

## **Portland Water District Wastewater Disposal System Permit Rules**

### **PURPOSE and APPLICABILITY :**

These Rules are designed to protect public health and safety by preserving the quality of water in Sebago Lake, the source of supply for the Portland Water District's Greater Portland drinking water system. These Rules establish the requirements and procedures for obtaining Portland Water District approval for the installation of new or replacement subsurface wastewater disposal systems and their components within 200 feet of Sebago Lake. These Rules further define the requirement that all construction activities must be planned and undertaken in a manner that there is no adverse impact on the quality of water in Sebago Lake and its tributaries. These Rules are designed to protect public health and safety by ensuring that adequate provision has been made for the proper disposal of drainage and waste. These Rules shall apply to all property within two hundred (200) feet of the normal high water line of Sebago Lake. This includes the following river segments: Crooked River to the State Park Road bridge; Northwest River to the dam; Jordan River to Route 302; Sebago Cove to Lakehouse Road; Songo River Bayou, Songo River to the Locks; Sticky River to Rt. 114 and all minor tributaries leading to the above mentioned water bodies or Sebago Lake directly where there is no change of elevation based on the normal high water line.

### **AUTHORITY:**

The Portland Water District (the "District") has authority to create and enforce these Rules pursuant to the provisions of 1913 Private & Special Law, Chapter 157, Section 3. In addition, authority arises from the District's Charter; Subchapter IV of Chapter 601, of Title 22 MRS and the Rules and Regulations of the Maine Department of Human Services, Maine Subsurface Wastewater Disposal Rules, IOCMR 241, adopted pursuant to section 42 of Title 22 MRS. These rules apply to Frye Island by virtue of a court decision in the Kennebec County Superior Court, Docket #1201, entitled State ex. rel. Attorney General and Portland Water District v. Leisure Living Communities, Inc., Et AL.

### **LIABILITY of the DISTRICT:**

The District, its employees or agents shall not be liable for any damage, injuries, or loss arising out of any act or omission by the District, its employees or applicant, in connection with the creation or administration of these Rules.

## **DEFINITIONS:**

The following definitions are utilized by the District in the administration of these Rules:

**A. Applicant** - Person who signs and submits an application for permit to construct, install or alter a subsurface wastewater disposal system.

**B. Backfill** - Soil material which is suitable for use in disposal fields, (See section 11205.0 Maine Subsurface Wastewater Disposal Rules).

**C. Bedroom** - Any room within a dwelling unit, or any room in an accessory structure to a dwelling unit, that serves primarily as sleeping quarters.

**D. Best Management Practices (BMP's)** - Erosion and sedimentation control practices designed into project design, planning and construction. Projects include anything where soil is added or disturbed.

**E. Component** - One part of a subsurface wastewater disposal system.

**F. Department** - State of Maine Department of Human Services, Bureau of Health, Division of Health Engineering.

**G. Disposal Field** - An individual subsurface wastewater disposal system component, consisting of a closed excavation made within soil or fill material, in which distribution pipes or approved proprietary devices have been placed for the disposal of septic tank effluent.

**H. District** - The Portland Water District.

**I. Great Pond** - Any inland body of water that, in a natural state, has a surface area in excess of ten (10) acres and any inland body of water artificially formed or increased that has a surface area in excess of thirty (30) acres.

**J. Holding Tank** - A closed, water-tight structure designed and used to receive and store waste or septic tank effluent.

**K. HHE-200** - A form which is the result of a site evaluation and an abbreviation for a subsurface wastewater disposal system permit application required by the Department.

**L. Jurisdiction** - All structures, suitable for persons or animals, systems, or components thereof, within two hundred (200) feet of the normal high water line of Sebago Lake. This includes the following river segments: Crooked River to the State Park Road bridge; Northwest River to the dam; Jordan River to Route 302; Sebago Cove to Lakehouse Road; Songo River Bayou, Songo River to the Locks; Sticky River to Rt. 114 and all minor tributaries leading to the abovementioned water bodies or Sebago Lake directly where there is no change of elevation based on the normal high water line.

**M. Letter of No Objection** - The District's response to an Application seeking approval of plans pertaining to structures housing persons or animals, or areas used to house, maintain or confine animals of any kind, within the District's Jurisdiction.

**O. Natural Resources Protection Act** - An act which governs and protects natural resources, Article 5-A of Subchapter I of Chapter 3 of Title 38.

**P. Nonpoint Source Pollution** - Pollution that cannot be traced to a specific origin or starting point, but appears to flow from many different sources. Nonpoint source pollution is the bacteria, viruses, nutrients, metals, sediments, and toxics carried by storm-water from developed areas, farms, timber harvesting sites, marinas, boat yards, faulty septic systems, and other diffuse sources.

**Q. Normal High Water Line** - That line on the shore or bank that is apparent from visible markings, changes in the character of soil, rock, or vegetation resulting from submersion or the prolonged erosion action of the water; or an elevation of 266.5 feet above mean sea level.

**R. Owner** - The person(s) who owns a particular property which is the subject of a permit application.

**S. Permit** - A document which gives written permission to install a subsurface wastewater disposal system or component thereof.

**T. Permit by Rule (PBR)** - An approval for a type of activity described in Chapter 305 of the Natural Resources Protection Act for the State of Maine.

**U. Point Source Pollution** - Pollution discharged directly to water bodies from specific, identifiable pipes or points, such as an industrial facility or municipal sewage treatment plant.

