Supplemental Plumbing Ordinance

Town of York, Maine

Most Recently Amended: November 6, 2012

Prior Dates of Amendment: May 21, 2011
May 29, 2009

Dates of earlier amendments and original enactment are uncertain at this time.

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to amend this Ordinance: November 6, 2012.

Certified by the Town Clerk: Mary-Anne Lyons-Mawhinney (signature) on 11/7/12 (date)

SUPPLEMENTAL PLUMBING ORDINANCE

SECTION 1: TITLE

This Ordinance shall be known as the Plumbing Ordinance and is referred to herein as the "Ordinance".

SECTION 2: LEGAL AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, MRSA, Section 3001. This Ordinance is also pursuant to the Municipalities' Plumbing Laws (Title 30-A, MRSA, Section 4211) which allows municipalities to enact regulations which exceed the minimum requirement of the Maine Department of Health and Human Services, Division of Environmental Health.

SECTION 3: PURPOSE

The Town of York finds that the Maine State Plumbing code is inadequate to ensure the proper design, construction, operation and maintenance of large subsurface disposal systems. This ordinance establishes guidelines and rules that better ensure the proper design, construction, operation and maintenance of these systems. This Ordinance also upgrades certain of the "minimum" standards contained in the State of Maine Subsurface Waste Water Disposal Rules, 10-144 CMR 241, relating to subsurface wastewater disposal for the protection of the public health, safety and welfare. Any reference to "State Rules" in this Ordinance shall mean State of Maine Subsurface Waste Water Disposal Rules, 10-144 CMR 241. The Ordinance also establishes an amended schedule of fees for plumbing permits.

SECTION 4: STATE RULES

This Ordinance supplements but does not replace the State Rules. The provisions of the State Rules shall govern except where the provisions of this Ordinance are stricter.

SECTION 5: DEFINITIONS

5.1 Any word or term not defined herein shall have the same definition as in the State Rules.

5.2 Bedroom – The term "bedroom" shall include any and all of the following: 1) any room designed to be used as sleeping accommodations for one or more persons, 2) any room designated as a bedroom on any application

for any local, state, or federal building, plumbing, electrical, zoning, and/or environmental permit 3) any room described as a bedroom in any advertising or sales literature, and 4) any room actually used for sleeping accommodations by one or more persons on other than an occasional basis. For the purposes of this definition, use of a room for sleeping accommodations shall not be deemed "occasional" if that use occurs on more than fourteen days during any single year, or if the room is used in exchange for compensation of any kind.

5.3 Controlled System – A non-residential subsurface wastewater disposal system with a design flow greater than or equal to 1500 gpd or a residential subsurface disposal system serving three (3) or more dwelling units. The replacement of a residential subsurface disposal system is exempt from the controlled system requirements when it complies with all of the following:

1. It serves no more than 5 dwellings.
2. There is no increase in number of bedrooms.
3. The subsurface disposal system is owned by a single entity.
4. The subsurface disposal system being replaced was installed prior to May 21, 1988.

5.4 Marginal System – A marginal system is defined as a septic system having one or several problems, including but not limited to records demonstrating excessive pumping (more than two times within any ninety day period for residential or commercial property except for required great trap maintenance for commercial property), the presence of visible ferric sulfide stains, or the system is inadequate under the State Rules to service the structure(s) or uses to which it is connected.

SECTION 6: ADMINISTRATION

6.1 No person shall construct or expand a subsurface wastewater disposal system until a permit has been issued in accordance with the requirements of this ordinance. No person shall erect or expand a structure requiring a system or change the use of an existing structure to a use which requires an expanded system until a permit for such expanded system has been issued in accordance with these regulations.

6.1.1 Expiration of Septic Design.
A septic design more than 2 years old and not permitted must be reviewed and updated as necessary by the Site Evaluator prior to the issuance of a permit.

