



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

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

Department of Human Services,
Division of Health Engineering

Wastewater and Plumbing Control
Program Newsletter

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Pending/Proposed Legislation

**LD 1126, An Act to Increase Internal
Plumbing Fees and to Remedy
Inconsistencies in Plumbing Laws**

The Division submitted legislation this session, titled *An Act to Increase Internal Plumbing Fees and to Remedy Inconsistencies in Plumbing Laws*. This proposal would raise the minimum internal plumbing permit fee from \$12.00 to \$24.00, and the per fixture fee from \$4.00 to \$6.00. These particular fees have not been updated for many years and certainly do not accurately reflect the costs of administering and processing permits at the local level. The intent behind this proposal is to update the fee schedule for internal plumbing permits, in accordance with other permitting fees. Although this would decrease the Town's share of the fees for communities with higher than minimum fees, the vast majority of Towns would realize an increase in fees.

We also propose minor changes to existing statutes, under this legislation, to Title 30A § 4211, 4212, 4214, and 4215, to reflect that the Department of Professional and Financial Regulation, Plumbers Examining Board (PEB) now promulgates the Internal Plumbing Rules, CMR 238, rather than the Department. This is a result of LD 2198

from the past session, which became effective July 9, 1998. Although the PEB now promulgates the Internal Plumbing Rules, the Department is still responsible for administration of the permitting process.

**LD 1676, An Act to License Installers of
Septic Systems**

LD 1676 is a concept draft which would establish licensing requirements for installers of septic systems. The Division did not submit this bill and was not consulted prior to submission. As of this writing, a public hearing had not been scheduled. Contact your legislators if you would like more information on the hearing schedule.

**L.D. 1126, An Act to Amend the Site
Evaluator Licensing Act**

The Division also submitted L.D. 1126 *An Act to Amend the Site Evaluator Licensing Act*. The Rules as currently authorized by the statute specify that the Department shall evaluate all formal complaints received. However, no provisions are made for competence, ethical standards, or enforcement of the rules regarding complaints, or for disciplinary action in regard to findings resulting from complaints, since no such provisions are authorized by statute. At best, the Department could refuse to renew a license, but since the licenses are issued biannually, it could take as long as two years for such an action to become effective.

The proposed legislation would amend the enabling statute to include provisions for competence, ethical standards, and enforcement of the rules. Using these



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criteria, the Department could modify the Rules through normal rulemaking procedures to adopt a progressive discipline process. We envision a process in which the lowest level of action would be a formal conference between the affected parties and the Department, then perhaps ranging through formal reprimands to probationary license status. Suspension or revocation of a license would continue to be through Administrative Court.

The proposal would also authorize the Department to increase the testing fee from \$60.00 to no more than \$100.00, and to increase the biannual license fee from \$40.00 to not more than \$150.00. These fees have not increased since the program's inception in the mid-1980's. The Division anticipates a fee of not more than \$50.00 per year would be adopted. This would be open to discussion under the rule-making process. These increased fees would be used to help defray the costs of administering the Site Evaluator Program.

Recent Product Registrations

The following products recently have been registered for use in Maine. This is not a complete list. For a complete list, contact the Division.

Eljen In-Drains: Table B-104.4, footnote b has been amended, such that for first time systems the HHE-200 form no longer needs to indicate that there is sufficient area with suitable

soils to allow a system in a trench configuration.

AWT Bioclere aerobic treatment plant. Contact: AWT Environmental, Inc., Attn.: Mark Lubbers, Vice President, P. O. Box 50120, New Bedford, MA 02745

Puraflo Peat Biofilter domestic wastewater treatment system. This product consists of manufactured, prepackaged peat filtration and treatment system modules. Individual system designs shall require prior review and approval by the Division, pursuant to Section 13 of the Rules. Contact: Bord Na Mona, Attn.: Joe Walsh, President, P. O. Box 77457, Greensboro, NC 27417.

Bio Weir In Tank Filter septic tank outlet filter. Contact: Bio Weir, Inc., Attn.: John W. Estep, 11 College Avenue, Newman, Georgia 30263

Polylok Septic Tank Filter septic tank outlet filter. Contact: Polylok Inc., 173 Church Street, Yalesville, CT 06492



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**Onsite Sewage Disposal System Installer
Certification Program**

In association with the Maine Department of Environmental Protection, Nonpoint Source Training and Resource Center, the Division of Health Engineering is pleased to offer a certification program for individuals who install onsite sewage disposal systems.

The Division offers this certification to those who wish to participate. Such certification is not mandatory under the Maine State Plumbing Code, Subsurface Wastewater Disposal Rules; nor is it a requirement of any other rule or regulation. However, being certified as an installer demonstrates to potential clients, local code officials, and other interested parties that one is knowledgeable in the regulations and practices associated with installing these systems.

The certifications are valid for a period of two calendar years. The following criteria must be met in order to be initially certified by the Division:

1. Attendance at one (1) full-day training session; and
2. Submission of two (2) HHE-200 Forms (sewage disposal system designs) the certification applicant installed, for which a permit was issued and an inspection performed by the Local Plumbing Inspector; or

3. Other relevant qualifications, reviewed on a case-by-case basis.

In addition to the initial certification requirements, the certified installer must attend at least one (1) half-day training session per year thereafter, otherwise the certification shall lapse. Other relevant training will be reviewed on a case by case basis (for example, product manufacturer demonstrations).

If you are interested in becoming certified as an installer of onsite sewage disposal systems, please contact the Division.

