



# MAINE DEP GUIDANCE DOCUMENT

## Guidance and Instructions for Completing an OBD License Application

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**This guidance document is intended to assist OBD owners in preparing *General Application for Overboard Discharge < 2,000 Gallons Per Day (DEP Form DEPLW1072F)*.**

1. At the top of the application, please check the appropriate box whether the application you are submitting is for a residential or commercial OBD.
2. There is no fee for license renewal **unless** the application is for transfer of an existing license. Annual bills are mailed each year in March.

Mark the box for the type of application, which is one of the following:

- **Renewal** is for an existing OBD license issued to the current legal owner of the property.
- **Transfer** is for an existing OBD license that is not issued to the current legal owner of the property.
- **Renewal AND Transfer** is for an existing OBD license if the license has already or is within a year of expiring AND there has been a change in the legal owner of the property or OBD users. **OR**
- **Modification** is for an existing OBD license where a change is necessary.

A transfer means **any change in the legal owner of the property** containing the OBD or change in the legal owner of any property connected to the OBD when the OBD is shared. Transfers include, but are not limited to, sale, inheritance, gifting, changing ownership from an individual to a trust, LLC, or partnership and deeding the property to the OBD owner's child. There is a one time, \$100 transfer fee for license transfers. Checks made payable to *Treasurer – State of Maine*. Do not include a check for \$100 unless the application is for transfer of an existing license.

### **PART 1. Applicant Information.**

- **Name:** The legal, deeded owner(s) of the property containing the OBD is the applicant. For example, if the property is owned by a Trust, the Trust is the legal owner and should be indicated as the applicant. If two or more individuals or entities are named on the deed, both or all names must appear as applicant. If the OBD serves multiple dwellings through easements or other agreements, all property owners who use the OBD are co-applicants and must be listed.
- **Primary residence address.** This is the normal year-round mailing address where all DEP correspondence, including annual bills, will be sent.
- **E-mail.** The DEP prefers e-mail to reduce paper use and to provide the OBD owner with copies of documents electronically. E-mail is not a required field, but preferred.
- **OBD Street Address.** This is the physical street address or E-911 address of the OBD property.

1. You must specify whether or not this application is for a license transfer. If the name of the licensee on the current license is different from the current legal owner of the OBD property, it is a transfer. If so, a copy of the deed to the property or other demonstration of title, right or interest in the OBD property must accompany the application. Prior to transfer of ownership, the parties to the transfer shall determine whether an alternative to the OBD exists. If an alternative to the OBD is identified, the alternative system must be installed within 90 days of property transfer. Please contact the DEP if an alternative to the OBD has been identified and there has been a transfer of ownership of the OBD property since September 13, 2003.
2. You must identify whether the application is for a commercial OBD. If so, you must include a completed supplemental application form DEPLW1076 with your General Application.

## **PART 2. Site Evaluation.**

This section contains four (4) check boxes. Please indicate whether a qualified Licensed Site Evaluator has determined that your OBD can or can not be replaced. Please indicate whether you have previously submitted a site evaluation report to the DEP or are submitting one as an attachment to this application.

## **PART 3. Primary Residence/Grant Eligibility.**

1. Please indicate whether the OBD property is your PRIMARY residence. If it is, *and* an alternative system has been designed to eliminate your OBD, *and* you would like to be considered for grant assistance, please enter the combined annual income (most recent completed tax year) of all OBD owners. For example, if you share ownership with siblings, the combined income must include all siblings listed on the deed.
2. Please indicate whether you intend to perform a significant action (total material and labor cost of the project exceed \$50,000) at the OBD property during the five-year term of the license that will be issued.

If an alternative to your OBD is available, the alternative system must be installed within 90 days of completing a significant action.

Please note that the DEP reserves the right to require documentation of primary residency and income for purposes of determining grant eligibility. If you are uncertain whether your OBD property is considered a primary residence, please contact us. Maine law does not allow DEP to provide grant funding to a residential OBD owner unless the residence is the owner's primary residence. Maine law does not allow DEP to provide grant funding to a residential OBD owner with an annual income of more than \$125,000.

## **PART 4. Facility Information.**

Please provide the number of year-round dwellings connected to the OBD and the number of bedrooms in each. Repeat for seasonal dwellings. This information must be based on the number of dwellings and bedrooms that existed as of June 1, 1987. If the number of dwellings or bedrooms has increased since 1987, please contact us to discuss. Maine law does not allow increases in the volume or duration of OBD discharges.

## **PART 5. Title, Right or Interest**

Please indicate whether all parts of your OBD system are located on property that you legally own or control. If any part of your system is located on property owned or controlled by another party, please submit the necessary easements or permissions granting you rights to use that property.

## **PART 6. Public Notice and Certification of Application.**

The General Application contains a fill-in Public Notice form. No more than 30 days prior to filing your application with the DEP, provide a completed Public Notice form to all abutting property owners and the town. The town must also receive a copy of the application. You may send the notices by certified mail or may hand deliver the notice with written receipt from your abutters.

The applicant must sign the application form, which certifies that the information contained on the form is true, accurate and complete to the best of your knowledge. If there are multiple owners, all must sign the application or one owner may serve as the agent for the others provided a signed, written statement authorizing you to act as their agent is provided.

The DEP must allow at least 30 days from the date the application is accepted for processing before issuing a final licensing decision. During this period, public comments on the application may be submitted for the DEP's consideration. Once a final licensing decision has been rendered, a copy of the finalized license will be mailed to you via e-mail and postal mail. There is a 30-day period for aggrieved persons to file an appeal of the DEP's decision.

### **DEP Contacts**

Questions regarding OBD applications or the OBD program in general may be directed to:

Irene Saumur  
e-mail: [irene.saumur@maine.gov](mailto:irene.saumur@maine.gov)  
207-485-2404

Forms and more information may be found at DEP's OBD Web page:  
<http://www.maine.gov/dep/water/wd/OBD/index.html>