

**MAINE DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

OVERBOARD DISCHARGE REMOVAL GRANT PROGRAM

**Individual Property Owner Grant Application Package
and Project Manual**



2019

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INTRODUCTION TO OVERBOARD DISCHARGE GRANT PROGRAM

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The Maine Overboard Discharge Program was initiated by the Legislature (38 M.R.S.A., § 411-A) to help fund replacement systems that would eliminate licensed overboard discharges in certain areas. High priority is given to shellfish areas that could be opened for harvesting if the licensed overboard discharges were eliminated. High priority is also given to great ponds, Class A waters, and small rivers and streams with drainage areas of less than 10 square miles where the licensed overboard discharge creates a public nuisance condition. Chapter 594 of the Program Rules provides additional information on the administration of this Program.

The State share of funding for projects in this grant program comes from bond issues approved by the voters of the State of Maine. The Program Administrator develops a priority list based on information from the Department of Marine Resources, DEP staff, local officials, shellfish committees, and other interest groups.

Municipalities, Quasi-Municipal Organizations, County Commissioners and Individual Persons may be eligible to receive grant funds to eliminate overboard discharges. Municipal officials may act as the Applicant for the grant funds for all the licensed discharges scheduled to be eliminated within their jurisdiction. This important function by the Town can help ensure the timely completion of all replacement systems at the best possible design and construction costs.

Individual owners of licensed overboard discharges can also act as the Applicant for grant funds, but they **must apply to the DEP before the project is started**. Reimbursement to individual owners will be made after the work is complete and paid for, subject to the availability of grant funds from bond issues.

This handbook is intended for use on projects which will be administered by Individual Property Owners of OBD systems.

For additional information on the Overboard Discharge Grant Program, please contact:

Brandy Piers, P.E., OBD Removal Grant Coordinator

Maine Department of Environmental Protection

Bureau of Water Quality

Division of Water Quality Management

17 State House Station

Augusta, Maine 04333-0017

Email: Brandy.m.piers@maine.gov

Phone: (207) 287-6093

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FREQUENTLY ASKED QUESTIONS

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TOPICS:

- What is an Overboard Discharge?
- My Overboard Discharge works fine. Why do I need to remove it?
- Who can apply for an Overboard Discharge Removal grant?
- What funding is available for other types of wastewater projects?
- How do I apply for an OBD Grant?
- How much will the grant pay to remove my OBD?
- How do I determine my taxable income?
- What additional steps do I follow to remove my OBD?
- When will I receive my grant payment?
- Will the State guarantee my grant payment?
- What priorities are used for the grant program?

WHAT IS AN OVERBOARD DISCHARGE?

An Overboard Discharge (OBD) is a small mechanical wastewater treatment plant or sand filter, which purifies and disinfects sewage from homes, businesses, schools, and institutions and following disinfection, discharges the treated effluent to a surface waterbody. All discharges of wastewater are required to be treated and are regulated by the Maine Department of Environmental Protection (DEP). OBDs differ from other types of wastewater treatment plants such as municipal or industrial facilities because they are smaller and are not monitored as closely. OBDs can legally discharge wastewater to receiving water if they have a valid discharge license from the DEP. Untreated discharges are illegal and are not eligible to receive grant assistance under the OBD program, although they may qualify for DEP's Small Community Grant Program.

MY OVERBOARD DISCHARGE WORKS FINE. WHY DO I NEED TO REMOVE IT?

OBDs were originally developed as an alternative for wastewater disposal on sites that did not have access to a public sewer and were not suitable for a subsurface disposal system. They were always considered to be a "last resort" but were allowed in areas that had enough water to dilute them. Although the treated wastewater was of high quality, it still contained traces of pollutants and disease causing microorganisms. Changes in national sanitation laws made during the 1980s caused large areas of the coast to be closed to shellfishing simply because the large number of OBD discharges represented a potential threat to health. New OBD discharges were banned by the State and the OBD Removal Grant Program was created in an attempt to open

shellfish areas and eliminate nuisance conditions. In 2003, the legislature amended the OBD laws and required their removal if a technologically proven alternative could be found. In 2010, the law was further amended to require removal of OBD systems, where feasible, upon transfer of ownership with funding provided only if the OBD property is the owner's primary residence. An upper limit on income eligibility for grant funding was also set. In addition, the 2010 revised law required that upon any "significant action"¹, the OBD was required to be removed, if an alternative existed. This legislation, along with advances in subsurface wastewater disposal technology and increased public sewer availability, is anticipated to enable the removal of most, but not all OBDs.

WHO CAN APPLY FOR AN OVERBOARD DISCHARGE REMOVAL GRANT?

A municipality (a city or town government) or a sanitary or sewer district may apply for and be awarded a grant to remove some or all of the overboard discharges within their jurisdiction. Individual owners of overboard discharges may also apply directly for a removal grant, although individuals can only be reimbursed after the work is complete and all bills paid. Grants can only be awarded if the project plans are approved by the Department of Environmental Protection before the project is constructed.

WHAT FUNDING IS AVAILABLE FOR OTHER TYPES OF WASTEWATER PROJECTS?

The Maine DEP also administers the Small Community Grant Program; which can help replace malfunctioning septic systems, and the State Revolving Loan Program; which provides low interest loans to towns that want to upgrade wastewater treatment facilities. Except for the OBD removal grant program, the DEP can't provide grants or loans directly to privately owned OBD removal projects. The USDA 504 loan program and certain programs through the local Community Action Agency may provide funding directly to property owners if they are eligible. Maine State Housing Authority also offers a Septic Repair Loan program for eligible applicants.

¹ A "significant action" is defined as a single construction project performed on a primary residence with an overboard discharge when the total material and labor cost of the construction project exceeds \$50,000. A significant action does not include construction that makes the residence accessible to a person with a disability who resides in or regularly uses the residence or reconstruction performed in response to an event beyond the control of the owner, such as a hurricane, flood, fire or the unanticipated physical destruction of the residence.

HOW DO I APPLY FOR AN OBD GRANT?

Overboard discharge grant application packages are available by request through the DEP from the OBD Removal Grant Coordinator, Maine Department of Environmental Protection, Bureau of Water Quality, DWQM, 17 State House Station, Augusta, ME 04333-0017, (207) 287-6093; Email: brandy.m.piers@maine.gov . The completed application consists of a one page application form accompanied by a copy of the deed showing the property owners and copies of tax forms showing the previous year's income of the owners. The application will be acknowledged by the Department with a letter of acceptance or denial. The acceptance letter will show the grant percentage that is approved for the project.

HOW MUCH WILL THE GRANT PAY TO REMOVE MY OBD?

In 2010, the law changed the percentage that the grant program will pay. Previous laws specified a percentage based on the use of the property. Provided the property is the primary residence, the new law funds OBD removals based on income according to the following chart. Please note that OBD removals at non-primary residences are not eligible for grant funds.

ANNUAL TAXABLE INCOME	GRANT PERCENTAGE
LESS THAN \$25,000	100%
\$25,000 TO \$50,000	90%
\$50,001 TO \$75,000	50%
\$75,001 TO \$100,000	35%
\$100,001 TO \$125,000	25%
GREATER THAN \$125,000	0 %

For a publicly owned overboard discharge facility, 50% to a maximum of \$150,000.

"Annual Taxable Income" means the sum of all the property owners' federal taxable incomes for the previous year for residential property owners. For commercial establishments, this means taxable income or ordinary business income for the previous year plus any depreciation and other noncash expense that was previously deducted. Rental properties must be considered a commercial establishment or as contributing to annual income depending on how it is reported on the Owner's federal income tax return from the previous year. In cases where a Federal Income Tax form is not filed due to the owner earning no income, the owner must provide alternative documentation to be reviewed and approved by the Department.

The grant will only pay for the minimum work necessary to replace the OBD. Costs such as excessive landscaping, additional work or land purchase are not eligible and must be kept separate.

HOW DO I DETERMINE MY TAXABLE INCOME?

The taxable income for residential property owners is the sum of the taxable incomes of each owner of the property if it is jointly owned as listed on the relevant federal income tax returns for the previous year. For a commercial establishment, this means taxable income or ordinary business income for the previous year as listed on the relevant federal income tax return plus any depreciation or other noncash expense that was deducted to compute taxable or ordinary business income on that return. A rental property must be considered a commercial establishment or as contributing to annual income depending on how it is reported on the overboard discharge owner's federal income tax return from the previous year. In cases where a Federal Income Tax form is not filed due to the owner earning no income, the owner must provide alternative documentation to be reviewed and approved by the Department.

WHAT ADDITIONAL STEPS DO I FOLLOW TO REMOVE MY OBD?