6.1.2 Design Requirements If Existing Septic System Is To Be Retained.
Upon submission of an application for a major addition, new dwelling or a tear-down-replacement dwelling, the CEO shall

require that the applicant submit a copy of the current septic design. If there is no current design available, the applicant shall hire a licensed site evaluator to make a physical inspection of the system, including excavating a small portion of the disposal area to determine the actual condition of the system. The site evaluator shall provide a sketch of the system's approximate location and its adequacy for the proposal. The system must be determined adequate for a Building Permit to be issued.

6.2 All applications for Controlled Systems shall include the following documents, plans, and information:

6.2.1 An operations and maintenance manual which shall contain all information necessary to properly operate and maintain the entire collection, treatment and disposal system. The requirements for this manual are specifically described in Section 9.2.

6.2.2 For a Controlled System the LPI shall review the application and submissions required under this Ordinance and when complete, submit them to the Town Engineer or Division of Environmental Health for review. The Town Engineer shall review the submitted information for compliance with the State Plumbing code, these regulations, and good engineering practice. The written report shall be returned to the LPI within 14 working days. The LPI shall issue a permit for a Controlled System only after approval by the Town Engineer or the Division of Environmental Health.

6.2.3 Fee for Permit – Upon application for a Controlled System the applicant must submit an inspection fee as described in §8.2.

6.3 Permit Fees for Septic Systems. Permit fees shall be as follows:

Permits for Complete Disposal Systems		
	Engineered System	$400.00
	Non-Engineered System	$200.00
	Primitive System (includes one alternative toilet)	$200.00
	Separate laundry disposal field	$70.00
	Seasonal conversion permit	$100.00
	Variance from External Plumbing Rules	$40.00
Permits for Separate Parts of Disposal System		
	Alternative toilet (only)	$100.00
	Disposal field (engineered system)	$300.00
	Disposal field (non-engineered system)	$150.00
	Treatment tank (non-engineered system)	$100.00
	Treatment tank (engineered system)	$160.00
	Holding tank	$200.00
	Other components (complete pump station, piping, other)	$60.00
	Variance from External Plumbing Rules	$40.00

6.4 Permit Fees for Internal Plumbing. Permit fees shall be $12.00 per fixture, but never less than a minimum fee of $48.00.

SECTION 7: SYSTEM DESIGN

7.1 Wastewater Design Flows

7.1.1 Residential design flows from State Rules Table 501.1 shall be increased by 33.3%

7.1.2 Reduction in design flows for water conservation devices will not be allowed.

7.1.3 When due to physical constraints of the lot a replacement septic system cannot be designed using the design flows required in this section, the minimum design flows from Table 501.1 of the State Rules may be used. This provision may only be implemented when the replacement system is replacing a failed system without any increase in use of the system.

7.2 Stone Size and Covering

7.2.1 Stone Size – All stone used in the disposal field shall conform to one of the following nominal stone sizes as described in State Rules Table 800.1: 1½, 2, or 2½ inches. Stone shall be free of organics, fines, dust, ashes, clay or other similar durable and insoluble material.

7.2.2 Stone Covering – The disposal field stone shall be covered with a layer of filter fabric as described in State Rules, sections 805.3.1 or 805.3.2.

7.3 Additional Design Criteria for Controlled Systems

7.3.1 Controlled systems shall be designed by an engineer registered in the State of Maine. All reports, contracts and design documents submitted to the Town shall bear the engineers stamp.

7.3.2 Duplicate pumping equipment shall be provided. If only two pumps are provided, either shall be capable of handling peak design flows. Where three or more pumps are provided, they shall be designed to fit actual flow conditions and must be so designed so that with any one pump out of service the remaining pumps will have capacity to pump peak design flows.

7. 3.3 Level Controls and Capacity. Level sensing devices shall be located in the wet well so as not to be unduly affected by flows entering the chamber or by the suction of the pumps. Provisions shall be made to automatically alternate the pumps in use. An emergency storage capacity above the working level equal to the daily design flow shall be provided.

