



**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

**Volume 23, Issue #1**

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

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### **Annual Public Hearing**

The Wastewater and Plumbing Control Program held its annual public hearing on February 3, 1998 in Augusta. The hearing was well attended, with 43 people present. Clough Toppan, Director of the Division, introduced new Staff members Dina Laflamme and James Jacobsen. Four issues dominated the public comment portion of the hearing: proposed changes to Section 503, regarding the determination of when an on-site system requires only a subsurface wastewater disposal system permit versus when an overboard discharge license from the Maine Department of Environmental Protection (MDEP) is necessary; proposed prohibition of connections of floor drains to subsurface disposal systems; proposed application of first time system criteria to full systems which replace pit privies; and whether the two year time limit on

applications under Section 107.5 is causing problems.

The proposed changes to Section 503 and proposed changes regarding floor drains were the result of an existing MDEP classification of subsurface sewage disposal systems as Class 5 injection wells. The general intent behind this change is to clarify the flow characteristics and materials which are prohibited from disposal in such systems. This would dovetail with similar provisions adopted by the MDEP. The general consensus seemed to be that the wording of the sections needs clarification.

The Division clarified that the proposal to require pit privy replacement systems to meet first time criteria was intended to mean that upgrading from a primitive system to a full system would need to meet first time criteria. This proposal was made due to the increased design flow and use inherent in such an upgrade. Replacement in kind would still need to meet only replacement criteria. There was a lively discussion regarding first time criteria versus replacement criteria, and the possibility of a new set of criteria geared towards upgrades.

The issue of the two year time limit on HHE-200 forms, for which a permit has not been issued, was brought up for general discussion. Opinions from the floor varied. Some felt the issue was not a

problem, others felt it was. Those who felt the issue was a problem stated that the limit is problematic for Site Evaluators and Local Plumbing Inspectors alike, from the perspectives of tracking and permitting, respectively. A suggestion was made by the



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Division that licensing installers would go a long way toward mitigating these problems. However, since this was a discussion item rather than a proposed rule change, no changes will be made to this provision in the near future.

A Responsiveness Summary will be distributed to LPI's and SE's as soon as it's complete. The Responsiveness Summary will contain summaries of the written comments received after the hearing, prior to close of the record. If you would like a copy, and are not a part of the groups mentioned, please contact us. We would be pleased to provide one to you.

### **Training and Seminars**

The Joint Environmental Training Coordinating Committee presented an On-site Wastewater System Installer's Workshop at the Black Bear Inn, Orono on February 26, 1998 in South Portland. Another workshop was held on March 12, 1998 by the Penobscot County Soil & Water Conservation District. A third workshop was held on scheduled for March 13, 1998 at Presque Isle by the Central Aroostook County Soil and Water Conservation District. The Piscataquis County Soil and Water Conservation District held a Subsurface Wastewater Disposal Workshop on March 17, 1998 in Dover-Foxcroft.

The Maine State Planning Office sponsored training workshops for Local Plumbing Inspectors and Code Enforcement Officers during March of 1998. The workshops focused on internal plumbing issues, principally cross connection prevention and grease trap installations. The first workshop

was held at Rangeley Hall, EMTC, Bangor on March 4. Additional workshops will be/were held at Campus Center, UMPI, Presque Isle on March 5; Kirk Hall, CMTC, Auburn on March 10; and Machine Tool Building, SMTC, South Portland on March 26. For more information, contact the State Planning Office at (207) 287-3261.

### **Malfunctioning Peat Systems**

We need your help. As you may have heard, the Division of Health Engineering (DHE) and the Maine Department of Environmental Protection (MDEP) have received several reports of malfunctioning private peat sewage treatment systems. In fact, enough malfunction reports have been received (approximately 12 percent of known installations) that a closer look seems appropriate. We are trying to gather information on these systems, so that we can determine what steps need to be taken to correct the situation for individual systems. If you know of any peat disposal systems which have malfunctioned or are presently malfunctioning, we would appreciate being notified. We will then attempt to contact individual property owners. Please note that until further notice, no peat sewage treatment systems should be installed prior to contacting the Division. In the meantime, if you have any questions please feel free to contact James Jacobsen, Program Manager at (207) 287-5695 or by e-mail: [james.jacobsen@state.me.us](mailto:james.jacobsen@state.me.us). Our thanks to those who have already responded to earlier requests.

### **New Approvals**



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

***Puraflo Peat Biofilter*** domestic wastewater treatment system has been granted experimental system approval. This product consists of manufactured, prepackaged peat filtration and treatment system modules. Individual system installations shall require prior review and approval by the Division as experimental systems, a reserve design for a conventional onsite wastewater disposal system, and a minimum 24 month monitoring program to document the system's performance. Contact: Bord Na Mona, Attn.: Joe Walsh, President, P. O. Box 77457, Greensboro, NC 27417

***SeptiTech*** wastewater treatment system has been granted experimental system approval for a product designed for treating domestic sewage effluent in an aerobic treatment tank, applied in a manner similar to a trickling filter, with an attendant decrease in the size of the area designated for final disposal of the treated effluent. Contact: SeptiTech, Attn.: James R. Gray, President, 2 Pennell Lane, Gray, Maine 04039.

***Zoeller Small Residential Effluent Filter P/N 170-0023, Deluxe Filter P/N 170-0016, and Commercial Filter P/N 170-0017*** septic tank effluent filters have been granted approval. These filters are designed to be installed within existing septic tank outlet tee's (*P/N 170-0023*) or to replace the outlet tee altogether (*P/N 170-0016* and *P/N 170-0017*). These filters are constructed from plastic materials, and are all designed to trap particles 1/16 inch diameter and larger. Contact: Zoeller Pump Co., Attn: Kenneth E. Zoeller, VP, P. O. Box 16347, Louisville, KY 40256-0347.

