090-Q-001

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
Division of Health Engineering, Station 10 SHS
(207) 287-5672 FAX (207) 287-4172

PROPERTY LOCATION

>> Caution: Permit Required – Attach in Space Below <<

City, Town, or Plantation	PORTLAND (PEAKS ISLAND)
Street or Road	499 ISLAND AVENUE
Subdivision, Lot #	

PORTLAND
Date Permit Issued: 2/15/11
PERMIT # 11697 TOWN COPY
$ 100 ☐ If Double Fee Charged
FEE
Local Plumbing Inspector Signature
L.P.I. # 0732

OWNER/APPLICANT INFORMATION

Name (last, first, MI)		Owner Applicant
MACISAAC	JOANNE	

Mailing Address of ☐ Owner ☐ Applicant	22 COOLIDGE ROAD MEDFORD, MA, 02155
Daytime Tel. #	(617)504-0303

Municipal Tax Map # 90 Lot # Q-1

Owner or Applicant

I state and acknowledge that the information provided is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a permit.

Signature of Owner/Applicant — Date: Feb 20, 2011

Caution: Inspections Required

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.

Local Plumbing Inspector Signature — (1st) Date Approved — (2nd) Date Approved

PERMIT INFORMATION

TYPE OF APPLICATION

1. ☐ First Time System
2. ☐ Replacement System
   Type Replaced: UNKNOWN
   Year Installed: UNKNOWN
3. ■ Expanded System
   a. ■ Minor Expansion
   b. ☐ Major Expansion
4. ☐ Experimental System
5. ☐ Seasonal Conversion

THIS APPLICATION REQUIRES

1. ☐ No Rule Variance
2. ☐ First Time System Variance
   a. ☐ Local Plumbing Inspector Approval
   b. ☐ State & Local Plumbing Inspector Approval
3. Replacement System Variance
   a. ■ Local Plumbing Inspector Approval
   b. ☐ State & Local Plumbing Inspector Approval
4. ☐ Minimum Lot Size Variance
5. ☐ Seasonal Conversion Approval

DISPOSAL SYSTEM COMPONENTS

1. ■ Complete Non-Engineered System
2. ☐ Primitive System(graywater & pit toilet)
3. ☐ Alternative Toilet, specify: _____
4. ☐ Non-Engineered Treatment Tank (only)
5. ☐ Holding Tank _____ Gallons
6. ☐ Non-Engineered Disposal Field (only)
7. ☐ Separated Laundry System
8. ☐ Complete Engineered System(2000gpd+)
9. ☐ Engineered Treatment Tank (only)
10. ☐ Engineered Disposal Field (only)
11. ☐ Pre-treatment, specify:
12. ☐ Miscellaneous components

SIZE OF PROPERTY

+/-6,180 ■ sq. ft. ☐ acres

DISPOSAL SYSTEM TO SERVE

1. ■ Single Family Dwelling Unit, No. of Bedrooms: 3
2. ☐ Multiple Family Dwelling, No. of Units: __
3. ☐ Other _____ SPECIFY

Current Use ■ Seasonal ☐ Year Round ☐ Undeveloped

SHORELAND ZONING

☐ Yes ■ No

TYPE OF WATER SUPPLY

1. ☐ Drilled Well 2. ☐ Dug Well 3. ☐ Private
4. ■ Public 5. ☐ Other:

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK

1. ■ Concrete
   a. ■ Regular
   b. ☐ Low Profile
2. ☐ Plastic
3. ☐ Other: _____
   CAPACITY 1000 gallons

DISPOSAL FIELD TYPE & SIZE

1. ☐ Stone Bed 2 Stone Trench
3. ■ Proprietory Device
   a. ☐ Cluster array c. ■ Linear
   b. ■ Regular d. ☐ H-20 loaded
4. ☐ Other:
   SIZE 1008 ■ sq. ft ☐ lin. ft.
   21 ELJEN IN-DRAIN UNITS

GARBAGE DISPOSAL UNIT

1. ■ No 3. ☐ Maybe
2. ☐ Yes >> Specify one below:
   a. ☐ Multi-compartment tank
   b. ☐ _____ tanks in series
   c. ☐ Increase in tank capacity
   d. ☐ Filter on tank outlet

DESIGN FLOW

270 gallons per day
BASED ON:
1. ☐ Table 501.1 (dwelling units)
2. ☐ Table 501.2 (other facilities)
   SHOW CALCULATIONS for other facilities
EXISTING 2 BEDROOM EXPANSION TO 3 BEDROOM 90 GALLONS PER DAY EACH
3. ☐ Section 503.0 (meter readings) ATTACH WATER-METER DATA

SOIL DATA & DESIGN CLASS

PROFILE	CONDITION	DESIGN
3	AIII/C	1

AT Observation Hole # TP 1
Depth 36 " Elevation -54 "
OF MOST LIMITING SOIL FACTOR

DISPOSAL FIELD SIZING

1. ☐ Small 2.0 sq.ft./gpd
2. ☐ Medium - 2.6 sq.ft./gpd
3. ■ Medium-Large - 3.3 sq.ft./gpd
4. ☐ Large - 4.1 sq.ft./gpd
5. ☐ Extra-Large - 5.0 sq.ft./gpd

EFFLUENT/EJECTOR PUMP

1. ☐ Not required
2. ■ May be required
3. ☐ Required

Specify only for engineered systems:
DOSE: Gallons

LATITUDE AND LONGITUDE

at center of disposal area
Lat N 43 d 40 m 50 s
Lon. W 70 d 11 m 69 s
If g.p.s., state margin of error _____

SITE EVALUATOR STATEMENT

I Certify that on 5/28/10 (date) I completed a site evaluation on this property and state that the data reported is accurate and that the proposed sytem is in compliance with the Subsurface Wastewater Disposal Rules (10-144A CMR 241).

