



**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

March, 2000 Volume 23, Issue 5

Lionel Kelley, PE/SE Passed Away

Lionel Kelley, 68, died peacefully on Wednesday, Jan. 26, 2000 after a long illness. Lionel was among the first Site Evaluators licensed (number 023), as well as a Professional Engineer and a certified Local Plumbing Inspector. Lionel will be missed by his colleagues. Gifts may be sent in his memory to Down East Family YMCA, Attn. Jean Wood, US Rt. 1A, PO Box 25, Ellsworth, ME 04605.

**Potential Relocation to Department of
Environmental Protection**

Action in the legislature last session established a "Task Force to Study the Improvement of Public Water Supply Protection." Chapter 80 of Maine law subsequently passed a resolve that established a 19-member task force to study the improvement of public water supply protection. The resolve was entitled "Resolve, to Establish a Task Force to Study the Improvement of Public Water Supply Protection."

This legislation was initially proposed by the Department of Human Services and was sponsored by Rep. Scott Cowger. It grew out of a departmental Work Group whose

task was to recommend improvements in the protection of public water supply wellheads after MTBE was detected in many public and private wells.

Members of the task force included six Legislators; a representative from each of the following Departments: Human Services, Conservation, Environmental Protection, Inland Fisheries and Wildlife and Transportation; and eight public members representing consumer-owned water utilities, investor-owned water utilities, the petroleum industry, municipalities, business owners, and the real estate industry.

Recommendations of the Task Force included a draft bill "An Act to Improve Public Water Supply Protection." If this proposed legislation passes, of which there is a very likely chance that it will, it would result in moving the Drinking Water Program to Department of Environmental Protection by July 1, 2001. In addition, the proposed legislation would require that a consultant be hired within 90 days after enactment and among other duties, would determine whether the Wastewater and Plumbing Control Program should also be moved to the DEP.

It is difficult at this time to determine what the consultant may recommend regarding the waste water program. Certainly, as far as the overall bill is concerned, the Department is in favor of the water supply protection proposals contained in the Task Force report. The DEP is involved with CEO duties as is the Wastewater and Plumbing Control Program. DEP also is involved with subsurface wastewater disposal systems in both their grant program and the program to eliminate overboard discharges.



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Public Water Supplies

A public water supply is defined as any publicly or privately-owned system of pipes, structures and facilities through which water is obtained for or sold, furnished or distributed to the public for human consumption; if such system has at least 15 service connections or serves at least 25 individuals daily at least 60 days out of the year. (From the State of Maine Rules Relating to Drinking Water.) Any system designed for a structure with a public water supply, or any change in use which results in use meeting this definition must include a 300 foot well to system setback. If a 300 foot setback is not possible, either the well must be relocated or the applicant must obtain variances from both the Wastewater and Plumbing Control Program and Drinking Water Program.

Online Publications Order Form

Publications, Rules, HHE-200 Forms, and permit labels can now be ordered online from the Division's web site. Just follow the link from the home page, at janus.state.me.us/dhs/eng/plumb/plumb.htm.

Separation Distances from Limiting Factor

Based upon some of the letters and calls we have received since the September 1999 newsletter, it appears that there may be some confusion about determining separation from limiting factors, when using bedded proprietary devices. When using stone, gravel, or gravelly sand for the purpose of bedding proprietary devices, the bottom of

the bedding layer is considered the infiltrative surface for the purpose of measuring separation from the limiting factor. This should not be confused with backfill material installed according to Section 804.2 of the Rules.

Kerwin Keller Retired

After nearly 30 years of State service, Kerwin Keller, State Plumbing Inspector, retired from the Division on December 31, 1999. Kerwin will be missed by his co-workers, the regulated community, and the members of the public with whom he dealt on a regular basis. We all wish him the best!

Rules Changes for 2000

The Division held a public hearing on February 1, 2000 to consider changes to the Subsurface Wastewater Disposal Rules and the Rules for Site Evaluators. Major changes for the Subsurface Wastewater Disposal Rules include:

- Seasonal Conversions and Minimum Lot Size Waivers will be removed from the Subsurface Wastewater Disposal Rules and administered separately as individual Rules.
- Elevation Reference Points must be referenced to an easily located, reasonably-expected-to-be-permanent feature, for example, a fire hydrant, a surveying monument, a structure, etc. if practical.
- Table 2000.11 added to first time variances, to grant points for use of advanced treatment based upon pollutant removal efficiency.



