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**DEPARTMENT OF PLANNING AND DEVELOPMENT**

June 3 , 2003

Dean A. Kamp  
71 Central Ave.  
Peaks Island, ME 04108

Re: 40 Epps St. (083 I003)

Dear Mr. Kamp,

An evaluation of your property at 40 Epps Street on May 27, 2003 revealed that the premises fails to comply with Section 24-35 and 24-36 of the Sewer Code of the City of Portland and Section 100.7 of the State of Maine, Subsurface Waste Water Disposal Rules.

There is a subsurface waste malfunction. Waste from the system is ponding above the ground.

This is a notice pursuant to Section 24-42 of the Code and the MSWD Rules. All referenced violations shall be corrected within 10 days of the date of this notice. A re-inspection of the premises will occur on June 12, 2003 at which time compliance will be required. Failure to comply will result in this office declaring the affected units as uninhabitable and referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A, M.R.S.A. ss 4452. and Title 22 MRSA ss 42

This constitutes an appealable decision pursuant to Section 24-57 of the Code and Chapter 21 of the MSWD Rules. Please feel free to contact me at 874-8697 if you wish to discuss the matter or have any further questions.

Sincerely,

Arthur Rowe  
Code Enforcement Officer

## **22 MRSA ss 42**

**3. Subsurface sewage disposal.** The department shall adopt minimum rules relating to subsurface sewage disposal systems. All rules, including installation and inspection rules, must be consistent with Title 30-A, chapter 185, subchapter III and Title 32, chapter 49, but this does not preempt the authority of municipalities under Title 30-A, section 3001 to adopt more restrictive ordinances. These rules may regulate the location of water supply wells to provide minimum separation distances from subsurface sewage disposal systems. The department may require a deed covenant or deed restriction when determined necessary.

Any person who violates the rules adopted under this subsection, or who violates a municipal ordinance adopted pursuant to Title 30-A, sections 4201 and 4211 or uses a subsurface waste water disposal system not in compliance with rules applicable at the time of installation or modification must be penalized in accordance with Title 30-A, section 4452. Enforcement of the rules is the responsibility of the municipalities rather than the department. The department or a municipality may seek to enjoin violations of the rules or municipal ordinances. In the prosecution of a violation by a municipality, the court shall award reasonable attorney's fees to a municipality if that municipality is the prevailing party, unless the court finds that special circumstances make the award of these fees unjust.