Albert Frick — Site Evaluator Signature
163 — SE #
8/13/2010 — Date

ALBERT FRICK — Site Evaluator Name Printed
(207) 839-5563 — Telephone Number
AFA@MAINERR.COM — E-mail Address

ALBERT FRICK ASSOCIATES – 95A COUNTY ROAD ROAD GORHAM, MAINE 04038 – (207) 839-5563

Note: Changes to or deviations from the design should be confirmed with the Site Evaluator

HHE-200 Rev + 05

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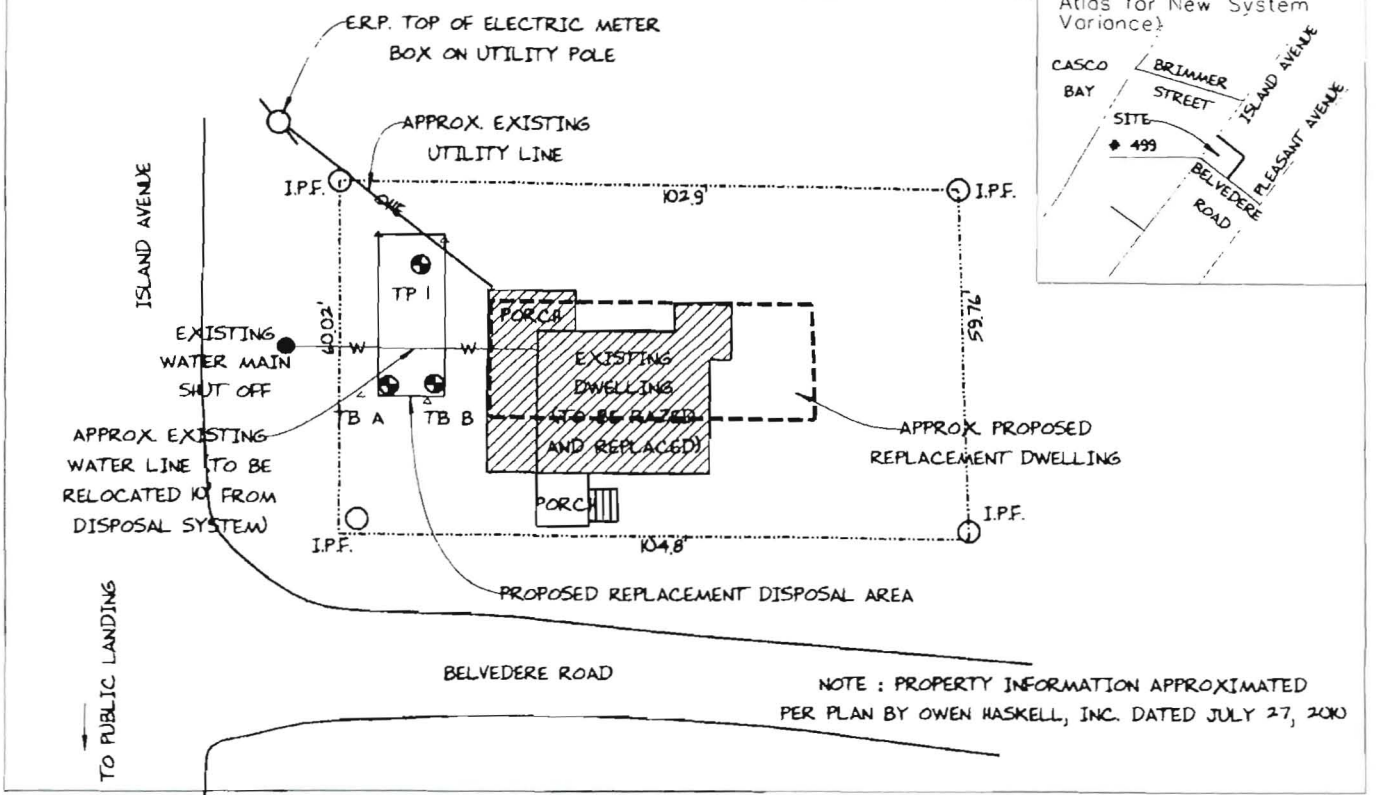
(207) 287-5672 FAX (207) 287-4172

Town, City, Plantation	Street, Road Subdivision	Owner's Name
PORTLAND (PEAKS ISLAND)	499 ISLAND AVENUE	JOANNE MACISSAC

SITE PLAN Scale 1" = 30 Ft or as shown



SITE LOCATION PLAN (Attach Map from Maine Atlas for New System Variance)

SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole TP 1 ■ Test Pit □ Boring
" Depth of Organic Horizon Above Mineral Soil

Depth (inches)	Texture	Consistency	Color	Mottling
0	SANDY LOAM		DARK BROWN	
10		FRIABLE		
20	LOAMY SAND		YELLOWISH BROWN	
30		FIRM		FEW, DISTINCT
40		BEDROCK		
50				

Soil Classification		Slope	Limiting Factor	
3 Profile	AIII/C Condition	%	36"	□ Ground Water □ Restrictive Layer ■ Bedrock □ Pit Depth