The grant application contains a project checklist showing additional steps, in their usual order, which must be followed. The application also contains additional paperwork that must be completed, once approval is received from the department, in order to complete the removal process and be eligible for repayment.

WHEN WILL I RECEIVE MY GRANT PAYMENT?

Projects that are administered through the town will require that the OBD owner pay their share of the costs upfront and the town will receive and pay the state share. Projects that are administered directly by property owners will not receive payment until the work is complete and the contractor certifies that he has been paid. The completed Contractor's Payment Certification Form must be received by the DEP prior to any grant fund disbursements.

WILL THE STATE GUARANTEE MY GRANT PAYMENT?

Projects that are administered through the town will receive a grant commitment from the state prior to proceeding with the project. Once grant funding is committed, the payment is guaranteed as long as the proper procedures are followed. Projects not administered through the town may receive a grant commitment if funding is available. The DEP will provide an individual applicant a letter stating the availability of grant funds for their project. Projects are ranked based on priority (see following section). All lower priority projects will be put on a waiting list to receive reimbursement at a future date if funds are available once all high priority projects have been completed.

WHAT PRIORITIES ARE USED FOR THE GRANT PROGRAM?

The grant program priorities, from highest to lowest, are:

Priority 1: Shellfish or Water Quality - The discharge will be removed from an area certified as a shellfish area by the Maine Department of Marine Resources or a Local Shellfish Committee, or because the OBD is causing a public nuisance as defined by the rules in Chapter 594.

Priority 2: Property Transfer or Significant Action – The discharge is being removed because a technologically proven alternative has been found during a property transfer or a significant action as required by 38 MRSA §413.

Priority 3: Voluntary Removal – The discharge is being voluntarily replaced with a cost effective alternative disposal method, in an area not included in Priority 1.

Priority 1 projects will receive a grant commitment prior to construction if funds are available.

Priority 2 and 3 projects will be reimbursed if additional funds become available after all Priority 1 projects have been completed.

Priority 2 projects are required by law to be completed regardless of the availability of grant funding.

If grants from the DEP are not available due to all funds being committed to other projects, all projects that the DEP has not yet committed funding to will be ranked by priority and contacted by the DEP when funding becomes available.

INSTRUCTIONS FOR COMPLETEING THE OBD REPLACEMENT PROJECT

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(See Checklist on page 36)

The checklist on page 36 lists the step-by-step procedures for an OBD replacement project funded through the DEP removal grant program. These instructions are intended to clarify the items on the checklist.

APPLICATION SUBMITTED TO DEP FOR FUNDING

The first step in replacing an overboard discharge under the DEP grant program is to apply for a grant using the Grant Application and Owner Agreement Form (found on page 37). The instructions for completing the application are found later in this document.

RECEIVE DEP LETTER ACCEPTING APPLICATION AND SPECIFYING ELIGIBLE FUNDING PERCENTAGE

After the application is received by DEP, you will receive a letter either accepting the application as is or requesting additional information. This letter will advise of funding availability for your project, the next steps and an estimate of the grant percentage that you may be eligible for, based on your income information. *Note: The actual grant participation will be determined by your taxable income of the year prior to construction of the project. Thus, if the project is built in 2010, the income from your 2009 income tax form will be used.*

DESIGN REPLACEMENT SYSTEM

Replacement septic systems must be designed by a Licensed Site Evaluator. The Site Evaluator will investigate your property and determine the best type of system based on site specific conditions. A Site Evaluator can explain how the system recommendation was determined, if requested. A list of site evaluators who practice locally may be available at your town office. A statewide list can be found at:

<http://www.maine.gov/dhhs/eng/plumb/lists.htm>

Projects that involve connection to the public sewer may require the services of a Registered Professional Engineer. Your Local Plumbing Inspector or Sewer Department may have additional information on requirements for sewer connections.

SEND COPY OF DESIGN FOR DEP REVIEW TO:

Brandy Piers, P.E., OBD Removal Grant Coordinator

Maine Department of Environmental Protection

Bureau of Water Quality

Division of Water Quality Management

17 State House Station

Augusta, Maine 04333-0017

Email: Brandy.m.piers@maine.gov

Phone: (207) 287-6093

Fax: (207) 287-3435

RECEIVE DEP “DESIGN APPROVED” LETTER

You will receive a letter from the DEP approving the design or requesting additional information before approval can be given.

OBTAIN PLUMBING PERMIT FROM TOWN

A plumbing permit needs to be obtained from the Local Plumbing Inspector or Code Enforcement Officer.

OBTAIN VARIANCE FROM THE DIVISION OF ENVIRONMENTAL HEALTH, DEPT. OF HEALTH AND HUMAN SERVICES (IF NEEDED)

Most variances are handled by the Local Plumbing Inspector or Code Enforcement Officer. Under certain circumstances a State variance to the Rules may be needed. The design plans should indicate if this is the case and the LPI/CEO can assist with where to send the forms.

SOLICIT BIDS

DEP allows individuals to solicit contractor bids rather than by formal advertisement for individual OBD projects. At least three bids should be obtained from reputable contractors. A list of contractors who have obtained training and voluntary certification to install septic systems is found at <http://www.maine.gov/dhhs/eng/plumb/lists.htm>. *Note: Design approval and all permit(s) and variance approval(s) must be obtained prior to soliciting bids.*

Please use the following forms when soliciting bids:

- Bid Proposal (page 39): One form should be completed by each bidder, specifying bid amount and company information.
- Bid Summary (page 41): This form should be completed by the owner, displaying all the received bidders and bid amounts, and the bidder to whom the owner intends to award the contract.

The Contract Agreement Form included in this packet is **not** part of bid solicitations. **The Contract Agreement should only be signed by the system owner and the contractor who wins the bid.**

SUBMIT BID RESULTS AND REQUEST FOR GRANT TO DEP

Send copies of the bids, and the completed Bid Summary Form (with updated taxable income if necessary) to:

Brandy Piers, P.E., OBD Removal Grant Coordinator

Maine Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333-0017

Email: Brandy.m.piers@maine.gov

Phone: (207) 287-6093

Fax: (207) 287-3435

RECEIVE DEP GRANT AMOUNT OR LETTER OF COMMITMENT

You will receive a letter authorizing award of the contract to the low bidder, and a grant commitment. The commitment will consist of a determination of the approved grant amount based on the bid and the grant percentage which applies. For High Priority projects, an actual grant offer will be sent encumbering grant funds which will be available as soon as the project is completed. For Low Priority projects, the letter will state that the approved amount may be paid if low priority funds are available and after all high priority projects have been completed according to the program rules.

BIDS AWARDED/CONTRACT SIGNED

After receiving a grant offer or commitment letter from DEP, the Construction Contract form and General Conditions of Contract (found on page 42) may be signed, authorizing the work to be started.

NOTIFY DEP OF INITIATION OF CONSTRUCTION

Please notify the DEP at the initiation of construction (breaking ground), either by written correspondence or telephone.

COMPLETE/SUBMIT CHANGE ORDERS (IF APPLICABLE)

During construction, it may be necessary to alter the design. If this occurs, a Change Order form (see page 46) needs to be completed with the modified plans resubmitted to this office for approval. DEP approval is required before the changes are constructed; otherwise, the costs may not be accepted for reimbursement.

COMPLETE CONSTRUCTION

Construction is considered complete when the work is completely done. This includes:

- An operational subsurface replacement system
- Abandonment of the overboard discharge (Abandonment Certification Form, found on page 50, shall be completed by contractor or Local Plumbing Inspector, and submitted when the owner requests reimbursement from the DEP)
- Restoration of the area (i.e. a “catch of grass” where required).

Unless special arrangements are made, no grant payments will be made until the work is complete.

In the event the approved contractor is unable to start/complete the work, the applicant must notify the DEP and propose a replacement contractor. The replacement contractor must be approved by the DEP prior to signing a construction contract. Failure to notify the DEP may result in grant fund ineligibility.

INSPECTION CHECKLIST WITH PHOTOS COMPLETED AND SENT TO DEP

The Inspection checklist (page 49) once completed by the Local Plumbing Inspector (LPI) or CEO, will be used as verification that the Overboard Discharge is no longer in use. No grant payments will be made until this form is completed and received by DEP. At least 2 photos should accompany the inspection checklist.

SIGN OWNER/CONTRACTOR PAYMENT CERTIFICATION

This form (on page 47), once signed, will be used as verification that the contractor has been paid and has released any claims on the project.

