Abatement Order in hand upon

_____ **.**
name

Signed,

_____**, LPI**

8. DEFINITIONS

Scope: Unless otherwise expressly stated, the following terms shall, for the purpose of this document, have the meanings set forth in the following Sections.

Interchangeability: Words used in the present tense include the future tense; words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural includes the singular.

Terms defined in other codes: Terms not defined in the following Sections shall have ascribed to them their ordinarily accepted meanings such as the context may imply.

Terms not defined: Terms not defined in the following Sections shall have ascribed to them their ordinarily accepted meanings such as the context may imply.

GENERAL DEFINITIONS

Abutter: One that abuts; specifically, the owner of contiguous property. For purposes of the Subsurface Waste Water Rules, “abutter” is further defined to include that property, which is separated by a right of way and/or within setback requirements between a subsurface waste water disposal field and a potable water supply; whichever was installed first.

Adjacent wetlands: See work adjacent to wetlands and waterbodies/courses. This is a term applied to soil disturbance activities when located such that sediment from the activity may carry into the wetland or water body; generally a distance of 100 feet. (See Section 1504.0).

Aerobic: A condition in which molecular oxygen is a part of the environment.

Alteration: Any change in the physical configuration of an existing system or any of its component parts. This includes the replacement, modification, installation, addition, or removal of system components, or increase in size, capacity, type, or number of one or more components. The term "alter" shall be construed accordingly.

Alternative toilet: A device, other than a water closet, designed to treat human waste only. Examples are: privies and compost, chemical, recirculating, incinerating, and vacuum toilets. Portable toilets are not considered Alternative Toilets as they are only for temporary use (see definition of temporary portable toilet).

Anaerobic: A condition in which molecular oxygen is absent from the environment.

Applicant: The person who signs and submits an application for permit to construct, install, or alter a system.

Application for disposal system permit: Abbreviation for subsurface wastewater disposal system permit application, also known as HHE-200 form, HHE-234, etc.

Backfill: Soil material that is suitable for use beneath and beside of the disposal field, including the fill extension. See Section 804.0.

Bedrock: A solid and continuous body of rock, with or without fracture, or a weathered or broken body of rock fragments overlying a solid body of rock.

Bedroom: Any room within a dwelling unit that serves primarily as sleeping quarters.

Black waste water: Waste water derived from plumbing fixtures or drains that receive excreta supplemented waste water.

Building drain: That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer. Inside the building, it is considered to be the building drain until it undergoes a change of pitch more than that produced by a 45 degree wye. It extends to a point 8 feet outside the building wall.

Building sewer: That part of the plumbing system that extends from the end of the building drain and conveys its discharge to a public sewer, septic tank and disposal field, or other point of disposal.

Bunkhouse: A detached bedroom having no plumbing; accessory to a single family dwelling for the temporary accommodations of guests of the property owner while the owner is an occupant of the principal dwelling.

Certificate of approval: A certificate signed by the plumbing inspector stating that a system has been installed in compliance with the disposal system permit application and this code.

Cesspool, large capacity: A cesspool that receives solely domestic waste water and has the capacity to serve 20 or more persons per day or dispose of 2,000 gallons or more of waste water per day. This definition includes multiple-dwelling, community or regional cesspools but does not apply to single-family residential cesspools.

Clay: A particle size category consisting of mineral particles that are smaller than 0.002 millimeter in equivalent spherical diameter; also, a soil texture class having more than 40% clay, less than 45% sand, and less than 40% silt.

CMR: Abbreviation for Code of Maine Rules. For example, 10-144 CMR 241.9 identifies Section 9 of Chapter 241 of the Rules of the Bureau of Health within the Department of Human Services, Maine Subsurface Waste Water Disposal Rules.

Coastal sand dune: Sand deposit within a marine beach system above high tide including, but not limited to: beach berm, frontal dune ridge, back dune area, and other sand areas deposited by wave or wind action.