Observation Hole TB A-B □ Test Pit ■ Boring
" Depth of Organic Horizon Above Mineral Soil

Depth (inches)	Texture	Consistency	Color	Mottling
0				
10		TB A = 40" + TO BEDROCK		
20		TB B = 40" + TO BEDROCK		
30				
40				
50				

Soil Classification		Slope	Limiting Factor	
Profile	Condition	%	-	□ Ground Water □ Restrictive Layer □ Bedrock □ Pit Depth

Albert Frick
Site Evaluator Signature

163
SE #

8/13/2010
Date

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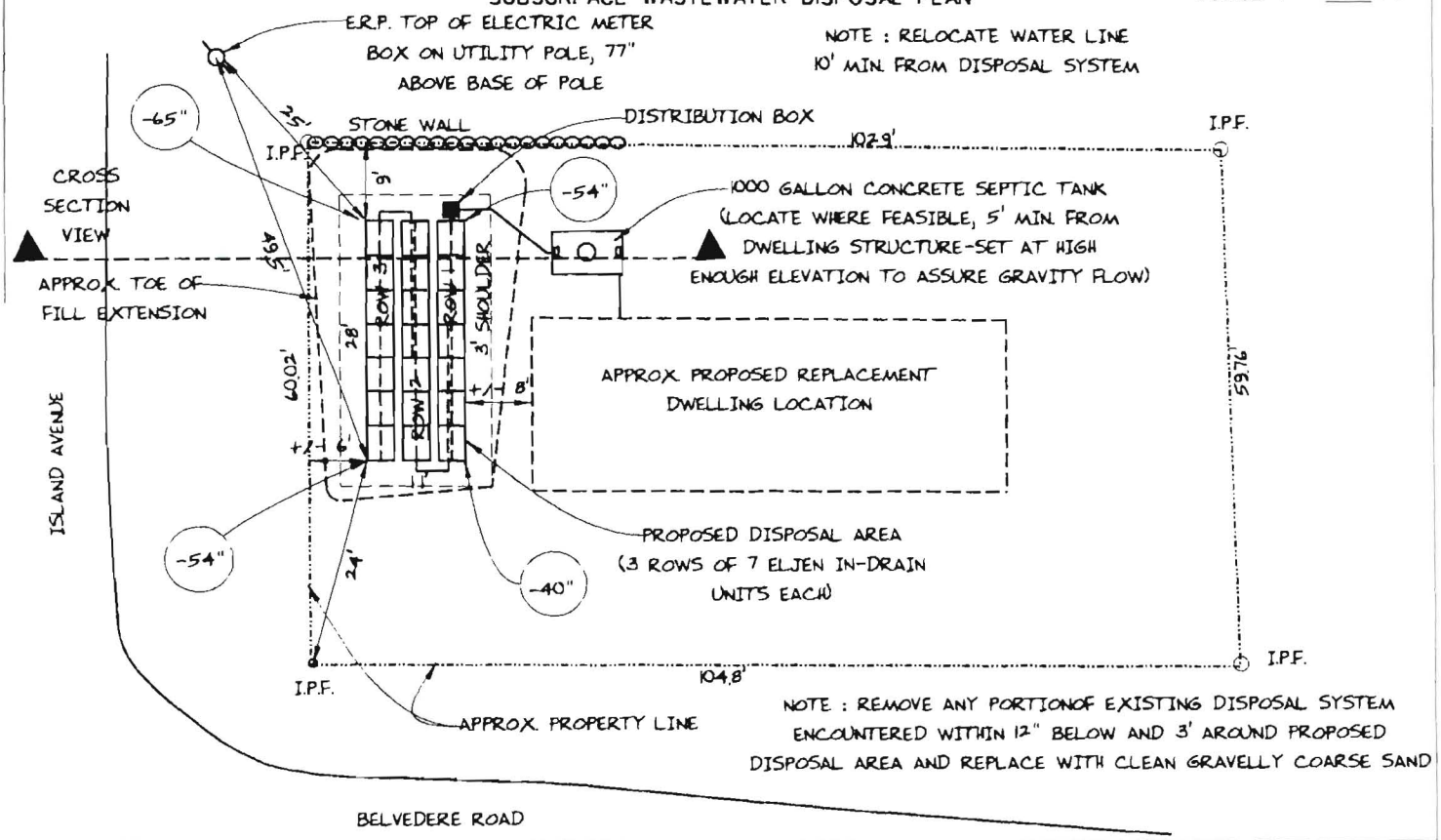
PORTLAND (PEAKS ISLAND)	499 ISLAND AVENUE	JOANNE MACISSAC

SUBSURFACE WASTEWATER DISPOSAL PLAN

SCALE 1" = 20 FT



FILL REQUIREMENTS

Depth of Fill (Upslope) : 0"-14"
Depth of Fill (Downslope) : 2"-13"
DEPTHS AT CROSS-SECTION (shown below)

CONSTRUCTION ELEVATIONS

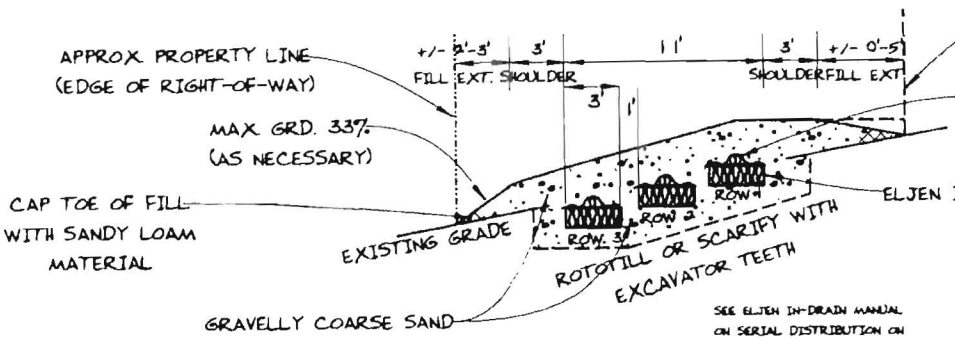
Finished Grade Elevation
Top of Distribution Pipe or Proprietary Device
Bottom of Disposal Area