(Note: When the proposed changes to the Rules become effective, products will be registered for use in Maine, provided that they meet public health and safety standards and guidelines, rather than reviewed and approved by the Division.)

### **Reassignment of LPIs in Unorganized Territories**

On September 23, 1997 members of the Plumbing Control Program met in Bangor with three members of the legislature and about a dozen LPIs assigned to the unorganized territories. The purpose of the meeting was to discuss the manner in which LPIs are assigned, particularly when the primary LPI is replaced. A number of issues were discussed, namely, considering the alternate LPI and geographics when appointing the LPIs. As a result we sent a letter out to LPIs serving the unorganized (LURC) territories asking which territories they wanted and then we reassigned based upon who was the alternate LPI, geography, and the personal requests. The reappointments will become effective April 1, 1998. All future appointments will require interested LPIs to make request for appointment to a specific area in writing to the Division. From time to time we will send notices of vacant areas for which you may make a request.

Also discussed was the administration of permits and fees between Primary LPIs and Alternate LPIs and establishing Rules Relating to Local Plumbing Inspectors. Regarding administration of permits and fees, if the Primary LPI issues a permit, but the Alternate LPI conducts the inspection(s), it is the belief of the Department that the Alternate LPI should get the entire fee. We



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intend to work on establishing the Rules Relating to Local Plumbing Inspectors in the near future. These rules will include points of clarification regarding replacement of LPs, removal of LPs, compensation, etc. Upon completion, a draft will be forwarded to all LPs for comment.

### **Typographic Error**

Section 301.4.2 of the Subsurface Wastewater Disposal Rules, regarding seasonal conversions, states: "A replacement for an existing waste water system has been installed so that it complies with Section 303.0 and applicable municipal ordinances". However, there is no Section 303.0. Rather, this should have stated "...so that it complies with

**Section 302.0...**". This is the reference to meeting substantial compliance criteria. This will be updated in the Rules as soon as possible.

### **Proposed Legislation**

After several discussions with the Division of Health Engineering, The Department of Professional & Financial Regulation Department (DPFR) is proposing legislation for this session of the 118th Maine Legislature. The proposal, LD 2198, follows a review of the DPFR, and is titled, "*An Act to Implement the Recommendations Relating to the Review of the Department of Professional & Financial Regulation's Office of the Commissioner, Office of Consumer Credit Regulation and Office of Licensing and Registration under the State Government Evaluation Act.*" This bill was

heard on February 23, 1998 and we support it. Three things occur:

Transfers the responsibility from DHS to DPFR for overseeing the Internal Plumbing Rules, authorizing the Plumbers Examining Board to adopt Internal Plumbing Rules;

Enforcement of the Rules is the responsibility of the Municipality (relative to the LPI) and the Board (relative to licensed plumbers), and

Eliminates the mandatory hearing on the 1st Tuesday of February. Note: Since the Administrative Procedures Act is now in effect, rulemaking is a way of life, with procedures for initiating rules from within and outside of state government. We will still have hearings for rules.

### **Well to System Setback Clarification**

In October of 1997, a memo was sent to Well Drillers, Local Plumbing Inspectors, and Code

Enforcement Officers regarding reduction of the minimum setback between drilled wells and septic tanks. Specifically, the memo stated that Section 400.4.2 of the Well Driller and Pump Installers Rules allows a setback of 25 feet to watertight components of a property owner's septic system. This is applicable only to septic tanks for



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replacement systems, which have been tested to be watertight in the Local Plumbing Inspector's presence. It has come to the Division's attention that several well drillers have misinterpreted this to mean that wells can be set back 25 feet from any septic tank, and in several instances, from disposal areas. The minimum setback for first time systems is 100 feet, except as provided for under Section 401.1 of the Rules, which allows a 75 foot well setback for a watertight septic tank, or as little as a 70 foot setback for wells with additional casing installed to bedrock. If you have any questions, please contact us.

#### **Administrative Update**

The Division recently discovered that we have two HHE-238 Forms; the *Statement of Compliance*, found in Appendix D of the Subsurface Wastewater Disposal Rules, and *Certificate of Approvals* log sheets, which are in pads of NCR duplication paper. Since the Division actually receives few of the *Certificate of Approvals* from Local Plumbing Inspectors, this form will be discontinued in favor of the *Statement of Compliance* forms. Local Plumbing Inspectors may continue to use the *Certificate of Approvals* forms for their own tracking purposes, but if doing so, should cross out the "HHE-238" designation on the lower right corner of the forms. The Division will send out new log sheets shortly, with preprinted numbers corresponding to the permit label numbers.

#### **Inspections and Certificates of Approval**

Section 111.5 of the Subsurface Wastewater Disposal Rules requires that the Local Plumbing Inspector make at least two inspections of sewage disposal system installations. Under Section 111.5.1, an inspection of the system is required prior to covering and backfilling. Under Section 111.5.2, a second inspection is required within six months, to ensure that the system has been properly stabilized, seeded, and mulched. Questions have arisen regarding administration of the inspection process in light of these requirements.

The most commonly expressed concerns relate to issuance of occupancy permits and responsibility of ensuring that the system is stabilized. The Division suggests that the occupancy permits for any given community can be issued, upon a successful first inspection by the Local Plumbing Inspector, absent a compelling reason to the contrary. The responsibility for the long term stabilization of the system is probably best addressed through the contract, or similar instrument, between the property owner and the installer.

The Division is presently working on creating a standardized process for the multiple inspection process. Comments and suggestions are welcome and encouraged.