REQUEST REIMBURSEMENT FROM DEP

When requesting reimbursement, include:

- A completed OBD Owner's Payment Request Form (forms can be found on page 48 of this packet). For each category in the Payment Request Form (design, construction, inspection, etc) fill in the actual costs backed by the invoices. Total all eligible costs and multiply by the approved grant percentage which was previously determined.
- A copy of the paid invoices for all costs claimed
- A completed copy of the "DEP OBD Removal Grant Program Septic System Inspection Checklist" found on page 49 of this packet
- A completed copy of the New Vendor Form (page 38) if not already forwarded to the DEP.
- A completed copy of Abandonment Certification Form (found on page 50)

INSTRUCTIONS FOR COMPLETING THE OBD GRANT APPLICATION

INSTRUCTIONS FOR COMPLETING THE OBD GRANT APPLICATION

A COMPLETE OBD GRANT APPLICATION CONTAINS THE FOLLOWING:

- A completed Grant Application and Owner Agreement form
- A completed New Vendor form
- A copy of the deed showing the names of all the owners and proof of primary residence
- A copy of the tax documents for all the owners for the preceding year

COMPLETING THE GRANT APPLICATION FORM

APPLICANT INFORMATION

Please provide the name, tax id number (social security or employer ID number), mailing address, telephone, and e-mail address if available for the grant applicant(s). All correspondence and the payment will be made to the applicant. Provide the Maine DEP discharge license number, town location of the OBD, and name(s) of the holders of the discharge license.

Please also check off the appropriate project type, if known:

Priority 1: Shellfish or Water Quality - The discharge will be removed from an area certified as a shellfish area by the Maine Department of Marine Resources or the Local Shellfish Committee, or because the overboard discharge is causing a public nuisance as defined by the rules in Chapter 594.

Priority 2: Property Transfer or Significant Action – The discharge is being removed because a technologically proven alternative has been found during a property transfer or significant action as required by 38 MRSA §413.

Priority 3: Voluntary Removal – The discharge is being voluntarily replaced with a cost effective alternative disposal method, in an area not included in Priority 1.

Priority 1 projects will receive a grant commitment prior to construction if funds are available. Priority 2 and 3 projects will be contacted if funds are available after all Priority 1 projects have been completed.

PROPERTY INFORMATION AND PROOF OF PRIMARY RESIDENCE

Include a copy of the deed for the property showing all the owners. Also, include the address, book/page number of the recorded deed, and tax map/lot number from the town tax maps.

Proof of primary residence is required in order to be eligible for a grant. The application must include two (2) items of proof of primary residence from the following options:

- Address identified on Federal and State Income tax return
- Proof of Year-round mailing address
- Address used for registration to vote
- Address used for vehicle registration or address provided on driver's license

INCOME INFORMATION

Include copies of the previous year's income tax forms for all the owners associated with the property. For primary residences, include the **taxable income** from the previous years' federal tax return. For commercial property, use the taxable income or ordinary business income from the relevant federal income tax return form plus any depreciation or other non-cash expense previously deducted. Rental Property is considered a commercial establishment or as contributing to an Owners' annual income. In cases where a Federal Income Tax form is not filed due to the owner earning no income, the owner must provide alternative documentation to be reviewed and approved by the Department. Include a summary showing the total income of all the owners and check the appropriate level on the application. Income information is not required if the 0% grant threshold is exceeded. (In this case, you are ineligible for grant assistance).

CERTIFICATION OF THE APPLICANT

The name, title, date, signature (and power of attorney or authority to file affidavit, if applicable) must be included.

INSTRUCTIONS FOR COMPLETING THE NEW VENDOR FORM

INSTRUCTIONS FOR COMPLETING THE NEW VENDOR FORM

It is assumed that all OBD individual applicants are new vendors for the purposes of payment. If you already have a vendor account with the State of Maine for payment purposes, then please supply this information. Otherwise, the form included in this document must be completed. **Please fill out the required sections of this form. Failure to complete the entire form will cause processing delays and this form will be returned to the mailing address on the grant application form.**

1. Use the left side of the form for the Applicant's Name, Address, City, State, and zip.
2. Enter the appropriate tax ID number. For individuals, this is their social security number. For businesses with employees it is the employer ID number.
3. Enter yes for the vendor type that applies.
4. Sign and date the form.

SEND THE COMPLETE APPLICATION TO:

Brandy Piers, P.E., OBD Removal Grant Coordinator

Maine Department of Environmental Protection

Bureau of Water Quality

Division of Water Quality Management

17 State House Station

Augusta, Maine 04333-0017

Email: Brandy.m.piers@maine.gov

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CONSTRUCTION SPECIFICATIONS FOR SEPTIC SYSTEMS

CONSTRUCTION SPECIFICATIONS FOR SEPTIC SYSTEMS

GENERAL:

All Work shown on the plans or specified must be included in the lump sum bid proposal. These specifications are general in nature and, in several instances, refer to the latest edition of the Maine Subsurface Wastewater Disposal Rules. If there is a conflict between the requirements of the plans and these written specifications, the most stringent requirement shall apply. DEP will be the sole judge of the applicable requirements in the case of conflicting specifications.

No deviations from the Drawings will be allowed without written consent of the Maine Department of Environmental Protection, the Local Plumbing Inspector, and the Owner.

DESCRIPTION:

Furnish and install at the location and elevation shown on the plans, a septic system including septic tank, disposal field, miscellaneous piping and appurtenant structures as shown on the plans.

MATERIALS:

1. Septic Tank: Septic tanks shall be of the size and type indicated on the HHE-200 form or construction drawings, and shall meet the requirements of the Maine Subsurface Wastewater Disposal Rules. The minimum septic tank volume shall be 1000 gallons. The outlet of the septic tank shall be equipped with an effluent filter equivalent to Zabel A1800 Series.
2. Building Sewer & Drain Pipe: The building sewer and drain piping material shall be in accordance with the Maine Subsurface Wastewater Disposal Rules.
3. Proprietary Disposal Devices: For septic systems utilizing proprietary devices only approved manufacturers' products may be used. A list of approved manufacturers can be found in the Maine Subsurface Wastewater Disposal Rules.
4. Backfill Material: Unless otherwise specified on the plans, fill material shall be gravelly coarse sand meeting the requirements specified in Section 11(E) of Code of Maine Rules Chapter 241 (Subsurface Wastewater Disposal Rules)
5. 1½" Crushed Stone: The stone used for septic systems shall be clean 1½ inch nominal stone with 100% passing a 2 inch sieve, greater than 95% passing a 1½ inch sieve, less than 20% passing a ½ inch sieve and less than 2% passing a 200 mesh sieve.

6. Loam shall be topsoil taken from the excavation or topsoil of a similar texture. It shall be free from gravel, roots, clods, or stones larger than 2 inches.
7. Lime shall be standard grade dolomitic limestone.
8. Fertilizer shall be standard commercial 10-20-20 mixture.
9. Seed shall contain a mixture of annual and perennial grass seeds such that a fast and lasting catch of grass is obtained. Recommended seed mixtures can be found in Appendix A of the Maine Erosion and Sediment Control BMP.
10. Mulch material shall consist of hay or straw reasonably free from noxious weeds.
11. Insulation shall be extruded minimum 2" thick rigid board polystyrene or as specified on the drawings.

EXECUTION:

1. The disposal bed shall be constructed in accordance with the plans and the Maine Subsurface Wastewater Disposal Rules. All portions of the work shall conform to applicable state and local codes and ordinances. Where required to comply with codes or ordinances, the Contractor shall hire appropriate licensed professionals to perform portions of the work. The contract price shall include all such incidental costs.
2. Construction shall not be performed when the soil moisture content is above the plastic limit. Soil moisture shall be tested by rolling a lump of soil with the fingers to form a wire. If a wire 1/8 inch in diameter can be formed which does not crumble when handled, the soil moisture is too high. Upon encountering excessive soil moisture conditions, the Contractor shall immediately notify the Owner and shall not proceed further with construction.
3. Excavation shall be made to lines and grades necessary to allow for construction of the septic system including interconnecting piping.
4. Excavated material not required for backfill shall be removed from the site and disposed of in a lawful manner at the Contractor's expense.
5. The entire fill area shall be scarified by rototilling or raking with excavator bucket teeth prior to placing fill material or stone. On sites requiring fill, a transition layer shall be constructed by rototilling 6-8 inches of fill material into the original soil underneath the entire fill area. Wheeled vehicles must not be used on scarified soil.
6. The crushed stone shall be dumped beside the bed and placed in the disposal field to minimize the transfer of fines to the disposal field. Piping shall be installed to the lines and grades shown on the plans, covered with hay or fabric, and backfilled with suitable fill material.