ELEVATION REFERENCE POINT

SEE DETAIL BELOW
Location & Description TOP OF ELECTRIC METER BOX ON C.M.P. POLE, 77" ABOVE BASE OF POLE
Reference Elevation is: 0.0" or -----

DISPOSAL AREA CROSS SECTION

SCALE:
VERTICAL: 1" - 5'
HORIZONTAL: 1 - 10'



SEE ELJEN IN-DRAIN MANUAL ON SERIAL DISTRIBUTION ON SLOPES FOR PROPER PIPING

DEPTH BELOW ERP FOR ROW #:

	(1)	(2)	(3)
CLEAN FILL	-40"	-46"	-52"
GEOTEXTILE FABRIC	-52"	-58"	-64"
OVER 4" DIA. PERF. PIPE	-56"	-62"	-68"
ELJEN IN-DRAIN UNIT	-63"	-69"	-75"
	-69"	-75"	-81"

Albert Frick
Site Evaluator Signature

163
SE #

8/13/2010
Date

ALBERT FRICK ASSOCIATES - 95A COUNTY ROAD ROAD GORHAM, MAINE 04038 - (207) 839-5563

Albert Frick Associates, Inc.
Soil Scientists & Site Evaluators
95A County Road Gorham, Maine 04038
(207) 839-5563

PORTLAND (PEAKS ISLAND)	499 ISLAND AVENUE	JOANNE MACISSAC
TOWN	LOCATION	APPLICANT'S NAME

1) The Plumbing and Subsurface Wastewater Disposal Rules adopted by the State of Maine, Department of Human Services pursuant to 22 M.R.S.A. § 42 (the "Rules") are incorporated herein by reference and made a part of this application and shall be consulted by the owner/applicant, the system installer and/or building contractor for further construction details and material specifications. The system Installer should contact Albert Frick Associates, Inc. 839-5563, if there are any questions concerning materials, procedures or designs. The system installer and/or building contractor installing the system shall be solely responsible for compliance with the Rules and with all state and municipal laws and ordinances pertaining to the permitting, inspection and construction of subsurface wastewater disposal systems.

2) This application is intended to represent facts pertinent to the Rules only. It shall be the responsibility of the owner/applicant, system Installer and/or building contractor to determine compliance with and to obtain permits under all applicable local, state and/or federal laws and regulations (including, without limitation, Natural Resources Protection Act, wetland regulations, zoning ordinances, subdivision regulations, Site Location of Development Act and minimum lot size laws) before installing this system or considering the property on which the system is to be installed a "buildable" lot. It is recommended that a wetland scientist be consulted regarding wetland regulations. Prior to the commencement of construction/installation, the local plumbing inspector or Code Enforcement Officer shall inform the owner/applicant and Albert Frick Associates, Inc of any local ordinances which are more restrictive than the Rules in order that the design may be amended. All designs are subject to review by local, state and/or federal authorities. Albert Frick Associates, Inc.'s liability shall be limited to revisions required by regulatory agencies pursuant to laws or regulations in effect at the time of preparation of this application.

3) All information shown on this application relating to property lines, well locations, subsurface structures and underground facilities (such as utility lines, drains, septic systems, water lines, etc.) are based solely upon information provided by the owner/applicant and has been relied upon by Albert Frick Associates, Inc. in preparing this application. The owner/applicant shall review this application prior to the start of construction and confirm this information. Well locations on abutting properties but not readily visible above grade should be confirmed by the owner/applicant prior to system installation to assure minimum setbacks.

4) Installation of a garbage (grinder) disposal is not recommended. If one is installed, an additional 1000 gallon septic tank or a septic tank filter shall be connected in series to the proposed septic tank. Risers and covers should be installed over the septic tank outlet to allow for easy maintenance.

5) The system user shall avoid introducing kitchen grease or fats into this system. Chemicals such as septic tank cleaners and/or chlorine (such as from water treatment units) and controlled or hazardous substances shall not be disposed of in this system. Additives such as yeast or enzymes are discouraged, since they have not been proven to extend system life.

6) The septic tank should be pumped within two years of installation and subsequently as recommended by the pump service, but in no event should the septic tank be pumped less often than every three years. All septic tanks, pump stations and additional treatment tanks shall be installed to prevent ground water and surface water infiltration. Risers and covers should be properly installed to provide access while preventing surface water intrusion.

ATTACHMENT TO SUBSURFACE WASTEWATER DISPOSAL APPLICATION

PORTLAND (PEAKS ISLAND)	499 ISLAND AVENUE	JOANNE MACISSAC
TOWN	LOCATION	APPLICANT'S NAME

7) The actual water flow or number of bedrooms shall not exceed the design criteria indicated on this application without a re-evaluation of the system as proposed. If the system is supplied by public water or a private service with a water meter, the water consumption per period should be divided by the number of days to calculate the average daily water consumption [water usage (cu. ft.) x 7.48 cu. ft. (gallons per cu. ft.) ÷ (# of days in period) = gals per day].