7.3.4 Alarms – An alarm system shall be provided for all pump stations. The alarm on-site shall be both visual and audible. The alarm shall be activated in any one of the following cases:

- Low water in the wet well
- High water in the wet well
- Loss of one or more phases of power supply
- Loss of the alarm transmission line, or
- Pump failure

The alarm shall signal at the pump station and at a facility that is manned 24 hours a day. An automatic telephone dialer capable of dialing several numbers will be accepted as an alternative to the secondary alarm at a manned facility.

7.3.5 Emergency Storage – Pump stations shall be provided with standby storage tanks or wet wells must be capable of storing sewage flows for a period of at least 6 hours without overflowing or causing backups.

7.3.6 Peat disposal areas are not allowed for controlled systems.

7.3.7 Reserve Areas

a. A reserve area sufficient to duplicate the original leaching area must be provided and permanently dedicated to this purpose.

b. Any expansion of the original disposal area necessary to support a change or increase in intensity in the land use which discharges to the disposal system will require an equal expansion of the reserve area.

SECTION 8: INSPECTION OF CONTROLLED SYSTEM CONSTRUCTION

8.1 Upon issuance of a permit for construction of a controlled system the LPI or Town Engineer will inform the applicant of the inspections which will be required. The inspections may involve any or all of the following phases of construction:

8.1.1 When the area of the disposal field and fill extension has been cleared of organics and scarified and before any fill is placed on the area.

8.1.2 Review of materials to be used for fill and review of the location to be filled.

8.1.3 Installation of the septic tank with connection to the house sewer and manholes open.

8.1.4 Installation of the distribution box(es) with connection to the septic tank, top open and distribution lines in place.

8.1.5 Completion of the trenches, field, chambers with stone in place, but distribution pipes uncovered and manholes open.

8.1.6 Other inspections or tests as may be required by the LPI or Town Engineer to ensure compliance with this ordinance and the State Rules.

8.2 Controlled systems will be inspected by the Town Engineer at the applicants' expense. Upon receipt of a permit for a controlled system the applicant shall submit an inspection fee equal to 2% of the estimated cost of construction of the system. This money will be deposited into a special account used solely for the purpose of obtaining inspection assistance from the Town Engineer. Whenever the services of the Town Engineer consume the amount of funds available, the applicant must submit an additional fee equal to the amount of the initial deposit, or as determined by the LPI. All additional construction must cease until the additional

deposit has been received. This may be enforced by a Stop Work notice by the CEO if necessary. Any balance remaining in the account after a final inspection and approval by both the Town Engineer and the LPI shall be returned to the applicant within 30 days. Any interest accrued shall remain with the Town.

8.3 Final Approval

8.3.1 No occupancy permit for a building serviced by a controlled system may be issued until the LPI has granted final approval to the system.

8.3.2 For a controlled system the applicant shall submit "as built" plans to the LPI prior to issuance of a final approval. Such plans shall show field measurements of locations of all system components, water lines, wells, finished grades and structures, etc. They must be prepared by the owner's engineer who shall certify their accuracy by his seal.

SECTION 9: OPERATION AND MAINTENANCE OF CONTROLLED SYSTEMS

9.1 Plans for the continued proper operation, maintenance, monitoring and inspection must be submitted with the application for a controlled system. These plans shall be designed to ensure that the system operates at peak performance, that such information related to the operation and maintenance of the system is easily available and understandable by the users and owner of the system and to provide clear indication that the components of the complete system are performing according to design, to provide continued reporting to the Town that the system is operating properly.

9.2 Operation and Maintenance Manual

9.2.1 An operation and maintenance manual shall be required for a controlled system which must address the operation and maintenance of the entire wastewater disposal system including the programmed removal and disposal of sludge produced by primary treatment process (i.e. septic tank or tanks) located ahead of the subsurface disposal system per Section 9.3.

9.2.2 The owner of a system shall be responsible to follow the maintenance program as an integral part of the operation of the approved system.

9.2.3 A copy of the approved O&M Manual shall be accessible to the owner(s), users and LPI at all times.

9.2.4 The O&M Manual shall include the following at a minimum:

9.2.4.1 The manufacturer's operating, maintenance and repair instructions for all motors, pumps, valves, blowers, bearings, drive assemblies, control panels, electrical systems, alarms, piping, tankage, and equipment.