7. Proprietary devices shall be installed as per the manufacturer's specifications.
8. The septic tank is to be placed on a working pad of 6 inches or more of bank-run gravel, compacted by tamping with excavator bucket.
9. The Contractor shall replace the building drain from a point just outside the building wall to the septic tank. The materials shall be in accordance with the Maine Subsurface Wastewater Disposal Rules.
10. Where internal plumbing changes are required, the Contractor shall extend the building drain from the septic tank through the foundation wall at the proper elevation and provide a clean-out connection.
11. All pipe connections shall be water tight.
12. Pressure and gravity lines shall be protected against freezing.
13. Septic tanks to be abandoned shall be pumped out and filled with soil or removed.
14. Spread loam uniformly on all disturbed areas, except driveways, with a minimum depth of 4 inches. The loam shall be hand-raked to achieve a smooth surface blending into the undisturbed areas.
15. Fertilizer shall be applied at the rate of 14 pounds of fertilizer per 1000 square feet. It shall be thoroughly mixed with the soil to a depth of 1 inch.
16. The seed mixture shall be sown at the rate of 3 pounds per 1000 square feet. Mulch shall be applied to all seeded areas the same day as seeding.
17. The existing overboard discharge system shall be properly abandoned as follows:
 - a. Outfall. Any exposed portion of the final effluent line shall be removed and the remaining effluent pipe permanently sealed.
 - b. Wastewater. Mechanical treatment systems must be aerated for 24 hours and then allowed to settle before they are emptied. The supernatant liquid must be discharged through the chlorinator to the water. Wastewater containing settled solids shall not be discharged to the water. The solids contained in the tanks shall be disposed of in a lawful manner by the Contractor.
 - c. Tanks. All tanks including grease traps, septic tanks, mechanical treatment systems, pump stations and chlorinator tanks which are not utilized as part of the replacement wastewater disposal system shall be disconnected and removed or the bottom shall be punctured to allow drainage, and the tank filled with soil.

- d. Sandfilters. If the abandoned treatment system is a sandfilter with a capacity of less than 1000 gallons per day, the chlorine contact tank shall be removed and the hole filled with crushed gravel to serve as a dry well for rainwater.

If the capacity of the sandfilter is 1000 gallons per day or greater, the downgradient end to the sandfilter shall be excavated and the liner punctured sufficiently to allow rain water to drain.

18. A Natural Resources Protection Act (NRPA) Permit is not required for the abandonment of wastewater treatment facilities or the installation of a subsurface wastewater disposal system. Construction or abandonment activities, however, shall comply with the following conditions in areas within the jurisdiction of the NRPA.:
 - a. Erosion of soil or fill material from disturbed areas into the 25foot buffer and the resource must be prevented. Properly installed erosion control measures, such as staked hay bales and silt fence, are required to be in place before the project begins. These erosion control measures must remain in place, functioning as intended, until the project area is permanently stabilized with mulch and seed. NOTE: Erosion and sedimentation control measures shall comply with "Maine Erosion and Sediment Control Best Management Practices", dated March, 2003, or the most recent edition.
 - b. No power equipment shall be operated in the water except that equipment operating on shore may, when necessary, reach into the water with a bucket or similar device.
 - c. All heavy equipment which must travel and work on wetland vegetation shall travel on mats or platforms in order to protect the vegetation.
 - d. Except for removal of an outfall line, no excavation, filling or construction shall take place on the coastal wetland, freshwater wetland, great pond, river, stream or brook.
19. A residential lift station, if required, shall be constructed under the following specification:
 - a. Furnish and install in the location and to the elevations shown on the plans, and in compliance with the Maine Subsurface Wastewater Disposal Rules, a concrete Lift Station containing a submersible effluent pump.
 - b. The Residential Lift Station shall be the equal of an American Concrete Tank Item No. 1712 (4' x 4'), 300 gallons working capacity. American Concrete, Inc. Item No. 1811 (for a 1,000 gallon) or equal, may be used as a combined septic tank and residential lift station. Provide the necessary riser sections to extend 4" above grade. An approved joint sealer shall be used at all riser section joints. All joints and pipe connections must be watertight.

- c. The minimum submersible pump shall be a Goulds WE0311L, a Hydromatic SP-40A1, a Barnes SE-411, or approved equal. The pump motor shall be operated on 115 volts.
- d. The pump shall be installed as shown on the plans. The control switch shall be a **non-mercury** type float switch.
- e. The junction box shall be water-tight Nema 4X.
- f. The Contractor shall be responsible for all electrical work connecting the junction box to the electrical system in the house. **The pump and alarm shall be connected to two separate circuits in the house electrical system.** All such work will be done by a licensed electrician and in conformance with the latest edition of the National Electrical Code. The electrician shall provide a certificate of approval for all electrical work to the town before payment is made to the Contractor.
- g. Underground cable shall be rated for direct burial and shall pass through the Lift Station wall with proper connections. All wiring from house to Lift Station shall be in conduit.
- h. An alarm system consisting of high water mercury float switch and alarm light mounted inside the house shall be installed for all Lift Stations.

BASIS OF PAYMENT:

- 1. Payment for construction of the septic system shall be as a lump sum including finish site work. A Residential Lift Station, if shown on the plans, shall be included under the lump sum bid price. If a lift station is not shown on the plans and must be added to the Contract by Change Order, then a price will be as stated in the bid proposal or negotiated before installation.
- 2. Ledge excavation will be measured by the Engineer for payment on the basis of cubic yards removed. Payment will be negotiated as a Change Order.

APPENDIX A

Chapter 594: State Contribution to Overboard Discharge Replacement Projects

Chapter 594:

**STATE CONTRIBUTION TO OVERBOARD DISCHARGE
REPLACEMENT PROJECTS**

SUMMARY: This chapter implements 38 M.R.S.A. § 411-A. The intent of this chapter is to clarify how the State contribution for replacement projects to eliminate overboard discharges required by 38 M.R.S.A. § 414-A (1-B) and 38 M.R.S.A. § 413(3) will be administered by the Department of Environmental Protection.

1. Definitions.

- A. Applicant.** An "applicant" is a person, a municipality, a quasi-municipal organization, or county commissioners acting on behalf of an unorganized township or plantation.
- B. Commercial establishment.** A "commercial establishment" is a building primarily used for the purposes of trade or commerce, a non-profit organizational endeavor, or a municipal or quasi-municipal government purpose.
- C. Construction costs.** "Construction costs" for the purposes of grants made under this chapter mean costs associated with the installation of the wastewater disposal system up to and including connections through the foundation wall, as necessary. If a replacement system cannot be installed on property owned or controlled by the applicant, and the Department determines it necessary to carry out the overboard discharge removal, then easement or land acquisition costs and associated legal fees necessary for the installation, operation, maintenance and replacement of an approved replacement system may be included, provided that these costs are not prohibited by any applicable Federal rules or laws.
- D. Individually administered project.** An "individually administered project" is a project to remove an overboard discharge in which the owner of the overboard discharge acts as the grant applicant and is responsible for the implementation and completion of the project.
- E. Multiple use property.** A "multiple use property" is a building or buildings with combined uses defined separately as a "commercial establishment", "residential rental property", or "single family dwelling".
- F. Overboard discharge.** For the purposes of these rules an "overboard discharge" is a licensed discharge to the surface waters of the State of domestic pollutants not conveyed to and treated in municipal or quasi-municipal sewerage treatment facilities from a property that has a valid or expired waste discharge license issued by the department.
- G. Public nuisance condition.** A "public nuisance condition" means an existing overboard discharge to a receiving water that is:

 - (1) A Class GPA, A, or SA water;
 - (2) A tributary to a class GPA water;
 - (3) A water body with a drainage area of less than 10 square miles; or
 - (4) A violation of 38 M.R.S.A. §§ 464, 465, 465-A or 465-B.

