



**Department of Human Services, Bureau of Health,
Division of Health Engineering,
Wastewater and Plumbing Control Program**

Internet: <http://www.state.me.us/dhs/eng/plumb/plumb.htm>

Department of Human Services,
Division of Health Engineering

Wastewater and Plumbing Control
Program Newsletter

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This document differs slightly in format from the published newsletter, but contains the same text, with the exception of the Staff Roster, which is published separately on the Program's "About Us" Page.

Peat System Assessment

In the summer of 1996, the Division of Health Engineering (DHE) was made aware of an unusually high number of problematic peat systems in southern Maine. These reported failures occurred generally within five years of commencement of use, some as soon as the first year. As a result of this development, DHE returned peat systems to experimental status in February of 1997, pending the results of an onsite assessment of the problem. The assessment began in March of 1998 with questionnaires being sent to Local Plumbing Inspectors, and in DHE's March 1998 newsletter.

Between May 11, 1998 and August 4, 1998, 68 of 156 reported peat system installations were inspected. The communities in which the inspections were performed were Bar Harbor, Beals, Brunswick, Buxton, Deblois,

Eddington, Falmouth, Gorham, Hancock, Hermon, Jonesport, New Gloucester, Steuben, Stockton Springs, Westbrook, and Windham.

Sixteen of the 68 systems inspected were found to be malfunctioning to varying degrees. Further, 29 of the systems inspected either were not installed or not designed in conformance with the Rules.

A [report](#) has been written, which details the Division's findings, conclusions, and recommendations. Briefly, the majority of the malfunctioning systems were found to be located in the greater Westbrook-Gorham area, and many of the malfunctioning systems were not designed and/or installed in accordance with the Subsurface Wastewater Disposal Rules. The report includes a recommendation that the Division change peat systems from experimental to engineered system status, in part to ensure that peat system designs are reviewed at the State level. It is the Division's understanding that legislation may be introduced during the next session to provide funding for replacements of malfunctioning peat sewage disposal systems.

For their assistance in this assessment, the Division thanks Dr. Joan L. Brooks, Ph.D.; David Rocque, Maine State Soil Scientist; the Local Plumbing Inspectors; and the Site Evaluators. Last but certainly not least, the Division thanks all the homeowners who kindly allowed us to inspect their peat systems.

Please feel free to contact the Division if you would like a copy of the report.



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Memorandum of Agreement

On June 24, 1998 the Division signed a Memorandum of Agreement (MOA) with the Maine Department of Environmental Protection (MDEP), concerning engineered system reviews. (Link: [MOA1998](#)) This MOA was the result of a statutory requirement, Public Law 1995, Chapter 704, Sec. A-26. Under this law, " the Department of Environmental Protection and the Department of Human Services shall identify changes to the subsurface wastewater disposal rules and other relevant rules and statutes needed to address the potential for adverse impacts on groundwater quality from engineered disposal fields and the Department of Human Services shall adopt any such changes to its rules. The Department of Environmental Protection and the Department of Human Services shall enter into a memorandum of agreement under which the DEP shall provide review of potential water quality impacts from large subsurface wastewater disposal systems."

From this time onward, all onsite sewage disposal systems with design flows of 2,000 gallons per day or greater must be reviewed by the MDEP, as well as the Division. However, the final decision on any application for an engineered system remains the responsibility of the Division. The text of the MOA is posted on the Division's world wide web home page at the address below, or you can obtain a copy of the signed document by contacting the Division.

Proposed Legislation

The Division will be submitting legislation this next session, titled *An Act to Increase Internal Plumbing Fees and to Remedy Inconsistencies in Plumbing Laws*. This proposal will raise the minimum internal plumbing permit fee from \$12.00 to \$24.00, and the per fixture fee from \$4.00 to \$6.00. These particular fees have not been updated for many years and certainly do not accurately reflect the costs of administering and processing permits at the local level. The intent behind this proposal is to update the fee schedule for internal plumbing permits, in accordance with other permitting fees. Such a change in law would allow municipalities, through the Local Plumbing Inspector, to defray administrative expenses at the local level.