Code: Code means the "Maine Subsurface Waste Water Disposal Rules".

Construct: To build, install, fabricate, or put together on a site one or more components of a system.

Contour: An imaginary line of constant elevation on the ground surface. The corresponding line on a map is called a "contour line".

Curtain drain: A trench to intercept laterally moving ground water and divert it away from a disposal field.

Department: The Maine Department of Human Services.

Design flow: The waste water flow that may reasonably be expected to be discharged from a residential, commercial, or institutional facility on any day of operation as determined in Chapter 5.

Disposal field: An individual subsurface waste water disposal system component, consisting of a closed excavation made within soil or fill material to contain disposal field stone in which distribution pipes or approved proprietary devices have been placed for the disposal of septic tank effluent.

Disposal field, peat: A disposal field utilizing peat that is designed and installed in accordance with Chapter 13.

Disposal field, primitive: See definition, "Primitive disposal field".

Disposal field, separated laundry: See definition, "Separated laundry disposal field".

Disposal field stone: Gravel or crushed stone, that is clean and free of dust, ashes or clay, and meeting the requirements prescribed in Subsection 804.2.3.

Disposal field infiltration area: The total disposal field infiltration area available to accept the septic tank effluent. The infiltration area includes the bottom and side wall below the invert of the distribution piping.

Disposal field infiltration area, effective: The standard stone filled disposal field infiltration area or the equivalent various "approved" proprietary disposal devices.

Disposal system: See definition, "Subsurface waste water disposal system".

Disposal system permit: Written authorization issued by the plumbing inspector to construct a specific system. This authorization is attached to the application for disposal system permit.

Distribution box: A device that receives septic tank effluent and distributes such effluent in equal portions to two or more disposal fields or distribution pipes within a disposal field.

Distribution pipe: A perforated pipe or one of several perforated pipes used to carry and distribute septic tank effluent throughout the disposal field.

Distribution network: Two or more interconnected distribution pipes.

Diversion box: A device that permits alternating use of two or more disposal fields or the diversion of septic tank effluent.

Diversion ditch: A ditch to intercept and divert surface water runoff around and away from a subsurface wastewater disposal system.

Domestic waste water: Any waste water produced by ordinary living uses, including liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other source of water-carried wastes of human origin.

Dosing tank: A watertight receptacle located between the septic tank and disposal field and equipped with a pump or siphon, to store and deliver doses of septic tank effluent to the disposal field.

Drainage area: An area from which the surface runoff is carried away by a single watercourse.

Drainage ditch: A manmade ditch receiving and diverting surface runoff or subsurface water. This does not include diversion of a naturally occurring water body.

Drop box: A wastewater distribution device where the elevation of the incoming distribution line is higher than that of the outgoing distribution line.

Drop manhole: A manhole installed in a sewer where the elevation of the incoming sewer is considerably above that of the outgoing sewer.

Dwelling unit: Any structure or portion of a structure, permanent or temporary in nature, used or proposed to be used as a residence seasonally or throughout the year.

Effluent line (gravity): The pipe(s) used to convey septic tank effluent from the tank to the disposal field(s), includes non-perforated pipes going from a distribution box or other flow splitting device to a disposal field or multiple disposal fields.

Elevation reference point: An easily-identifiable point or object of constant elevation for establishing the relative elevation of observation holes and elevation of the components of the system.

Engineer: See Professional Engineer.

Engineered system: See System, Engineered.

Equivalent spherical diameter: The equivalent spherical diameter of a particle is the diameter of a sphere that has a volume equal to the volume of the particle.

Expansion: The enlargement or change in use of a structure using an existing subsurface waste water disposal system that brings the total structure into a classification that requires larger subsurface waste water disposal system components. (See Chapter 17, Section 1702).