- H. Residential rental property.** A “residential rental property” is a building or buildings that are rented or leased for residential use for at least six months of the year and do not meet the definition of a “commercial establishment”.
- I. Replacement system.** A “replacement system” means a wastewater disposal system installed in accordance with Chapter 241, Subsurface Wastewater Disposal Rules of the Department of Health and Human Services effective October 1, 2002 or connection to a public sewerage treatment facility.
- J. Shellfish harvesting area.** A "shellfish harvesting area" is an area where shellfish, including any species of clams, quahogs, mussels or oysters are or may be located, including known productive areas; areas where shellfish may be found; habitat where it is reasonable to assume shellfish may be found in the future; and areas where shellfish may be stored (wet storage), processed or cultivated, as determined by the Department of Marine Resources.
- K. Single family dwelling.** A “single family dwelling” is a human habitation occupied continuously or seasonally by the property owners that does not meet the definitions of “commercial establishment” or “residential rental property”.
- L. Town administered project.** A “town administered project” is a project to remove one or more overboard discharges in which the municipal, quasi-municipal, or county government acts as the grant applicant and is responsible for the implementation and completion of the project.
- 2. Funding.** Funding is in accordance with 38 M.R.S.A. § 411-A and subject to the availability of funds under 38 M.R.S.A. § 411.
- 3. Priority.** The commissioner shall authorize grants according to an annual priority list developed using input from the Department of Environmental Protection, Department of Marine Resources, town governments, local shellfish committees and other interested parties. Technical feasibility and estimated costs and benefits derived from proposed projects will be considered in developing the priority list. Eligible projects must be assigned one of the following priorities in order to be eligible for grant funding:
- A. High priority.** Reimbursement for elimination of discharges to shellfish harvesting areas or elimination of public nuisance conditions, as listed on the current priority list; or
- B. Low priority.** Reimbursement for elimination of discharges to shellfish harvesting areas or elimination of public nuisance conditions that do not qualify for funding as high priority projects.
- 4. Eligibility.** Persons, municipalities, quasi-municipal organizations and county commissioners may be eligible to receive funds to eliminate overboard discharges that cannot be relicensed under 38 M.R.S.A. § 414-A(1-B) or that are required by property transfers under 38 M.R.S.A. § 413(3). No projects will be eligible for funding until the department reviews and approves the project. A person who removed an overboard discharge after September 30, 1989 according to plans and specifications approved by the commissioner in advance of construction may be reimbursed subject to Section 2 above.
- 5. Application for funds.** An application is a written document from the project applicant. The document must include the applicant’s name and address, discharge license number(s) of the overboard discharge(s) proposed to be removed, a description of the project, the priority category, information documenting ownership of the property and income verification using the proper tax forms.

6. Use of grant funds.

A. Eligible costs. State funds may be used to pay for the following work and services, provided that the cost and scope of the work has been determined by the commissioner to be reasonable and necessary to remove the overboard discharge. In determining reasonable and necessary costs for the replacement system, the commissioner shall take into account costs and benefits obtained by construction of the system, the expected successful operation of the system and any other relevant factors.

- (1) Design of the replacement system.
- (2) Construction costs for the replacement.
- (3) Inspection of the replacement system by a qualified person(s).
- (4) Administrative services, associated with the project.
- (5) Costs to abandon the overboard discharge system in accordance with Chapter 596 of the Department's rules referring to overboard discharge licensing and abandonment.
- (6) Other necessary project costs as determined by the commissioner.

B. Non-eligible costs. State funds may not be used for the following costs.

- (1) Excessive property restoration beyond a reasonable amount necessary to comply with Chapter 241, Maine Subsurface Wastewater Disposal Rules of the Department of Health and Human Services effective October 1, 2002 or other applicable design standards.
- (2) Other unnecessary costs or excessive charges as determined by the commissioner.

C. Income criteria. Grant funding percentages are determined according to the income of the property owner(s). See 38 M.R.S.A § 411-A. For multiple use properties, the overall grant percentage will be determined by the pro rata share of each use based on the design flows as shown on the replacement system design.

D. Expanded use of property. The State's contribution will be determined based on the existing use of the structure. If an expanded or different use of the structure is proposed, the state's share will be limited to the pro rata share based on the current wastewater flow from the structure as determined by the lesser of the current licensed discharge limit or design flow as determined by Chapter 241, Maine Subsurface Wastewater Disposal Rules of the Department of Health and Human Services effective October 1, 2002 based on current use.

7. Requirements for inclusion in program.

A. Eligible systems. Only replacement systems for buildings whose owners are required to eliminate a licensed discharge to comply with 38 M.R.S.A. § 414-A (1-B) or 38 M.R.S.A. § 413(3) are eligible for funding.

B. Non-eligible systems. Replacement systems are ineligible for funding in the following situations.

- (1) A building that did not have a licensed overboard discharge prior to September 30, 1989.

- (2) A building that is otherwise not in compliance with laws of the State or the municipality.
- (3) **Funding as a town administered project.** Individual systems may be funded as a town administered project, if and when the following requirements are met: The individual system meets the eligibility criteria of Section 7(A); and
- (4) The owner of the individual system has submitted to the appropriate local government entity a signed agreement form. This agreement must:
 - (a) Grant access to the site for design, construction and inspection of the required facilities;
 - (b) Require payment of owner's share of project prior to work; and
 - (c) State that the owner is responsible for maintenance, repair or replacement of any malfunction of the system.

C. Funding as an individually administered project. Individual systems may be funded as an individually administered project if and when the following requirements are met:

- 1) The individual system meets the eligibility criteria of Section 7(A); and
- 2) The owner of the individual system has submitted a complete signed application for funds and received approval for the replacement system design and contractor procurement from the department.

8. Design of treatment system. The applicant shall secure the services of a qualified individual or consulting firm for a system design. A licensed site evaluator may design subsurface wastewater disposal systems up to 2,000 gallons per day (gpd) in size. A professional engineer is required to design and prepare contract documents for wastewater disposal systems in excess of 2,000 gpd. A copy of the final wastewater system design must be submitted to the department for approval prior to the start of construction.

9. Cost quotes, contract awards and State payments.

A. Bidding procedure. All applicants are required to solicit bids or quotes from area contractors using contract documents for the project.

- 1) Individually administered projects. A minimum of three competitive quotes from qualified contractors must be obtained.
- 2) Town administered projects. Sealed competitive bids are required for all contracts. An advertisement for bids must be published in a local newspaper at least seven (7) days before bids are opened. The bid advertisement may require separate bids for each individual system or a single bid for multiple systems with an individual price for each system. The contract will be awarded as follows:
 - (a) A separate contract for each individual system will be drawn and payment will be a lump sum for each individual system; or
 - (b) A single contract for a group of individual systems may be drawn with payment being made as a lump sum for construction of each individual system.

B. Contract documents. Contract documents must include forms such as: bid proposal; contract agreement; general conditions; construction specifications; and construction plans. These forms may be provided by the Department or similar forms may be used if approved by the department.

C. Award of construction contracts. Prior to awarding the construction contract, the department must be notified of the bid results to determine if the costs are reasonable. The applicant shall award construction contracts to the lowest bidder, provided that the contractor(s) selected have demonstrated ability to perform this kind of work and will comply with all state laws and the contract documents required by Section 9(B) of this chapter.

D. State payments.

- (1) Town administered projects. Payments for eligible costs up to the limit of funding are remitted to the appropriate local government entity as they are incurred.
- (2) Individually administered projects. Reimbursement for project costs will be made when the project is complete and the contractor has certified that payment in full has been received.
- (3) Payment Requests. A payment request form detailing the eligible expenses must be submitted with appropriate documentation attached.
 - (a) Copies of design invoices, construction contracts, contractor certification form, inspection invoices, advertisement invoices and change order statements are the usual documentation required for payment, however, the department may require additional documentation in certain cases to determine the appropriateness of payment.
- (4) Low priority projects may be funded from unencumbered funds after October 1 of the calendar year, unless sooner added to the annual priority list. If unencumbered funds are not available during the calendar year, then the reimbursement request will be held and paid if and when funding becomes available.

10. Inspection of treatment system. All construction of subsurface disposal systems under grants pursuant to this chapter must be inspected as required by Chapter 241, Maine Subsurface Wastewater Disposal Rules of the Department of Health and Human Services effective October 1, 2002. Public sewer connections must be inspected as required by the local sewer use ordinance and other applicable standards.

AUTHORITY: 38 M.R.S.A. § 411-A

EFFECTIVE DATE: January 5, 1991

EFFECTIVE DATE (ELECTRONIC CONVERSION): May 4, 1996

EFFECTIVE DATE OF AMENDMENT: November 28, 2004

APPENDIX B

Overboard Discharge Removal Grant Forms

- Tracking Checklist
- Grant Application & Owner Agreement Form
- State of Maine New Vendor Form
- Bid Proposal Form
- Bid Summary Form
- Contract Agreement & General Conditions of the Contract
- Change Order Form
- Owner/Contractor Certification Form
- Payment Request Form
- Septic System Inspection Checklist
- Overboard Discharge Abandonment Certification Form



OBD Removal Grant Program Tracking Checklist

Property Owner (Print): _____

License Number _____

STEP	Description	Date
1	Application Submitted to DEP for Funding	
2	Receive DEP Letter accepting application and specifying eligible funding percentage	
3	Design Replacement System (from Site Evaluator)	
4	Send Copy of Design to DEP for review	
5	Receive DEP letter approving design	
6	Obtain Plumbing permit from Town (LPI or CEO)	
7	Obtain Variance from Environmental Health (if needed)	
8	Solicit bids – at least 3 bids from contractors	
9	Submit Bid results and request grant confirmation from DEP	
10	Receive DEP letter confirming grant amount or letter of commitment and approval to award the contract	
11	Bids awarded and now sign contract agreement	
12	Notify DEP of initiation of construction	
13	Complete Construction	
14	Inspection checklist with photos completed and send to DEP	
15	Sign Contractor Payment Certification	
16	Request Reimbursement from DEP for project	