8) The general minimum setbacks between a well and septic system serving a single family residence is 100-300 feet, unless the local municipality has a more stringent requirement. A well installed by an abutter within the minimum setback distances prior to the issuance of a permit for the proposed disposal system may void this design.

9) When a gravity system is proposed: BEFORE CONSTRUCTION/INSTALLATION BEGINS, the system installer or building contractor shall review the elevations of all points given in this application and the elevation of the existing and/or proposed building drain and septic tank inverts for compatibility to minimum slope requirement. In gravity systems, the invert of the septic tank(s) outlet(s) shall be at least 4 inches above the invert of the distribution box outlet at the disposal area.

10) When an effluent pump is required: Provisions shall be made to make certain that surface and ground water does not enter the septic tank or pump station, by sealing/grouting all seams and connections, and by placement of a riser and lid at or above grade. An alarm device warning of a pump failure shall be installed. Also, when pumping is required of a chamber system, install a "T" connection in the distribution box and place 3 inches of stone or a splash plate in the first chamber. Insulate gravity pipes, pump lines and the distribution box as necessary to prevent freezing.

11) On all systems, remove the vegetation, organic duff and old fill material from under the disposal area and any fill extension. On sites where the proposed system is to be installed in natural soil, scarify the bottom and sides of the excavated disposal area with a rake. Do not use wheeled equipment on the scarified soil surface. For systems installed in fill, scarify the native soil by roto-tilling or scarifying with teeth of backhoe to a depth of at least 8 inches over the entire disposal and fill extension area to prevent glazing and to promote fill bonding. Place fill in loose layers no deeper that 8 inches and compact before placing more fill (this ensures that voids and loose pockets are eliminated to minimize the chance of leakage or differential setting). Do not use wheeled equipment on the scarified soil area until after 12 inches of fill is in place. Keep equipment off proprietary devices. Divert the surface water away from the disposal area by ditching or shallow landscape swales.

12) Unless noted otherwise, fill shall be gravelly coarse sand which contains no more that 5% fines (silt and clay). Crushed stone shall be clean and free of any rock dust from the crushing process.

13) Do not install systems on loamy, silty, or clayey soils during wet periods since soil smearing/glazing may seal off the soil interface.

14) Seed all filled and disturbed surfaces with perennial grass seed, then mulch with hay or equivalent material to prevent erosion. Alternatively, bark or permanent landscape mulch may be used to cover system. Woody trees or shrubs are not permitted on the disposal area or fill extensions.

15) If an advanced wastewater treatment unit is part of the design, the system shall be operated and maintained per manufacturer's specifications.

Albert Frick Associates, Inc.
Soil Scientists & Site Evaluators
95A County Road Gorham, Maine 04038
(207) 839-5563

Kelly & Warren Rowell
43 Watson Street
Portland, Maine 04103

431 C005001

REPLACEMENT SYSTEM VARIANCE REQUEST

THE LIMITATIONS OF THE REPLACEMENT SYSTEM VARIANCE REQUEST

This form must be attached to an application (HHE-200) for any replacement system which requires a variance to the Rules. The LPI shall review the Replacement System Variance Request and HHE-200 and may approve the Request if all of the following requirements are met.

1. The proposed design meets the definition of a Replacement System as defined in the Rules (Sec. 1906.0)
2. The replacement system is determined by the Site Evaluator to be the most practical method to treat and dispose of the wastewater.
3. The BOD5 plus S.S. content of the wastewater is no greater than that of normal domestic effluent

GENERAL INFORMATION Town of Portland (Peaks Island)

Permit No. _____ Date Permit Issued _____

Property Owner's Name: Joanne MacIsaac Tel. No.. (617)504-0303

System's Location: 499 Island Avenue (Map 90, Lot Q-1)

Property Owner's Address: 22 Coolidge Road

(if different from above) Medford, Ma. 02155

SPECIFIC INSTRUCTIONS TO THE:

LOCAL PLUMBING INSPECTOR (LPI):

If any of the variances exceed your approval authority and/or do not meet all of the requirements listed under the Limitations Section above, then you are to send this Replacement System Variance Request, along with the Application, to the Department for review and approval consideration before issuing a Permit. (See reverse side for Comments Section and your signature.)

SITE EVALUATOR:

If after completing the Application, you find that a variance for the proposed replacement system is needed, complete the Replacement Variance Request with your signature on reverse side of form

PROPERTY OWNER:

If has been determined by the Site Evaluator that a variance to the Rules is required for the proposed replacement system. This variance request is due to physical limitations of the site and/or soil conditions. The Site Evaluator has considered the site/soil restrictions and has concluded that a replacement system in total compliance with the Rules is not possible.

PROPERTY OWNER

I understand that the proposed system requires a variance to the Rules. Should the proposed system malfunction, I release all concerned provided they have performed their duties in a reasonable and proper manner, and I will promptly notify the Local Plumbing Inspector and make any corrections required by the Rules. By signing the variance request form, I acknowledge permission for representatives of the Department to enter onto the property to perform such duties as may be necessary to evaluate the variance request.

SIGNATURE OF OWNER — DATE: Feb 20, 2011

LOCAL PLUMBING INSPECTOR

I, Jamie Bourke, the undersigned, ~~have visited the above property and~~ have determined to the best of my knowledge that it cannot be installed in compliance with the Rules. As a result of my review of the Replacement Variance Request, the Application, and my on-site investigation, I (approve, disapprove) the variance request based on my authority to grant this variance. Note: If the LPI does not give his approval, he shall list his reasons for denial in **Comments** Section below and return to the applicant.