Expansion, minor: Any expansion which results in a greater design flow and larger disposal system components than allowed for minor expansions, the introduction of pressurized water to a structure formerly served by hand pumped or hand carried water, the addition of a second dwelling unit to the property, any second or subsequent minor expansion of a structure since May 1, 1995, or an expansion for a nonresidential use or structure

resulting in an increase of more than 25 percent of the existing design flow.

Expansion, major: Any expansion that results in a greater design flow and larger disposal system components than allowed for minor expansions, the introduction of pressurized water to a structure formerly served by hand pumped or hand carried water or any second or subsequent minor expansion of a structure since May 1, 1995.

Fill material: Any soil, rock, or other material placed within an excavation or over the surface of the ground. The term "fill" is not equivalent in meaning to the term "back fill".

Finish grade: The surface of the ground after completion of final grading.

Flood plain, coastal and estuary: The land area within the V-Zone indicated by the Federal Insurance Rate Maps (FIRM) or below the 10-year storm surge elevation, whichever is more restrictive. The 10-year storm surge elevation in Maine is approximately the 8-foot National Geodetic Vertical Datum.

Flood plain, riverine: The land area within the 10-year flood zone indicated by Soil Conservation Service Soil Maps or other sources acceptable to the Department in the absence of Soil Conservation Service Maps. Note: Some municipalities restrict new development in the 100-year flood plain.

Gpd: Gallons per day.

Gravel: A rounded or semi-rounded rock fragment that is between 2 millimeters and 3 inches in diameter.

Gray waste water: That portion of the waste water generated within a residential, commercial, or institutional facility that does not include discharges from water closets and urinals.

Grease interceptor: A device in which the grease in waste water leaving a structure is intercepted, congealed by cooling, accumulated, and stored for pump-out and disposal.

Grease trap: A device designed to retain grease from a single plumbing fixture.

Great pond: Any inland body of water that, in a natural state, has a surface area in excess of ten acres and any inland body of water artificially formed or increased that has a surface area in excess of 30 acres.

Ground water: Water below the land surface in a zone of soil saturation.

Ground water aquifer: A rock or gravel formation that contains significant recoverable quantities of water that is likely to provide drinking water supplies.

Ground water table: The upper surface of a zone of saturation.

H-20 wheel load: A wheel loading configuration as defined by the American Association of State Highway Officials for a standardized 10-ton-per-axle truck.

Hazardous waste: Any chemical substance or material, whether gas, solid, or liquid, that is designated as hazardous by the U.S. Environmental Protection Agency pursuant to the United States Resource Recovery and Conservation Act, Public Law 94-580.

HHE-200: Subsurface Waste Water Disposal System Application. A three-page form used by Licensed Site Evaluators for designing septic systems.

HHE-204: Replacement System Variance Request. This form is to be attached to an HHE-200 for all replacement systems requiring a variance.

HHE-215: First Time System Variance Request. This form is to be attached to an HHE-200 for all first time systems requiring a variance.

HHE-233: Holding Tank Application: The application/agreement form for holding tanks which is required for all holding tank requests.

HHE-234: Notice of Intent to Install a Subsurface Wastewater Disposal System. This form is used to record a system design with the County Registry of Deeds.

HHE-236: Application for Variance to the Minimum Lot Size Law Requirements. This form is to be filed with all pertinent data for requests for waivers to the Minimum Lot Size Law.

HHE-238A: Statement of Compliance. A form to be used by a homeowner or homeowner's agent to obtain a written statement from the disposal system installer regarding installation compliance.

HHE-300: Holding Tank Deed Covenant. A form to be filed at the County Registry of Deeds when a residential structure is to be served by a holding tank.

HHE-304: Subsurface Wastewater Disposal Variance Deed Covenant. A form which may be required for any property which obtains additional points for lot size prior to the final approval of a First Time System Variance. The form would require filing at the County Registry of Deeds.

HHE-306: Well Setback Release Form. A form to be filed at the County Registry of Deeds indicating a reduced setback distance between a well and a disposal field.