Overboard Discharge Removal Grant Program

GRANT APPLICATION & OWNER AGREEMENT

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333



APPLICANT INFORMATION			
APPLICANT NAME (GRANT RECIPIENT)		TAX ID NUMBER (SS OR EID)	
MAILING ADDRESS			
TELEPHONE NUMBER		EMAIL ADDRESS	
OBD LICENSE NUMBER		TOWN	
NAMES ON LICENSE			
PROJECT TYPE (CHECK ONE BOX):	<input type="checkbox"/> SHELLFISH OR WATER QUALITY	<input type="checkbox"/> PROPERTY TRANSFER	<input type="checkbox"/> VOLUNTARY
PROPERTY INFORMATION			
NAME(S) ON DEED			
PROPERTY ADDRESS			
BOOK/PAGE (ATTACH COPY OF DEED):		TAX MAP/ LOT NUMBER	
PROOF OF PRIMARY RESIDENCE (CHECK BOX): <input type="checkbox"/> 2 PIECES OF RESIDENCE VERIFICATION PROVIDED			
INCOME INFORMATION			
GRANT APPLIED FOR (CHECK ONE BOX)	ANNUAL TAXABLE OR BUSINESS INCOME	*MAXIMUM GRANT %	
<input type="checkbox"/>	0 - \$24,999	100%	
<input type="checkbox"/>	\$25,000 - \$50,000	90%	
<input type="checkbox"/>	\$50,001 - \$75,000	50%	
<input type="checkbox"/>	\$75,001 - \$100,000	35%	
<input type="checkbox"/>	\$100,001 - \$125,000	25%	
<input type="checkbox"/>	GREATER THAN \$125,000	0%	
CERTIFICATION OF APPLICANT			
I certify that the information provided herein is true and accurate to the best of my knowledge. I agree to follow the rules of the Overboard Discharge Grant Program and provide evidence of compliance with the rules. I understand that grant reimbursement is subject to availability of grant funds and may not be available when requested, if at all.			
I further understand that the Department of Environmental Protection does not guarantee the quality or performance of the project. I agree to maintain the replacement system according to the standards recommended for the type of system that I have, including pumping out the septic tank every three years.			
PRINTED NAME AND TITLE (ATTACH POWER OF ATTORNEY OR AUTHORITY TO FILE)			
SIGNATURE			DATE



State of Maine Substitute W-9 & Vendor Authorization Form

RETURN TO:
by mail
to the agency who requested the form or sent it to you, or the agency you're doing business with. (ie.. DHHS/Labor/DEP/Education/etc)

PURPOSE: To establish or update an account with the State of Maine's accounting system.
Complete this form if: 1) You will receive payment from the State of Maine, and/or 2) You are a vendor who provides services or goods to the State of Maine.

This form replaces the IRS W-9 form per the IRS W-9 language: "If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9."

FILL OUT FORM COMPLETELY - ALL AREAS WITH * ARE REQUIRED - ONLY ONE NAME & TIN PER A FORM

TYPE OF REQUEST*: (Must select one.)

New Request

New Location/Additional Entry

Change

Legal Name Phone # Contact Info Payment Address

DBA Name Care Of Email Only Ordering Address

TAXPAYER ID NUMBER* (TIN) (Provide ONE only)

Social Security # (person) or a Federal Employer ID#(business)

TIN

TIN Type * choose ONE	Organization Type *	Classification * choose ONE
<input type="radio"/> Social Security No	<input type="radio"/> Individual	<input type="checkbox"/> Individual <input type="checkbox"/> Sole Proprietorship
<input type="radio"/> Employer ID No.	<input type="radio"/> Company	<input type="checkbox"/> State Employee <input type="checkbox"/> Estate <input type="checkbox"/> Nonresident Alien
		<input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust <input type="checkbox"/> Estate <input type="checkbox"/> Other Non-Profit Org
		<input type="checkbox"/> Other Gov't <input type="checkbox"/> Federal Gov't <input type="checkbox"/> State Gov't <input type="checkbox"/> Other <input type="checkbox"/> Foreign (W8 required)

LEGAL NAME (Must provide: Legal name filed with IRS tied to the ID number, SSN=first & last name/FEIN=business name)

Legal Name* Alias/DBA

Other Info

Vendor Customer Number (if known) VC#/VS#

Account/Client/Provider Number (if known)

Payment Address*

My Billing Address Admin. Address is the same.

Address C/O

City/State/Zip Phone

Contact*

Name Phone Ext

Email Send me Email notifications of DD/EFT (requires Direct Deposit/EFT form to be completed)

Procurement/Physical Address*

My Billing Address Admin. Address is the same.

Address C/O

City/State/Zip Phone

Contact*

Name Phone Ext

Email

Authorized Signature, Title & Current Date*

Under penalties of perjury, I certify that: 1) The number shown on this form is my correct taxpayer identification number, and 2) I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the IRS that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and 3) I am a U. S. citizen or other U. S. person (defined by the IRS). Ref: www.irs.gov

OFFICE USE ONLY

Information on State Agency Submitting Vendor Form

OFFICE USE ONLY

State Agency & SHS #

Agency Contact Person Name & Title

Contact's Phone #

BID PROPOSAL

THE BIDDER WILL COMPLETE THE WORK FOR THE FOLLOWING PRICE(S):

NAME OF SYSTEM	LUMP SUM PRICE (BASIS of AWARD) <small>(includes price for pump station if "REQUIRED" is indicated on the plans)</small>	ADDITIONAL PUMP STATION COST <small>(extra cost of pump station if "MAY BE REQUIRED" is indicated on the plans)</small>
		_____ Dollars
		_____ Dollars
		_____ Dollars

The undersigned agrees, if awarded the Contract, to complete the Work within ____calendar days after execution of the contract agreement.

Bidder:

NAME OF COMPANY: _____

ADDRESS OF COMPANY: _____

SIGNATURE: _____

DATE: _____

PRINT NAME: _____

BID SUMMARY

Property Owner Name _____

OBD License Number _____

List bidders and prices, from lowest to highest:

BIDDER NAME	BID PRICE

I intend to award this construction contract to _____

in the amount of \$_____.

Signature: _____ Date: _____

Print Name and Title: _____

(Include copies of each bid with this form)

If you do not intend to award the contract to the low bidder, please state the reasons below or on a separate sheet: Projects which don't use the low bidder will not receive grant funding unless prior approval is granted from DEP.

CONTRACT AGREEMENT

THIS AGREEMENT made the _____ day of _____ 20____ by and between
_____ hereinafter called the Owner and
_____ hereinafter called the Contractor.

WITNESS,

That the Owner and the Contractor for the consideration hereinafter named agree as follows:

ARTICLE 1. SCOPE OF WORK

The Contractor shall furnish all of the Materials and perform all the Work shown on the Plans and described in the Specifications entitled: _____

Prepared by _____, referred to in these Contract Documents as the Engineer, and shall do everything required by this Agreement, the General Conditions, the Specifications, and the Drawings.

ARTICLE 2. TIME OF COMPLETION

The work shall be completed according to the following schedule:

Substantial Completion: _____

Final Completion: _____

ARTICLE 3. THE CONTRACT SUM

The Owner shall pay the Contractor for the performance of the Contract, subject to additions and deductions provided by approved Change Orders in current funds as follows:

_____ \$ _____
(In Words) (In Figures)

ARTICLE 4. PAYMENTS

The Owner shall make payment of 90% of the contract amount after the project is substantially completed. That is, all structures installed and operating and all disturbed areas loamed and seeded. The Owner retains the right to withhold the final 10% of the contract amount until final completion, after which, the final payment is due. Final completion is reached when the Work is completed and operational in accordance with the Contract Documents including a “catch of grass”.

ARTICLE 5. THE CONTRACT DOCUMENTS

The General Conditions of the Contract, Instructions to Bidders, the Bid Proposal, the Specifications, and the Drawings, together with this Agreement, form the Contract.

The Owner and the Contractor hereby agree to the full performance of the covenants herein.

IN WITNESS, WHEREOF the parties hereto have executed this Agreement in the day and year first above written.

BY: _____ WITNESS: _____
Owner

BY: _____ WITNESS: _____
Contractor

GENERAL CONDITIONS OF THE CONTRACT

ARTICLE I: Definitions

Wherever the following terms are used in the contract documents, the intent and meaning shall be as follows:

Contract Documents - The documents which are comprised of the Bid Proposal, Contract Agreement, General Conditions of the Contract, Construction Specifications for Septic Systems, Construction Plans and Specifications prepared by a Registered Professional Engineer or Licensed Site Evaluator (including HHE 200 Forms), and Change Order Form. They are also known as the Contract.