Comments: _____

LPI SIGNATURE — DATE: 2/15/11

HHE-204 Rev 08/05

Replacement System Variance Request

VARIANCE CATEGORY							VARIANCE REQUESTED TO:	
SOILS								
Soil Profile	Ground Water Table			"				inches
Soil Condition	Restrictive Layer			"				inches
from HHE-200	Bedrock			"				inches
SETBACK DISTANCES (in feet)	**Disposal Fields**			**Septic Tanks**			**Disposal Fields**	**Septic Tanks**
From	**Less than 1000 gpd**	**1000 to 2000 gpd**	**Over 2000 gpd**	**Less than 1000 gpd**	**1000 to 2000 gpd**	**Over 2000 gpd**	**To**	**To**
Wells with water usage of 2000 or more gpd or public water system wells	300 ft	300 ft	300 ft	150 ft	150 ft	150 ft		
Private Potable Water Supply	100 ft [a]	200 ft	300 ft	50 ft	100 ft	100 ft		
Water supply line	10 ft	20 ft	25 ft [g]	10 ft	10 ft	10 ft [g]		
Water course, major -	100 ft [c]	200 ft [c]	300 ft [c]	100 ft	100 ft	100 ft		
Water course, minor	50 ft [d]	100 ft [d]	150 ft [d]	50 ft [d]	50 ft [d]	50 ft [d]		
Drainage ditches	25 ft	50 ft	75 ft	25 ft	25 ft	25 ft		
Edge of fill extension -- Coastal wetlands, special freshwater wetlands, great ponds, rivers, streams	25 ft [d]	25 ft [d]	25 ft [d]	25 ft [d]	25 ft [d]	25 ft [d]		
Slopes greater than 3:1	10 ft [f]	18 ft [f]	25 ft [f]	N/A	N/A	N/A		
No full basement [e.g. slab, frost wall, columns]	15 ft	30 ft	40 ft	8 ft	14 ft	20 ft		
Full basement [below grade foundation]	20 ft	30 ft	40 ft	8 ft	14 ft	20 ft	8'+-	5'+-
Property lines	10 ft [b]	18 ft [b]	20 ft [b]	10 ft [b]	15 ft [b]	20 ft [b]	6'	
Burial sites or graveyards, measured from the down toe of the fill extension	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft		

OTHER

1. 3:1 slope required near property line, as necessary
2.
3.

Footnotes: [a.] Private Potable water Supply setbacks may be reduced as prescribed in Chapter 7
[b.] Additional setbacks may be needed to prevent fill material extensions from encroaching onto abutting property.
[c.] Additional setbacks may be required by local Shoreland zoning.
[d.] Natural Resource Protection Act requires a 25 feet setback, on slopes of less than 20%, from the edge of soil disturbance and 100 feet on slopes greater than 20%. See Chapter 15.
[e] May not be any closer to a private potable water supply than the existing disposal field or septic tank This setback may be reduced for single family houses with Department approval. See Section 702.3.
[f.] The fill extension shall reach the existing ground before the 3:1 slope or within 100 feet of the disposal field.
[g.] See Section 1402.8 for special procedures when these minimum setbacks cannot be achieved.

Albert Frick — SITE EVALUATOR'S SIGNATURE

8/13/2010 — DATE

FOR USE BY THE DEPARTMENT ONLY

The Department has reviewed the variance(s) and (I does I does not) give its approval. Any additional requirements, recommendations, or reasons for the Variance denial, are given in the attached letter

SIGNATURE OF THE DEPARTMENT

DATE

Director of Planning and Urban Development
Penny St. Louis

Inspection Services, Director
Tammy Munson

REQUIRED INSPECTIONS

Septic

1. Septic field and extension inspection for bottom preparation/ scarification to verify removal of vegetation, established transitional horizon and erosion and sedimentation control measures.

2. Backfill inspection of septic field for approved materials, stabilization, slopes and extensions.

3. Exposed septic field installation and tank location inspection to check elevations, dimensions, piping, plumbing station and system design prior to covering.

Jonathan Rioux - RE: SHELF LIFE OF HHE_200 and permissible administration, MacIssac, 499 Island Avenue

From: "Lawson, Brent" <Brent.Lawson@maine.gov>
To: "Lawson, Brent" <Brent.Lawson@maine.gov>, "Albert Frick" <albert@albertf...
Date: 7/14/2011 2:31 PM
Subject: RE: SHELF LIFE OF HHE_200 and permissible administration, MacIssac, 499 Island Avenue
CC: "John Rioux" <jrioux@portlandmaine.gov>, "Braley, David" <David.Braley@m...

The old design is ok to issue a permit because of the statement that has been made by this Department from David Braley which has been attached. The design can be approved locally because there is a 1 year grace period when the rules are in effect.

Brent Lawson

From: Lawson, Brent
Sent: Wednesday, July 13, 2011 4:26 PM
To: 'Albert Frick'; Terry Mulkern
Cc: John Rioux; Braley, David
Subject: RE: SHELF LIFE OF HHE_200 and permissible administration, MacIssac, 499 Island Avenue

To all;

We received a lot of variances yesterday, I have not looked at them yet to see if this one is among them which if it was sent as noted it should be. I will be doing them tomorrow. If it is not in there I will send an email out to the addresses above.