Holding tank: A closed, watertight structure designed and used to receive and store wastewater or septic tank effluent. A holding tank does not discharge wastewater or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of wastewater at another site.

Horizon, limiting: Any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and seasonal ground water table.

Horizon, soil: A layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, structure, and consistence of each parent soil material.

Horizontal reference point: A stationary, easily identifiable point to which horizontal dimensions can be related.

Hydrology: The science dealing with the properties, distribution, and circulation of water.

Install: To assemble, put in place, or connect components of a system in a manner that permits their use by the occupants of the structure served.

Invert: The floor, bottom, or lowest portion of the internal cross section of a closed conduit, used with reference to pipes or fittings conveying waste water or septic tank effluent.

Lined disposal field: A filtration layer of backfill placed directly beneath and adjacent to a disposal field.

Local plumbing inspector: Also L.P.I. An inspector appointed by the municipality and certified by the state with the responsibilities delineated by Title 30-A MRSA §4221 and Title 30-A MRSA §4451 and these rules.

Malfunctioning system: A system that is not operating or is not functioning properly. Indications of a malfunctioning system include, but are not limited to, any of the following: ponding or outbreak of waste water or septic tank effluent onto the surface of the ground; seepage of waste water or septic tank effluent into parts of buildings below ground; back-up of waste water into the building served that is not caused by a physical blockage of the internal plumbing; or contamination of nearby water wells or waterbodies/courses.

May: A verb denoting optional action.

Mottles, drainage: Soil color patterns caused by alternating saturated and unsaturated soil conditions. When saturation occurs while soil temperatures are above biological zero (41°F), iron and manganese will become reduced and exhibit subdued shades such as grays, greens, or blues. When unsaturated conditions occur, oxygen combines with iron and manganese to develop brighter soil colors such as yellow and reddish brown. Soils that experience seasonally fluctuating water tables usually exhibit alternating streaks, spots, or blotches of bright oxidized colors with reduced dull, or subdued, colors. The longer a soil is saturated and in an anaerobic condition, the greater is the percentage of color that will be subdued. Soils that are never or rarely exposed to free oxygen are considered totally reduced or gleyed.

Mottling: A color pattern observed in soil consisting of blotches or spots of contrasting color. The term “mottle” refers to an individual blotch or spot.

Multi-family dwelling unit: A structure or realty improvement intended for two or more dwelling units.

No practical alternative: Due to site conditions, lot configuration, or other constraints, the replacement, repair or alteration of an existing system, in full compliance with this code, is not achievable without the employment of extraordinary measures or cost.

Normal high water line - riverine, stream, lake, and pond: That line on the shore or bank that is apparent from visible markings, changes in the character of soil, rock, or vegetation resulting from submersion or the prolonged erosion action of the water.

Normal high water line - coastal, estuary, and tidal: The shoreline at the spring tide elevation, during the maximum spring tide level as identified in tide tables published by the National Ocean Service.

Nuisance: Any source of filth, odor, or probable cause of sickness.

Other components: Devices, other than pipe, that receive waste water including lift stations,

distribution boxes, sealed vault privies, underdrain pre-filters, grease interceptors, and drop boxes.

Person: An individual or his heirs, executor, administrator, assign, or agents; a firm, corporation, association, organization, municipal or quasi-municipal corporation, or government agency. Singular includes plural and male includes female.

Pit privy: An alternative toilet placed over an excavation where human waste is deposited.

Plumbing inspector: See Local Plumbing Inspector.

Potable water: Water that does not contain objectionable pollution, contamination, minerals, or ineffective agents, is satisfactory for human consumption, and is used for human consumption.

Pre-existing natural ground surface: The former level of the ground surface in an area of disturbed ground.

Primitive disposal field: A minimal disposal field designed specifically to treat gray waste water originating from a non-pressurized water supply.

Primitive system: See definition, "System, primitive".