9.2.4.2 A summary chart which details for all equipment routine inspections, lubrication and adjustment which must be performed by the operator.

9.2.4.3 Copies of all permits and approvals and a detailed description of responsibilities of the owner, operator and the owner's consultant engineer necessary to meet all permit conditions.

9.2.4.4 A description of the sludge handling and disposal requirements, including the name and telephone number of the sludge hauler, name and telephone number of the sludge disposal facility and record keeping requirements.

9.2.4.5 An emergency operating and response program which details the procedures to be followed in the event of power failures, flooding, peak loads, fire, equipment failure and maintenance shutdowns. A description of who should be notified, how notified, and when in emergency situations shall be provided along with an appropriate telephone director.

9.2.4.6 A listing and directory providing names and notification requirements for water, electric, gas and telephone services

9.2.4.7 Cost projections for operation, maintenance, and emergency repairs.

9.3 Maintenance and Inspection Requirements of Controlled Systems

9.3.1 A septic tank shall be pumped when the accumulated scum and sludge solids occupy one third or more of the liquid depth, and no less frequently than as described in §9.3.2.

9.3.2 An inspection of a controlled system is required every 2 years and shall be submitted on or by June 30 of those years it is required. The controlled system shall be pumped concurrently with this inspection so that the inspector has the maximum view possible of

the interior of tanks and other components. The written report must be submitted to the LPI, the owner of the system and the homeowners association.

9.3.3 The inspection must be performed by a Maine-Licensed Professional Engineer who will issue a written report containing his findings, the condition of the system, an evaluation of how the system is or is not in compliance with this Ordinance and any recommended changes to the Operation and Maintenance Manual.

9.3.4 If the inspection finds evidence of a malfunctioning or marginal system, the LPI shall be notified immediately.

SECTION 10: HYDROLOGIC REPORT FOR CONTROLLED SYSTEMS

10.1 When either of the following conditions is encountered a Hydrologic Report prepared by a Professional Engineer registered in the State of Maine with a background in hydrology shall be submitted with the application:

- Perched or apparent groundwater as observed or as estimated by soil mottling is less than 2 feet below grade, or
- Bedrock or ledge is less than 3 feet below grade.

10.2 The report shall minimally include determination of groundwater elevations, seasonally predominant groundwater flow direction, groundwater flow velocities and an assessment of the hydraulic impacts and resultant groundwater mound caused by the injection of the proposed volume of wastewater to the ground water system. The computed groundwater mound elevation shall be considered the limiting factor for purposes of minimum separation.

10.3 The report shall address the qualitative effect of the proposed effluent discharge on public and private ground and surface water, ponds, wetlands, coastal waters and associated sensitive receptors. The LPI may require that the report shall also present for review a groundwater monitoring well network downgradient of the proposed discharge. The number of monitoring wells, well installation and development techniques, well construction details, proposed well locations and groundwater sampling parameters and techniques shall be discussed in the report.

10.4 Any proposed system may be required to be modified or relocated to protect a public or private well or wells, based on the potential for pollution as determined by:

1. The sewage treatment capabilities of the proposed system and soils;

2. The attenuation of pathogens;
3. Travel time of the effluent from the disposal system and dispersion in the soils and groundwater; or
4. Dilution of the chemical contaminants found in the effluent.

The Planning Board, Town Engineer or LPI may request information addressing these points to be included in the Hydrologic Report when a private or public water supply is in the vicinity of the proposed system.

SECTION 11: RULES AND REGULATIONS FOR USERS OF CONTROLLED SYSTEMS

11.1 No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off or subsurface drainage, or discharge from a sump pump to the septic system.

11.2 No person shall discharge or cause to be discharged any of the following described waters or wastes to the system:

1. any gasoline, kerosene, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
2. any non-latex paints, paint thinners, paint removers or strippers.
3. any organic solvent or any liquid containing any organic solvent.
4. any acid, enzyme, emulsifier or any other chemical substance not approved for discharge to the facilities by the LPI.