Brent Lawson

From: Albert Frick [mailto:albert@albertfrick.com]
Sent: Wednesday, July 13, 2011 3:01 PM
To: Terry Mulkern
Cc: John Rioux; Braley, David; Lawson, Brent
Subject: FW: SHELF LIFE OF HHE_200 and permissible administration, MacIssac, 499 Island Avenue

Dear Terry:

I am very sorry you have been held up with this project. I had personally spoken to John Rioux on June 24 and it was my understanding that the matter was fully resolved. I sent him the correspondence below that was issued by David Braley specifically clarifying that " **HHE-200's that are less than 1 year old needs no actions needed**. The HHE-200 was August 13, 2010. BULLET 2 below is the specific category which this falls into and "does not require any change" as Mr. Braley states in his directions. The old HHE-200 setbacks fell into the authority of the Local Plumbing Inspector and by the Rules does not require State Review do to the shelf life of the application.

I am sorry that you have been put out with unnecessary delays that are inconsistent with State Rules and you are required to make unnecessary changes. I have re-copied John Rioux, Brent Larson, and Dave Braley with the hope of finding out why you are being subjected to this with a valid Application?

Attached is a revised Application, that you should not be responsible to be submitting. Please let me know if you

hesitate to do so as I am unsure whether this application process will be successful. Actually, I am very worried. Do you think we should extend the closing from February 4 to a later date? However, I prefer staying with the date of February 4 as I do not want to stress the sellers any further. Is there anything I can do – bring cookies - gold? Just kidding.

Sincerely,
Patty

From: Lawson, Brent [mailto:Brent.Lawson@maine.gov]
Sent: Wednesday, January 26, 2011 8:26 AM
To: Albert Frick; Sam Wainright; Ralph Ashmore
Cc: John Pearson; tmm@portlandmaine.gov; Braley, David; Hyland, Mark
Subject: RE: Wainright, 45 Winding Way, Peaks Island, Portland

Al;

I have looked at this design and I understand this is a very small lot, my recommendation is as follows;

The deck posts are to be removed and a cantilever supported.

The minimum design flow for a single family dwelling is 180 gpd. That needs to be corrected before a permit is issued, in my opinion.

Your design specs Eljen In-drains, however, several years ago Eljen was bought out and while the company name remained the same, the devices are have been called Geotextile Sand Filters or GSFs, since. More importantly, your design specs normal backfill for the Eljen GSFs rather than the clean coarse sand called for by Eljen.

Finally, on page 2 your design calls the soils a profile 2 in the test pit log, when they are clearly profile 12 fill soils.

I would not accept the design as presented.

Brent Lawson

From: Albert Frick [mailto:afa@maine.rr.com]
Sent: Thursday, January 20, 2011 1:40 PM
To: 'Sam Wainright'; 'Ralph Ashmore'
Cc: 'John Pearson'; Lawson, Brent
Subject: RE: Wainright, 45 Winding Way, Peaks Island, Portland

I just got off the phone with Brent Lawson at the State DHE. He is in the field this afternoon but promised that he would take a look at the unsigned application WHEN HE GOT BACK TO HIS OFFICE at approximately 3PM this afternoon. He will let us know if the application appears acceptable and/or if there appears to be a need for more expensive pretreatment etc. as part of the approval etc. (Unfortunately, he said the previous E-mail did not get thru with the necessary attachments that he needed to review. I have re-copied the attachments to him

BRENT: The attachments add up to 6 mb in file size. You certainly should get it on your office computer even though the attached file may be truncated on your Blackberry in the field. Please call me if you still do not get it. THANKS VERY MUCH, IN BEHALF OF THE WAINRIGHTS FOR YOUR ATTENTION TO THIS MATTER.
From: Sam Wainright [mailto:scwainwright@sbcglobal.net]
Sent: Thursday, January 20, 2011 12:44 PM
To: Ralph Ashmore; Albert Frick
Cc: John Pearson
Subject: Wainright, 45 Winding Way, Peaks Island, Portland

Dear Ralph and Al,

Thank you so much, Al, for your efforts in getting the application to the state level.

I just heard from John Pearson and he needs to see that I have liquidated moneys (by tomorrow) for closing. I

From: Lawson, Brent [mailto:Brent.Lawson@maine.gov]
Sent: Wednesday, January 26, 2011 9:41 AM
To: Albert Frick; Sam Wainright; Ralph Ashmore
Cc: tmm@portlandmaine.gov; Braley, David; Hyland, Mark
Subject: RE: Wainright, 45 Winding Way, Peaks Island, Portland

Al;

Sorry I haven't returned your call but its been one after another up here this morning plus I would rather have documentation of this property. Also keep in mind that nothing has been sent to the town on this design so since the new Subsurface Wastewater Rules have been adopted and have gone into affect as of January 18, 2011, this design must meet that criteria.

I would rather not get any closer to the well. You would have to ask for a variance for:

1) Decrease in design flow
2) Retaining wall higher then two feet
3) Retaining wall closer then ten feet to the foot print of the system

It would have to be noted in the City tax records that this dwelling can not be more then a one bedroom.

Considering the lot restraints I don't see any other issues then we have talked about.

Have a nice day.

Brent Lawson

From: Albert Frick [mailto:afa@maine.rr.com]
Sent: Wednesday, January 26, 2011 9:19 AM
To: Lawson, Brent; 'Sam Wainright'; 'Ralph Ashmore'
Cc: tmm@portlandmaine.gov; Braley, David; Hyland, Mark
Subject: RE: Wainright, 45 Winding Way, Peaks Island, Portland

Dear Brent:
I have several calls into you to discuss the punch list.