**V. Seasonal Conversion** - Written Authorization (permit) allowing the conversion of a seasonal dwelling (occupied less than seven (7) months in a calendar year) to year-round use.

**W. Septic Tank** - A water-tight receptacle that receives the discharge of untreated wastewater. Designed and installed so as to permit settling of settleable solids from discharge of the liquid portion into a disposal field.

**X. Shore-land Zone Area** - All land area within 250 feet, horizontal distance, of the normal high water line of any great pond, river, or salt water body; or within 250 feet, horizontal distance, of the upland edge of a freshwater or coastal wetland: excluding any forested wetland: or within 75 feet, horizontal distance, of the normal high water line of a stream or as designated by a municipality,

**Y. Site Evaluation** - The practice of investigating, evaluating, and reporting the basic soil and site conditions that apply to wastewater treatment and disposal along with a system design in compliance with state code.

**Z. Soil Profile** - A vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity and time.

**AA. Subsurface Wastewater Disposal System** - Any system designed to dispose of waste or wastewater on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pre-treatment filter; piping, or any other fixture, mechanism or apparatus used for those purposes (from now on referred to as "System").

**BB. System** - See "Subsurface Wastewater Disposal System."

## **PERMIT REQUIRED**

Before construction of any kind of structure is undertaken on property that is within the jurisdiction defined in these Rules, the Owner shall apply to and must receive from the District a permit. Permits are required for any new wastewater disposal system or replacement system or system components designed to dispose of waste or wastewater on or beneath the surface of the earth; including, but is not limited to: septic tanks; disposal fields and holding tanks. Permits must be obtained prior to the disturbance of any soil on the property or the commencement of construction.

This permit is in addition to any permit required by any municipality for the proposed construction.

The Owner/Applicant shall follow the provisions of these rules and the Department of Human Services Subsurface Wastewater Disposal Rules.

If a system or component is installed without District notification and the receipt of a permit from the District, Owner/Applicant will be required to properly apply for such permit (after the fact), and uncover the system or component for inspection by the District.

## **APPLICATION/PERMIT REQUIREMENTS:**

A. The Owner/Applicant shall certify that they have reviewed these rules when submitting an application to the District. All requirements contained in these Rules must be met before a system or component construction permit will be issued by the District.

B. Application must be made in writing and shall include:

- 1) Signed District permit application
- 2) Signed HHE-200 form (soils information and system design)
- 3) Signed Variance Form (if required)

- 4) Building plans or sketch of floor plan
- 5) An Erosion and Sedimentation Control Plan. This must be submitted prior to any soil disturbance.

C. Standards for Issuance:

1) Systems shall meet the basic design requirements of the Maine Subsurface Wastewater Disposal Rules; and

2) A system design using 120 gallons per day per bedroom will be REQUIRED if the disposal field is LESS THAN two hundred (200) feet from the normal high water line. A 90 GPD per bedroom system design is acceptable for disposal fields GREATER than two hundred (200) feet from the normal high water line; and

4) An Erosion and Sedimentation Control Plan, which may be included on the HHE-200 septic design plan, shall be submitted to the District for review prior to any soil disturbance.

### **LETTERS OF NO OBJECTION – AREAS OR STRUCTURES DESIGNED FOR ANIMALS**

The Owner/Applicant shall apply in writing to the District for a Letter of No Objection pertaining to structures or areas within the jurisdiction defined by these Rules used to house, maintain, or confine animals of any kind. A plan showing project location, maintenance/cleaning, and disposal of waste shall be included as part of the process. Review and response shall be completed within three (3) working days of receiving all paperwork from the Owner/Applicant.

### **RESPONSIBILITIES:**

#### **Owner/Applicant Responsibilities During the Permit Process**

- A. The Owner/Applicant shall file a permit application as required by these Rules.
- B. The Owner/Applicant shall notify the District twenty-four (24) hours before inspection is to be made. The system or component must be uncovered and accessible for proper inspection by District personnel. The District reserves the right to accept town inspections.
- C. All construction activities shall be planned and undertaken in such a manner that there is no adverse impact on the quality of water in Sebago Lake and its tributaries.

### **District Responsibilities:**

A. An employee of the District, having properly identified themselves, shall have free access during the District's normal business hours, to all premises within District jurisdiction for which permits are applicable to facilitate the inspection process of the work for which a permit is required, unless otherwise arranged with the Owner/Applicant.

B. The District shall review a permit application and respond within three (3) working days. The response may consist of the issuance of a construction permit, or the denial of a permit. If corrections are necessary in order for the construction to go forward and a permit issued, the Owner/Applicant will be informed and the District will work with them to facilitate the required correction.

### **ACTIVITIES NOT REQUIRING DISTRICT PERMITS:**

A. A District permit is not required for construction activities not involving components of a subsurface wastewater disposal system and for which a building permit is required from the municipality. The District reserves the right to review plans and inspect properties before, during, and after municipally permitted construction activities are undertaken.

B. Other projects undertaken within the jurisdiction defined in these Rules have the potential to adversely impact the water quality of Sebago Lake. Examples include but are not limited to soil disturbance, placement or replacement of wells or intake pipes, movement of rocks or vegetation, outfall pipes, riprap projects, retaining wall restoration, docks, ramps or any other activity which may affect water quality. Although these activities do not require the issuance of a permit by the District, such activity shall be made in a safe and sanitary manner which is consistent with the State and municipal rules and ordinances. The District reserves the right to review plans and inspect properties before, during, and after activities permitted by other authorities are undertaken.

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