Principal or year-round dwelling unit: A dwelling which existed on December 31, 1981, and which was used as a principal or year-round residence during the period from 1977 to 1981. Evidence of use as a principal or year-round residence includes, but is not limited to: the listing of that dwelling as an occupant's legal residence for the purpose of voting, filing a state tax return, or automobile registration, or the occupancy of that dwelling for a period exceeding 7 months in any calendar year.

Professional engineer: A person licensed to practice professional engineering in Maine, pursuant to Title 32 Chapter 19.

Proprietary disposal device: A device utilized in disposal fields as an alternative to a disposal field with a bedding of stone and one or more distribution pipes.

Public sewer: Municipal or quasi-municipal sewerage system.

Realty improvement: Any new residential, commercial, or industrial structure, or other premises, including but not limited to condominiums, garden apartments, town houses, mobile homes, stores, office buildings, restaurants, and hotels, not served by an approved public sewer, the useful occupancy of which will require the installation or construction of systems. Each dwelling unit in a proposed multiple-family dwelling unit or each commercial unit in a commercial structure shall be construed to be a separate realty improvement.

Repair: Minor repairs or replacement as required for the operation of pumps, siphons, or accessory equipment, for the clearance of a stoppage, or to seal a leak in the septic tank, holding tank, pump tank, or building sewer.

Replacement system: See definition, "System, replacement".

Residence: See definitions, "Dwelling unit" and "Realty improvement".

River: A free flowing body of water from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

Rock fragment: A fragment of rock, contained within the soil that is greater than 2 millimeters in equivalent spherical diameter or that is retained on a 2 millimeter sieve.

Sand: A particle size category consisting of mineral particles that are between 0.05 and 2 millimeters in equivalent spherical diameter. Also a soil textural class having 85% or more sand along with a maximum of 15% silt and clay. The percentage of silt may not be more than 15 times the percentage of clay.

Saturated: A condition in which all easily drained voids between the soil particles are temporarily or permanently filled with water.

Scum: A mass of waste water solids floating on the surface of the waste water and buoyed up by entrained gas, grease, or other substances. The term "scum layer" shall be construed accordingly.

Seasonal conversion permit: Written authorization issued by the plumbing inspector to allow the conversion of a seasonal dwelling unit located in a shoreland zone of major waterbodies/courses to year-round use.

Seasonal dwelling unit: A dwelling which existed on December 31, 1981, and which was not used as a principal or year-round residence during the period from 1977 to 1981.

Seasonal ground water table: The upper limit of seasonal ground water. This zone may be determined by identification of soil drainage mottling, the MAPSS (Maine Association of Professional Soil Scientists) drainage key, or by monitoring.

Separate laundry disposal field: A separate disposal field sized to handle the laundry wastewater from single-family dwelling units.

Septage: All sludge, scum, liquid, or any other material removed from a septic tank or disposal field.

Septic tank: A watertight receptacle that receives the discharge of untreated wastewater. It is designed and installed so as to permit settling or settleable solids from the liquid, retention of the scum, partial digestion of the organic matter, and discharge of the liquid portion into a disposal field.

Septic tank effluent: Primary treated wastewater discharged through the outlet of a septic tank and/or an approved sand, peat, or similar filter.

Septic tank filter: A device designed to keep solids and grease in a septic tank.

Serial distribution: A method of distributing septic tank effluent between or within a series of disposal fields so that each successive disposal field receives septic tank effluent only after the preceding disposal fields have become full to the bottom of the invert.

Setback distance: The shortest horizontal distance between a component of a system and certain site features or structures.

Shall: A verb denoting mandatory action under all circumstances (notwithstanding state and local waivers).

Should: A verb denoting recommended action under certain circumstances.

Shoreland zone of major waterbodies/courses area: For these rules all land area within 250 feet, horizontal distance, of the normal high-water line or any great pond, river or salt water body; or within 75 feet, horizontal distance, of the normal high-water line of a stream or as designated by a municipality.