11.3 Use or connection of garbage disposals is prohibited.

11.4 The owners of facilities which service multiple users shall establish and submit a copy of rules and regulations regarding the use of common sanitary sewers prior to the commencement of operation of the facilities. Said rules and regulations shall be contained within the owners' organization documents and in the case of tenant use said rules and regulations shall be included in the lease or rental agreements. The rules and regulations shall contain at a minimum specific reference to the above restrictions.

SECTION 12: EXISTING CONTROLLED SYSTEMS

12.1 Systems existing as of the date of passage of this ordinance which meet the definition of controlled systems in this ordinance shall comply with Section 9 of this ordinance within two years of its adoption.

SECTION 13: PUMPING OF SEPTIC TANKS

13.1 Pumping Septic Tanks
Septic tanks shall be pumped according to the guidelines under Section 13.2.

13.2 Septic tanks shall be pumped out at least once every 5 years, except as follows:

13.2.1 Septic tanks at houses which are rented by the week during the summer shall be pumped out at least once annually.

13.2.2 Septic tanks for homes occupied by not more that 2 people shall be pumped out at least once every 10 years.

13.2.3 Septic tanks with advanced treatment (i.e. aerated systems such as but not limited to White Knight) shall be pumped out at least once every 10 years.

13.3 Beginning January 1, 2008, any person or company that pumps septic tanks in the Town of York shall file a report each month with the Local Plumbing Inspector. The monthly report shall indicate, for each tank pumped during that month:
a. the name of the customer;
b. the street address where the tank is located;
c. the approximate number of gallons of septage pumped; and
d. the location where the septage was taken.

SECTION 14: SYSTEM VARIANCE

14.1 Decisions about First Time System Variances shall be made by the LPI except where the Maine Subsurface Waste Water Disposal rules call for the Municipal Officers to make a decision.

14.2 An application for a First Time System Variance shall meet or exceed all of the requirements of the Maine Subsurface Waste Water Disposal Rules, in addition to the following two local criteria:
a. The soils test, variance application data, point score and system design have been verified by an independent site evaluator, licensed in the State of Maine working on behalf of the Town at the expense of the applicant.
b. A minimum point score of 75 is achieved.

SECTION 15: HOLDING TANKS

15.1 Per the regulations of the Maine Division of Environmental Health all applications for holding tanks within the Town of York shall be reviewed by the York Board of Selectmen.

15.2 The Board of Selectmen may endorse a holding tank application only if it meets all of the following criteria:

15.2.1 The holding tank will be replacing a malfunctioning septic system or overboard discharge.

15.2.2 There are not adequate soils on the property to install a replacement septic system. This must be documented with an HHE-200 form signed by a licensed Site Evaluator and verified by the Code Enforcement Officer.

15.2.3 The holding tank will be used as a temporary measure until Town sewer becomes available. The residence must connect to the Town sewer as soon as it becomes available.

15.2.4 The residents will install low volume toilets and flow restrictors so that water usage is kept to a minimum.

15.2.5 The homeowner will present a contract with a license septage hauler indicating that the holding tank will be pumped on a regular basis.

15.2.6 Dumping stations at campgrounds existing prior to the effective date of this ordinance may be approved by the Board of Selectmen.

SECTION16: AMENDMENTS

16.1 This Ordinance may be amended by a majority vote at a General or Special General Referendum.

SECTION 17: EFFECTIVE DATE

17.1 The effective date of this ordinance is the date of adoption by Town vote.

SECTION 18: VIOLATIONS AND ENFORCEMENT

18.1 Enforcement of this ordinance shall be the responsibility of the Code Enforcement Officer as per the York Zoning Ordinance.

SECTION 19: VALIDITY AND SEVERABILITY

19.1 Where the terms of this Ordinance conflict with any other ordinance or code the stricter of the two shall apply.

19.2 The provisions of this code are severable. If any provision of this ordinance should be declared by the courts to be invalid such decision shall not invalidate any other provision of this Ordinance.