We also propose minor changes to existing statutes, Title 30A § 4211, 4212, 4214, and 4215, to reflect that the Department of Professional and Financial Regulation, Plumbers Examining Board (PEB) now promulgates the Internal Plumbing Rules, CMR 238, rather than the Department. This is a result of LD 2198 from the past session, which became effective July 9, 1998. Although the PEB now promulgates the Internal Plumbing Rules, the Department is still responsible for administration of the permitting process.

Minimum Threshold for Variances

The Division received some New System Variance Requests this past summer, which had scores substantially less than 50 points. Site Evaluators and Local Plumbing Inspectors should note that under provisions of Sections 1904.6.1 and 1904.6.2 of the Subsurface Wastewater Disposal Rules, systems outside and inside the shoreland



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zone must have minimum scores of 50 points and 65 points, respectively. New System Variance Requests with less than the minimum required scores should not be submitted to the Division, as they will not be approved. We strongly recommend that Site Evaluators advise their clients that the site does not qualify for a variance when the minimum score can not be obtained, rather than have the client go through the review process for no gain.

New Product Registrations

The following products recently have been registered for use in Maine:

Presby Maze, septic tank solids separator. Contact: Presby Environmental, Inc., Attn.: David Presby, Box 617, Sugar Hill, New Hampshire 03585-0617. Tel. (603) 823-5298.

Ecolotube, SDR 35 PVC pipe with recycled content. Contact: Tuyaux Duchesne Ltée., Attn.: Mark Côté, P.E., 1245 boul. Lavoisier, C.P. 760, St. Joseph-de-Beauce, P.Q. G0S 2V0

Contactors 75 and Contactor 125 Chambers, previously approved plastic disposal chambers, with revised load ratings. Contact: Cultec, Inc., Attn.: Leo J. Lessard, P. O. Box 563, Auburn, Massachusetts 01501. Tel. (508) 755-6914.

Single Home FAST Treatment Plant, Model #23-001-750, aerobic treatment plant. Contact: J&R Engineered Products, Inc., Attn.: Lewis B. Paine, P. O. Box 417, Auburn, Maine 04212-4752 Tel. (207) 782-4752.

Administrative Updates

HHE-200 Form Updates Required: Over the past few months, the Division has received copies of HHE-200 Forms with permit labels, in which the plan was dated more than two years prior to the date of the issuance of the permit. If a Local Plumbing Inspector receives a copy of an application that is more than two years old, the Site Evaluator that designed the system must review it for compliance with the current Maine Subsurface Wastewater Disposal Rules. This is addressed in Section 107.5, page 1-3 (Previous Designs) of the Administration and Enforcement chapter of the Maine Subsurface Wastewater Disposal Rules.

Faxes & E-Mail: The Division routinely accepts documents submitted by facsimile transmission (faxes), and as attachments to e-mail (usually letters). Certainly, these technologies are great time-savers, and are also useful for meeting deadlines for submissions. In both cases, however, the Division requires that the electronic submission be followed up with a hard copy of the affected document. Hard copies of faxes are required because the faxes are often of poor legibility, which is simply a function of the technology. This is particularly true of documents such as HHE-200 Forms, which have a lot of small details. The Division requires hard copies of e-mail correspondence attachments for the purpose of having a copy of the subject letter, with a signature.

1999 Annual Hearing



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While it may seem to be quite a way off, the Division is gearing up for our next annual Rules changes public hearing. The hearing is tentatively scheduled for the first week of February, 1999. The precise day, location, and time will be announced when they are finalized. No substantive changes to the main body of the Subsurface Wastewater Disposal Rules are contemplated, however, the order of the chapters will be re-arranged to form a logical progression, and peat systems will be upgraded from experimental to engineered status.

The Division anticipates drafting some substantive changes to the Rules for Site Evaluators, however, which will also be presented at this hearing. These changes will be distributed when they have been drafted, probably late in 1998 or early in 1999.

Staff Roster

[James Jacobsen](#), Program Manager &
Plans Review

[Jay Hardcastle](#), Site Evaluation
Licensing Program:

[Linda Robinson](#), Variances:

[Brent Lawson](#), State Plumbing Inspector
& Municipal Performance Review:

[Dina Laflamme](#), Secretary

[Wendy Austin](#), Plumbing Permits & Data
Entry