DEP - The Maine Department of Environmental Protection

Engineer -- The designer of the replacement system.

Final Completion - The condition in which the work is complete and operational, covered, graded, and satisfactory grass cover is established.

HHE - 200 Form - A subsurface wastewater disposal system application form, provided by the Maine Department of Health & Human Services, Division of Environmental Health, exhibiting a complete subsurface wastewater disposal system design.

LPI - Local Plumbing Inspector representing the Town.

Owner – The individual(s) with legal rights and control over the property where the work occurs.

Town - The Town, acting through its authorized representative.

Project - The entire work to be performed under the contract.

Substantial Completion - The condition in which the work is complete to a point where all structures are properly installed and operational, the system can be utilized for its intended purpose, the former OBD system has been properly removed/abandoned and all disturbed areas are loamed and seeded.

ARTICLE 2: Intent and Correlation of the Contract Documents

It is the intent of the Contract Documents to describe a complete project. The Contractor shall furnish all Labor, Material, Tools, Transportation, Insurance, and Incidentals which are reasonably required to construct and complete the project. The plans, or HHE-200 Forms, including all revisions, completed Bid Proposal Form, Executed Contract Agreement, the General Conditions of the Contract, General Construction Specifications for Septic Systems, the OBD System Abandonment Procedures and Abandonment Certification fact sheet, and the Change Order Form comprise the Contract Documents.

Should a Bidder discover any error, omission, or inconsistency in the Contract Documents which would require additional costs above that shown in the bid, he/she shall notify the Owner at least twenty-four hours before the bids are opened. Should errors, omissions, inconsistencies, or differing site conditions be discovered after contract award, then the Owner shall be promptly notified and affected work suspended until a resolution is found. In the event that there is a conflict between requirements of the plans and specifications, the more stringent requirement will be followed.

ARTICLE 3: Permits, Laws, and Regulations

The Owner will apply for and obtain the Plumbing Permit, DEP permits, including Permit By Rule Notification and Highway Opening Permits. The Owner will also secure all required easements for the project. The Contractor is responsible for obtaining all other permits.

It is the responsibility of the Contractor to comply with all laws, regulations, and permit conditions in constructing the project, including safety regulations. If the Contractor discovers that the Contract Documents conflict with any laws, regulations, or permit conditions, he/she shall promptly notify the Owner. In addition, if the Contractor's proposed construction methods require it, it shall be his/her responsibility to obtain any variances or permit modifications required.

ARTICLE 4: Inspection of the Work

The Contractor shall permit access to the site and work to representatives of the Owner and DEP at all times. Before covering the work, the Contractor shall give timely notice to the Owner and LPI that the work is ready for inspection. The work shall not be covered until it has been inspected and certified on the HHE 200 Form by the LPI and/or designated inspector of the Town. Should the work be covered without approval of the Owner and LPI, it must be uncovered for inspection at the Contractor's expense.

If the LPI or the Owner determines that the work is not in compliance with the Contract Documents, then it must be corrected to the satisfaction of the LPI, Owner, and DEP at the Contractor's expense.

ARTICLE 5: Changes in the Work

The Owner may request changes, increases, or decreases of the work without invalidating the original agreement. Any changes involving a change in the contract price or time must be authorized by a change order executed by the Contractor, Owner, and DEP before the cost is incurred. Any changes in the contractor performing the work or the hire of a subcontractor will need to be approved by the DEP prior to execution.

If the Contractor, in performing the work, discovers conditions which could not reasonably have been anticipated from inspection of the site and examination of the contract documents, including the need for ledge removal by blasting, he/she shall notify the Owner promptly, and a change order shall be negotiated before proceeding further.

ARTICLE 6: Contract Termination

Should the Contractor fail to complete the work within the time frame specified in the contract and any time extension change orders, or not in conformance with the Contract Documents, the Owner may, after giving written notice to the Contractor, terminate the contract and arrange for the work to be completed by others. The cost of any uncompleted work will be deducted from the contract amount.

ARTICLE 7: Payments

The Owner shall pay 90% of the contract cost when the work is substantially complete, and inspected and approved by the LPI/Town. The Owner may request that the Contractor provide evidence that all payrolls, suppliers, and subcontractors have been paid before 90% payment is made. Final payment shall be made at final completion of the finished project provided that the Contractor has submitted evidence that all payrolls, suppliers, and subcontractors have been paid. The making and acceptance of final payment shall constitute a waiver of all claims by the Owner except those arising from unsettled liens, faulty work or claims under the one year warranty, and all claims by the Contractor, except those previously made and unsettled.

For contracts exceeding one month, monthly progress payments may be requested once construction has started.

ARTICLE 8: Contractors Insurance

The Contractor shall maintain in force for the duration of the project Public Liability and Property Damage Insurance that shall protect the Contractor from claims and damages arising from operation under this Contract.

The minimum amount of coverage shall be as is customary for the work to be performed and shall provide complete indemnification of the Town for the Contractor's work. In addition, Workman's Compensation shall be maintained by the Contractor if required by Maine Law.

The Contractor may be required to provide insurance certificates.

ARTICLE 9: Warranty

The Contractor shall warranty all work performed under the contract against defects in workmanship and materials for a period of one year from the date of final completion. During the warrantee period, the Contractor shall promptly repair all such defects at no cost to the Owner.

ARTICLE 10: Disputes

Disputes between the Owner and Contractor which cannot be resolved by the DEP shall be settled by litigation.

OWNER/CONTRACTOR CERTIFICATION FORM

OBD LICENSE NUMBER: _____

INSTRUCTIONS: THIS FORM MUST BE EXECUTED AND RETURNED TO THE DEP AT PROJECT COMPLETION. REIMBURSEMENT WILL NOT OCCUR UNTIL THIS FORM IS RECEIVED AND VERIFIED TO BE CORRECT.

OWNER CERTIFICATION

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE; THE PROJECT WAS CONSTRUCTED UNDER THE TERMS OF THE GRANT AGREEMENT AND THE CONTRACTOR HAS BEEN PAID THE FOLLOWING AMOUNTS:

90% OF THE CONTRACT AMOUNT WHEN THE PROJECT WAS SUBSTANTIALLY COMPLETED. THAT IS, ALL STRUCTURES WERE INSTALLED AND OPERATING, ALL FORMER OBD STRUCTURES WERE PROPERLY ABANDONED AND ALL DISTURBED AREAS WERE LOAMED AND SEEDED.

AMOUNT PAID: \$ _____ DATE PAID: _____

THE REMAINING 10% OF THE CONTRACT AMOUNT WHEN ALL WORK WAS COMPLETED AND OPERATIONAL IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, INCLUDING A "CATCH OF GRASS".

AMOUNT PAID: \$ _____ DATE PAID: _____

NAME OF PROPERTY OWNER (PLEASE PRINT)	LOCATION OF PROJECT (TOWN)
PROPERTY OWNER'S SIGNATURE	PHONE

CONTRACTOR CERTIFICATION

I CERTIFY THAT I HAVE PERFORMED ALL WORK SHOWN ON THE PLANS AND DESCRIBED IN THE SPECIFICATIONS. THE WORK IS COMPLETED AND OPERATIONAL IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND I HAVE BEEN PAID THE TOTAL CONTRACT AMOUNT OF

\$ _____.

I FURTHER CERTIFY THAT THE COST OF ALL LABOR, MATERIALS AND EQUIPMENT AND OUTSTANDING CLAIMS AND INDEBTEDNESS OF WHATEVER NATURE ARISING OUT OF THE PERFORMANCE OF THIS CONTRACT, HAVE BEEN PAID IN FULL.

NAME OF COMPANY (PLEASE PRINT)	PHONE
CONTRACTOR'S SIGNATURE	DATE

Overboard Discharge Grant Program

PAYMENT REQUEST FORM



PROJECT OBD NUMBER:

TOWN NAME:

PAYMENT #:

GRANTEE NAME AND ADDRESS:

NAME OF CERTIFIED OFFICIAL:

SIGNATURE: _____	DATE: _____
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Name of Property Owner	PROJECT COSTS					SUBTOTAL COSTS	GRANT %
	Administration	Design	Construction	Inspection	Other		
	(A)	(B)	(C)	(D)	(E)	(F)	(G)
TOTAL PAYMENT							

INSTRUCTIONS:	
1. Second row is included for instances where grant funding is going to more than one recipient.	7. Column E is for approved change orders and other applicable costs.
2. Columns A-E are the total eligible costs as shown on the invoice.	8. Column F is the sum of A to E.
3. Column A contains eligible administrative costs. These costs may be distributed to each individual system. A calculation sheet should be included showing how the distribution was figured.	9. Column G is the grant percentage factor: 90%0.9, 50%0.5, 25%0.25
4. Column B contains design cost documented by site evaluators or engineers invoice.	10. Grant amount for each property owner is the product of F x G for each property owner.
5. Column C contains construction costs based on the executed contract.	11. Total payment requested is the sum of the grant amount for all property owners.
6. Column D is inspection costs which DEP has previously agreed to pay. Only one inspection in excess of the Maine Subsurface Disposal Rules is grant eligible. Inspections paid for must be documented by photos and a completed inspection form.	12. Copies of invoices for all costs are to be attached to this form.