1999 Annual Hearing

The Division held its annual Rules changes public hearing on February 2, 1999. No substantive changes to the main body of the Subsurface Wastewater Disposal Rules were proposed, however, the order of the chapters will be re-arranged to form a logical progression, and peat systems will be upgraded from experimental to engineered status. An important change is proposed "**Section 101.5 Revocation by Department**" under which the Department may revoke any permit it has issued, or rescind any written decision it has made, if the permit was issued or the decision was made in error. The Division presently lacks this authority under the Rules. The Division's Response summary to comments received after the February 12, 1999 close of the record will be distributed to Local Plumbing Inspectors, Site Evaluators, and other interested parties in the near future. If



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you would like to receive a copy, contact
Dina LaFlamme at (207) 287-5689.

Contact Eljen Corporation for more
information at 1-800-444-1359 or at
www.eljen.com.

Eljen Corporation Company Policy

Eljen Corporation has recently provided the
Division with a copy of their policy
regarding use of Eljen In-drains with aerobic
treatment units. The policy reads as follows:

"Use of Eljen In-Drains in
Conjunction with Aerobic
Treatment Plants Eljen In-
Drains when installed with
Aerobic Treatment Systems
(sic) shall be installed in
accordance with Eljen
Corporation State approved
Design and Installation
Manual. Additionally, a
separate effluent filter shall
be installed following the
Aerobic Treatment System
prior to the Eljen In-Drain
system. Any reduction in In-
Drain System sizing
exceeding Eljen's State-
approved Design and
Installation Manual will void
the Eljen In-Drain Warranty."

Apparently, Eljen Corporation is concerned
about the potential for In-Drain disposal
areas being reduced in size, and potentially
undersized compared with their
recommendations, when used with extended
or advanced treatment units.

Administrative Updates

As noted in the Program's March 1998
newsletter, we found that we had 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 was discontinued in favor of the
Statement of Compliance forms. Any LPI's
who would like to have new Certificate of
Approval forms should contact Heidi
Caswell at (207) 287-5672.

Training and Seminars

The Joint Environmental Training
Coordinating Committee presented six On-
site Wastewater System Installer's
Workshops at various locations in February
and March. The attendance and response to
these seminars has been phenomenal.
Unfortunately, a lot of folks had to be turned
away due to the reservations being filled
very quickly. The Division videotaped the
Bangor seminar, and after editing and
duplication is complete, the tape will be
available for lending. Contact J.E.T.C.C. for
information about other training they
provide, or for next year's seminars, at (207)
767-2539.



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Product Registration Database

The Division now has a database of the onsite sewage disposal system related products we have approved and/or registered since 1974. The database contains the product name, company name, last known address, date of approval/registration, and a brief description of the product. Contact the Division if you would like a copy of the report from this database.

Note to Site Evaluators: License Renewals Due

License renewal forms were sent to all Site Evaluators last winter, for this year's bi-annual March registration (CMR 245, Section 5.B). As of March 19, 1999 approximately 50 site evaluators had not renewed their licenses. Failure to renew licenses by March 31, 1999 will result in suspension of the licenses, and removal from the Division's paper and electronic distribution lists. A letter will be sent to those Site Evaluators failing to renew their licenses, advising them that any designs dated thereafter will be null and void. Any Site Evaluator who allows their license to lapse, and fails to renew it within two years, will be required to take the Site Evaluator Examination again before the license will be reinstated (CMR 245, Section 5.C). Please take a few minutes now, and renew your license if you have not already done so.

Municipal Performance Reviews

Maine law, Title 30-A § 4212 et seq. states that the Division (as part of the Department of Human Services) is responsible for ensuring the proper administration of the plumbing and subsurface waste water disposal rules by municipalities. In order to do this the statute requires that the Division shall review the administration of plumbing and subsurface waste water disposal rules and laws in each municipality; and that this review shall be made on a regular basis. The review also may be made in response to a written complaint from any person, as necessary.

Further, according to the statute, the Division shall inspect the municipality's records and discuss the administration of the program with the Local Plumbing Inspector, and the Local Plumbing Inspector shall be available during the Division's review. The Division shall report the results of its review in writing to the municipality and, when applicable, to the complainant.

To comply with this statute, in January of 1999 the Division started a municipal performance review program. Kerwin Keller, State Plumbing Inspector, has been scheduling meetings with LPI's, for the purpose of reviews as noted above. Naturally, it will take quite some time to meet with each appointed LPI. If an LPI would like to schedule a meeting, he or she should contact Mr. Keller at (207) 287-5689.

Regarding the Division's findings, the statute says that the written notice shall set forth the Division's findings of whether the municipality is in compliance the statute. If



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the Division finds any violation of the statute or 30-A, 3428, the Division shall notify the municipality that it has 30 days in which to take enforcement action and shall specify what action must be taken in order to achieve compliance. The municipality must then file a plan acceptable to the Division setting forth how it will attain compliance, and the Division shall notify the municipality that it will review the municipality for compliance within 60 days of accepting the plan.

The Division will maintain a database to track the municipal performance review program. This information will be available to the municipalities, LPI's, and other interested parties.

Staff Roster

[James Jacobsen](#),

Program Manager & Plans Review

[Jay Hardcastle](#),

Site Evaluation Licensing Program

[Linda Robinson](#),

Variations

[Brent Lawson](#),

State Plumbing Inspector & Municipal Performance
Review

[Dina Laflamme](#),

Secretary

[Wendy Austin](#),

Plumbing Permits & Data Entry