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- Aggrieved parties filing an appeal must now state the nature of harm they suffer as a result of the Department's decision, and the nature of the relief sought.
- Miscellaneous corrections and minor changes to reflect the removal of seasonal conversions and minimum lot size waivers from the Subsurface Wastewater Disposal Rules .

Changes to the Rules for Site Evaluators include a new Ethics section, absent provisions for reporting other Site

Evaluators' misconduct; and a progressive discipline section for processing complaints.

These four Rules will become effective June 1, 2000.

Training and Seminars

The Joint Environmental Training Coordinating Committee, in association with the Maine Department of Environmental Protection and various County Soil and Water Conservation Districts, presented four basic On-site Wastewater System Installer's Workshops, and two advanced On-site Wastewater System Installer's Workshops at various locations in central and southern Maine during February and March. Contact J.E.T.C.C. for information about other training they provide, or for next year's seminars, at (207) 767-2539.

If there is sufficient interest among designers, installers, and/or inspectors, additional basic workshops could be held in Presque Isle/Caribou, Houlton, and Machias. Please contact Jim Jacobsen at (207) 287-

5695 or David Rocque at (207) 287-2666 for more information.

Alert

Last autumn, it came to the Division's attention that a company called Miller Plante, Inc. was telemarketing a septic tank additive called "Septic Helper 2000". Among other claims, they allegedly stated that the State of Maine has approved their product for use in Maine, the Division recommends their product, and over 30,000 malfunctioning systems were identified by "the State" last winter. None of these claims are true. It has recently come to our attention that the company has again been telemarketing their product.

The Division has not issued approval for any septic system additives since our inception in 1974, and has in fact denied several. It is the experience of this office over the last 25 years, and several other agencies nationwide, that homeowners do not need to put special additives into their septic systems. In fact, there is evidence that some can do more harm than good, because although they live up to the claims of cleaning septic tanks, they do so by sending the solids to the disposal area, leading to malfunctions. ***The Division recommends that no septic tank additives be used with onsite sewage disposal systems.***

Proposed Legislation

P.L. 476, Disclosures in Connection with Transfers of Real Estate

This bill requires the owner of real estate consisting of one to four dwelling units to



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make certain disclosures to prospective buyers of the property similar to what is currently required of a real estate broker for the seller. The bill requires the disclosure of any material defects in the property, the type of wastewater system used, the type of insulation and whether there are or were any hazardous materials on the property. If an owner fails to make the required disclosures, the purchaser may rescind the purchase contract.

Recent Product Registrations

The following products and/or devices have been registered for use in Maine since the September, 1999 newsletter was issued. For a complete list of approved and registered products, please contact Dina LaFlamme at the Division.

Zabel A100, A300, A100HIP, Zabel A1800, and A300HIP filters. Contact Zabel Environmental Technology, Attn.: John Christensen, Engineer, 6244 Old LaGrange Road, Crestwood, KY 40014

Norweco Bio-Kinetic Wastewater Management System. Contact; Norweco, Attn.: Michael S. Price, R.S., 220 Republic Street, Norwalk, OH 44857-1196

ConSeal 101 butyl resin tank sealant and ConWrap external tank joint wrap. Contact: Richard Genest, Inc., Attn.: Dianne Williams, P. O. Box 272, Sanford, Maine 04073

MicroSepTec EnviroServer 600/1200/1500. Contact: MicroSepTec, Inc., Attn.: Robert A. Spurgin, 7373 N. Scottsdale Road, Suite C-146, Scottsdale, AZ 85253

Tuf-Tite EF4 effluent filter; Tuf-Tite 4, 6, 7 and 9 hole distribution boxes; Tuf-Tite Speed Levelers; Tuf-Tite Gas Baffle; Tuf-Tite Drain Sumps; and Tuf-Tite plastic risers. Contact: Tuf-Tite Corporation, Attn.: Art Daube, Area Representative, 30 Sweetcake Mt. Road, New Fairfield, CT 06812

Installers

A list of certified onsite sewage disposal system installers, up to date as of March 16, 2000 is enclosed with this newsletter. Please feel free to copy and distribute this list.

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