Silt: A particle size category consisting of mineral particles that are between 0.002 and 0.05 millimeters in equivalent spherical diameter. It also means a soil textural class having 80% or more of silt and 12% or less of clay.

Single-family dwelling unit: A structure or realty improvement intended for single-family use.

Site evaluation: The practice of investigating, evaluating, and reporting the basic soil and site conditions that apply to waste water treatment and disposal along with a system design in compliance with this code.

Sludge: A relatively dense accumulation of wastewater solids that settle to the bottom of a septic tank. These solids are relatively resistant to biological decomposition and collect in the septic tank over a period of time. The term “sludge layer” shall be construed accordingly.

Soil: The outermost surface layer of the earth. It is made up of individual soil bodies, each with its own individual characteristics. In places, soil has been modified or even made by people. It contains living matter and is capable of supporting plants out-of-doors.

Soil color: The soil color and Munsell color designation determined by comparison of the moist soil with color chips contained in a Munsell soil color book.

Soil consistence: The resistance, in place, of a soil horizon to penetration by a soil probe.

Soil profile: A vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil saturation: The state when all the pores in the soil are filled with water. Water will flow from saturated soils into an observation hole.

Soil texture: The relative proportions of sand, silt, and clay.

Stone: A rock fragment that is rounded or semi-rounded in shape and greater than 10 inches in diameter.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams (as depicted on the most recent edition of a United States Geological Survey 7.5 minute topographical map or, if not available, a 15 minute topographic map) to the point where the body of water becomes a river.

Substantial compliance: A term and concept for regulatory review in the shoreland zone of major waterbodies/courses stated in 30A MRSA §4211. Used to define application of requirements in one time expansions or conversion from seasonal to year round use of structures. For the purpose of these rules, substantial compliance means a reduction of the setback and soil requirements for first time systems as found in *Table 600.4 and Table 700.4*.

Subsurface waste water disposal system: Any system designed to dispose of waste or waste water on or beneath the surface of the earth;

includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under Title 38 MRSA §414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

System: See definition, "Subsurface waste water disposal system".

System cleaner: Any solid or liquid material intended or used primarily for the purpose of cleaning, treating, degreasing, unclogging, disinfecting, or deodorizing any part of a system. These do not include those liquid or solid products intended or used primarily for manual cleaning, scouring, treating, deodorizing, or disinfecting the surfaces of common plumbing fixtures. See Section 910.0.

System, engineered: Any subsurface waste water disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of waste water per day or more; or any system designed to be capable of treating waste water with significantly higher BOD_5 and total suspended solid concentrations than domestic waste water in Table 603.1.

System, first time: The first system designed to serve a specific structure; a new system.

System, multi-user: For the purposes of this code, multi-user disposal systems serve or are designed to serve three or more structures under different ownerships. See Chapter 12.

System, non-conforming: A system that does not conform to the location, design, construction, or installation requirements in this code.

System, non-engineered: Any system designed, installed, and operated as a single unit to treat and dispose of less than 2,000 gallons of waste water per day.

System, primitive: A system consisting of a primitive disposal field and an alternative toilet.

System, replacement: A system designed to replace an existing system, an overboard discharge, or any ground surface discharge, without any increase in water usage, except as allowed in Section 1702.0.

Test Pit *(*Observation hole): A subsurface exploration, excavated by hand shovel *,* back-hoe, auger, or a soil core taken intact and undisturbed, using a probe, to a depth of 48" to bedrock or to a depth of 12" below a restrictive layer.

Temporary portable toilet: A prefabricated toilet designed for temporary use, typically at social functions, work sites, outdoor gatherings, etc. No plumbing permit nor site evaluation is required.

Unit: See dwelling unit.

Unorganized area: An area subject to the jurisdiction of the Maine Land Use Regulation Commission under Title 12, Chapter 206-A.