OFFICE USE SIGNATURES ONLY:	
OBD Project Mgr.: _____	Date: _____
OBD Grant Coordinator: _____	Date: _____

Overboard Discharge Removal Grant Program SEPTIC SYSTEM INSPECTION CHECKLIST



PROPERTY OWNER	
TOWN	DATE
CONTRACTOR	
DESIGNER	
INSPECTOR	
ITEM INSPECTED	INITIALS
1. Silt fence and other EROSION CONTROL DEVICES have been properly installed.	
2. The ORIGINAL SOIL beneath the system was dry and properly prepared by scarifying.	
3. The SEPTIC TANK is of the size and materials shown on the plans. Tank size=_____gals.	
4. The DISPOSAL AREA DIMENSIONS are as shown on the plans. Dimensions = _____ft x _____ft.	
5. The DISPOSAL AREA is located as shown on the plans.	
6. The DISPOSAL AREA is at the proper elevation and level within 1 inch per 100 feet.	
7. The FILL is of the specified texture. Texture specified: _____	
8. The FILL OVER THE SYSTEM is crowned at a 3% slope to facilitate drainage.	
9. The FILL EXTENSIONS are no steeper than a 4:1 slope unless otherwise called for.	
10. The CRUSHED STONE was the proper size, cleanliness, and depth.	
11. The proper NUMBER OF CHAMBERS or PROPRIETARY DISPOSAL DEVICES were used. # of Devices:_____ Supplier:_____	
12. The PUMP STATION has been installed properly, wired according to the specifications, including two separate circuits for the pump & alarm, and has been tested.	
13. The SEPTIC TANK and RISERS have been properly sealed.	
14. All DISTURBED AREAS have been loamed, seeded, and mulched.	
15. PROPER SITE DRAINAGE has been provided to divert surface drainage around the disposal field, tank and pump station.	
16. The BUILDING has been properly connected to the new system, including all grey wastewater.	
17. The existing Overboard Discharge System has been PROPERLY ABANDONED.	
18. Two photographs taken: one during construction (before covering system), one after grass is established.	
19. INSPECTOR'S COMMENTS (List any DEVIATIONS from plans): _____ _____ _____	
I certify that I have inspected the septic system described above and that, unless noted, have found that each item I inspected was installed in accordance with the Contract Documents.	
_____ Signature	

A copy of this inspection form, along with two photographs of the system, must be sent to the Maine Department of Environmental Protection, Bureau of Land & Water Quality, Division of Water Quality Management, 17 State House Station, Augusta, ME 04333-0017. Final payment may not be made to the Contractor until this has been done.



DEP FACT SHEET

Overboard Discharge System Abandonment Procedures

DEPLW0653-A

Created: March 2004

Updated: March 2018

Contact: Irene Saumur

Irene.Saumur@maine.gov

(207) 485-2404

What is an overboard discharge?

Overboard discharges: licenses and abandonment 06-096 CMR 596(8) (effective September 13, 2003) contains specific requirements for the proper abandonment of OBD treatment systems.

How do I abandon an overboard discharge system?

When an overboard discharge treatment, system is no longer necessary or is replaced by an alternative treatment system, it must be properly abandoned within 90 days following successful installation of an alternative or abandonment of use as follows.

Wastewater remaining in the system must be discharged in accordance with the active or most recently expired license or permit or removed and disposed of at a facility authorized by the Department to receive such wastes. The property owner must also perform the following, as applicable. Please check the appropriate boxes to indicate the task has been completed.

Check appropriate boxes below for tasks performed. Add any additional information as necessary in white space on the form.

A. Mechanical OBDs

- Mechanical treatment systems must be aerated until 24 hours before they are emptied. After the contents have settled, the supernatant liquid may be discharged through the chlorinator at a rate that does not exceed the design capacity of the chlorinator or the chlorine detention tanks. Wastewater containing settled solids may not be discharged to the water.
- The contents of the chlorinator may be emptied to the water no sooner than 30 minutes after last receiving wastewater. Any solids contained in the chlorinator may not be discharged to the water.
- Any tanks that contain untreated or primary treated wastewater, including but not limited to septic tanks and grease traps, may not be discharged directly or indirectly to the water.

B. Sand Filters

- If the abandoned treatment system is a sand filter with a capacity of less than 1,000 gallons per day, the chlorine contact tank must be removed and the hole filled with crushed gravel to serve as a dry well.
- If the capacity of the sand filter is 1,000 gallons per day or greater, the down-gradient end of the sand filter must be excavated and the liner punctured sufficiently to allow rain water to drain.

C. All OBDs

- All tanks including but not limited to, grease traps, septic tanks, mechanical treatment systems, pump stations and chlorinator tanks that are not utilized as part of an alternative method of waste water disposal must be disconnected and filled with soil or removed.
- Any exposed portion of the final effluent line must be removed and the remaining effluent pipe permanently sealed.

- The licensee must notify the Department of the abandonment of an OBD or installation of an alternative wastewater disposal system at least five (5) working days before commencing work. Written notification may be sent to the following address or you may call or e-mail OBD staff using the contact information below.

Department of Environmental Protection
DWQM, Overboard Discharge Program
17 State House Station
Augusta, ME 04333
Irene Saumur irene.saumur@maine.gov , (207) 485-2404

- Once the OBD has been properly abandoned, complete this form, including the certification statement below, and mail to the Augusta DEP address provided above.

I certify under penalty of law that I am familiar with and understand the statutory requirements, CMR 06-096

596(8) (see below), for proper abandonment of overboard discharge systems as outlined above. I further certify that the OBD system associated with Waste Discharge License #W_____ (license number), in _____ (municipality), Maine and located on property now or formerly owned by _____ (licensee) was removed accordingly on _____ (date OBD system was removed). I am aware there are significant penalties for improper abandonment, removal and disposal of overboard discharge systems and their contents, including the possibility of fines and imprisonment.

*Contractor's Signature: _____ Date of Signature: _____

*Contractor's Name: _____ Telephone Number: _____

*Contractor's Address: _____

* Alternatively, the signature may be the supervision authority such as a town official (usually the Local Plumbing Inspector or Code Enforcement Officer) or supervising representative from the sewer district.

06-096 CMR 596(8):

- 8. Abandonment of Overboard Discharge Systems.** When an overboard discharge treatment, system is no longer necessary or is replaced by an alternative treatment system, it must be properly abandoned within 90 days as follows.
- A. Residual Wastewater.** Wastewater remaining in the system must be discharged in accordance with the active or most recently expired license or permit or removed and disposed of at a facility authorized by the Department to receive such wastes. The property owner must also perform the following, as applicable.
- (1) Mechanical treatment systems must be aerated until 24 hours before they are emptied. After the contents, have settled, the supernatant liquid may be discharged through the chlorinator at a rate that does not exceed the design capacity of the chlorinator or the chlorine detention tanks. Wastewater containing settled solids may not be discharged to the water.
 - (2) The contents of the chlorinator may be emptied to the water no sooner than 30 minutes after last receiving wastewater. Any solids contained in the chlorinator may not be discharged to the water.
 - (3) Any tanks that contain untreated or primary treated wastewater, including but not limited to septic tanks and grease traps, may not be discharged directly or indirectly to the water.
- B. Sand Filters.** If the abandoned treatment system is a sand filter with a capacity of less than 1,000 gallons per day, the chlorine contact tank must be removed and the hole filled with crushed gravel to serve as a dry well. If the capacity of the sand filter is 1,000 gallons per day or greater, the down gradient end of the sand filter must be excavated and the liner punctured sufficiently to allow rain water to drain.
- C. Tanks.** All tanks including but not limited to, grease traps, septic tanks, mechanical treatment systems, pump stations and chlorinator tanks that are not utilized as part of an alternative method of waste water disposal must be disconnected and filled with soil or removed.
- D. Effluent Pipe.** Any exposed portion of the final effluent line must be removed and the remaining effluent pipe permanently sealed.
- E. Notification.** The licensee must notify the Department in accordance with Section 6 (G) of this chapter.