Variance: Written authorization that permits some act or condition not otherwise permitted by this code.

Value: The relative lightness or intensity of a color, one of the three variables of soil color defined within the Munsell system of classification.

Vault privy: An alternative toilet that retains human waste in a sealed vault.

Waste water: Any domestic waste water, or other waste water from commercial, industrial, or residential sources which has constituents similar to that of domestic waste water. This term specifically excludes hazardous or toxic wastes and materials.

Waste water discharge license: A waste water discharge license issued by the Maine Department of Environmental Protection under Title 38 MRSA §414.

Waste water ejector: A device to elevate and/or pump untreated waste water to a public sewer, septic tank, or other means of disposal.

Water body: A natural or artificial surface depression having standing or flowing water in excess of 250 square feet. The term water body includes, but is not limited to: natural and artificial lakes, ponds, rivers, streams, brooks, swamps, marshes, bogs and tidal marshes. It usually discharges into a larger water body and has a definite channel, bed, banks and high water mark.

Water course: A channel created by the action of surface water and characterized by the lack of upland vegetation or the presence of aquatic vegetation and by the presence of a bed devoid of top soil containing waterborne deposits on exposed soil, parent material or bedrock.

Water body/course, major: Any waterbody or water course depicted on a United States Geological Survey (USGS) 7.5 minute map, or a 15 minute map if a 7.5 minute map is not compiled.

Water body/course, minor: Any water body or water course that is not a major water course. This does not include man-made ditches, except where

a ditch is dug as a diversion to a natural water course.

Water well: A bored, drilled, or driven shaft or a dug hole, that extends below the seasonal ground water table and is used as the primary drinking water supply. If there is more than one well on a property, it is presumed that one well supplies the structure(s) associated with the property with drinking water and that all other wells have either been abandoned or are spite wells.

Well, public water supply: A well supplying water to a public water supply. A public water supply furnishes water to at least 25 individuals at least 60 days a year, or has at least 15 service connections, or bottles water for sale.

Wetland: Area that has a predominance of hydric soils and that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

Wetland, coastal: All tidal and sub-tidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, or contiguous lowland subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal dunes.

Wetland, freshwater: Freshwater swamp, marsh, bog, or similar area that is inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and normally does support, predominantly wetland vegetation. A freshwater wetland may contain inclusions of land that do not conform to the requirements of this definition.

Wetland, special freshwater: Wetlands which consist of, or contain:

1. Under normal circumstances, at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation, or open water, except for artificial ponds or impoundments; or,

2. Peatlands dominated by shrubs, sedges and sphagnum moss.

Work started: The work has started when any construction directly associated with the system's or system component's installation has begun.

Appendix A: Related Statutes

Site Location of Development

38 MRSA § 481-488, enforced by Maine Department of Environmental Protection, 17 State House Station, Augusta ME 0433-0017; 1-800-452-1942

Public Water Supply Protection

22 MRSA § 2647, enforced by municipality or Maine Department of Human Services, Bureau of Health, Division of Health Engineering, 11 State House Station, Augusta, ME 04333-0011; (207) 287-2070

Waterways Protection

12 MRSA § 2203-2205; enforced by Maine Department of Inland Fisheries & Wildlife, 41 State House Station Augusta, ME 04333-0041; 1-800-452-4664

Wetlands Protection

38 MRSA § 471-474, 478; enforced by Maine Department of Environmental Protection, 17 State House Station, Augusta ME 0433-0017; 1-800-452-1942

Shoreland Zoning Act

12 MRSA § 4751-4758; enforced by Maine Department of Environmental Protection, 17 State House Station, Augusta ME 0433-0017; 1-800-452-1942

Zoning & Development in the Unorganized Territories

12 MRSA § 681-689; enforced by Maine Department of Conservation, Land Use Regulation Commission, 22 State House Station, Augusta, Maine 04333-0022; 1-800-452-8711