Two of your 3 recommendations are minor and not a problem, those being nomenclature on Eljen and the coarse sand underneath. I can make that change; but please note that Eljen does recognize that their backfill specs are meet with the State of Maine backfill specifications (See letter attached).

Changing the soil designation to 12 over 2 is no problem. It is Filled Land over ***Lyman*** 2A and is sized as medium large so it is simply a designation change on the form (The design parameters remain unchanged).

What I have been trying to talk with you is the limited area as you recognize and the 120 gpd versus 180 gpd design flow. I can add the additional Eljens to the design but it would cause the system to go slightly closer to the well. I would like to talk this over with you to see what your preference would be. Please call me to discuss the options and preferences. I am in the Office today at 839-5563.

Respectfully;
Albert Frick

I'm working on Blackwood as we speak. I'll keep you posted.

Thanks/

David Braley, C.G.
Division of Environmental Health
Maine Drinking Water Program
Maine Well Drillers Commission
Maine Subsurface Waste Water Unit

(207) 441-5324
david.braley@maine.gov

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From: Albert Frick [mailto:afa@maine.rr.com]
Sent: Wednesday, January 26, 2011 11:36 AM
To: Lawson, Brent; 'Sam Wainright'; 'Ralph Ashmore'
Cc: tmm@portlandmaine.gov; Braley, David; Hyland, Mark
Subject: RE: Wainright, 45 Winding Way, Peaks Island, Portland

Thank you very much for your comprehensive, review. I am completely on the same page with you on your comments regarding the specifics of the Wainright design. We will add the 3 specific requests to the Replacement System Variance Form as you noted below.

The design was done in compliance with the Rules in effect at the time of the Site Evaluation and submittal. January 4, 2011. The Newly adopted Rules of 1/18/2011 should not have any effect of this application from my understanding of the new Rules and any changes that would impact. However I am concerned with your comment below in which you stated:

> *"Also keep in mind that nothing has been sent to the town on this design so since the new Subsurface Wastewater Rules have been adopted and have gone into (affect) effect as of January 18, 2011, this design must meet that criteria."*
>
> Please note that SECTION 3B1 of the NEW Rules specifically states the following:
>
> *" For a period of 1 year from the effective date of these Rules, the LPI may issue a permit based upon an HHE-200 Form dated no more than 1 year prior to the effective date of these Rules, provided that the LPI has verified that site conditions have not changed in a manner that would require changes to the design to satisfy the Rules in place on the date the HHE-200 Form was completed and signed by the site evaluator.*
>
> The wording of Section 3B 1. was specifically intended by your Department to allow for a necessary transitional period but either way this item should not present a problem for this application.

Respectfully;
Albert Frick

line etc).

- **HHE-200 forms completed after January 18, 2012 are currently valid until there is any Rule change version and than requires the SE to update.**

Is it your suggestion that an application submitted to a LPI in some fashion could perhaps extend the shelf life of that application indefinitely?

I appreciate the fact that you are trying to be helpful and perhaps trying to address the concerns MASE TRC raised with our opinion that there needs to be some allowable shelf life for HHE-200 forms for practical reasons and we lobbied for the 2 year period that had always been used and appeared to work well. The DHE specifically chose to eliminate the 2 year period, from the date the Site Evaluator signed the application, to three different set of conditions depending on the application date and calendar date. The condition that now requires the "**LPI**" to verified that the HHE-200 is in compliance with the current Rules. This is a potential problem, as MASE TRC had discussed with you in some length, since the typical LPI who is not a Site Evaluator will not have the capacity to determine this condition without being a Site Evaluator. Note that this Rule is unnecessarily complicated and convoluted since unless the Rules are changed again within a year the review period in item #2 (January 18, 2011 to January 18, 2012) is unnecessary.

The LPI Community voiced serious concerns of being placed in a position to accept HHE-200 forms that were not presented as a real application for a permit at the time with required fee etc. They indicated that that they would have potential problems filling it, retrieving it and/or be able to know it was there many years later etc. (In simple terms the LPI's do not want their town office to become a depository of HHE-200's unless they are real applications requesting a permit and I clearly see their point of view). I believe, all things considered at this point , that 1 year grace period of shelf life allowed per the Rules, and then it has to be upgraded in accordance to the current Rules.

Respectfully;

Albert Frick

From: Braley, David [mailto:David.Braley@maine.gov]
Sent: Wednesday, January 26, 2011 12:05 PM
To: Albert Frick
Cc: Lawson, Brent; Hyland, Mark; Jacobsen, James
Subject: RE: Wainright, 45 Winding Way, Peaks Island, Portland

Al:

You're correct; the one year grandfathering does apply. Brent was just pointing out that Section 3(B)(1) would be applicable. Just make sure they know that they need to submit the HHE-200 to the City within one year. They don't need to actually obtain a permit, but the LPI needs to see and accept it as an application before the year runs out. If they have no plans to install it, the LPI should simply place the application in the property file for future use should the existing system need replacing.

I don't think there are any issues here anyway; it doesn't appear anything in the design would have to be modified because of our new rules. So - you could also choose to re-date the application to January 18, 2011. The new rules would apply and no changes would be required unless we complete rulemaking again and any new standards affected this design. This way they would/should be set for the foreseeable future.

From: Albert Frick [mailto:afa@maine.rr.com]
Sent: Wednesday, January 26, 2011 2:59 PM
To: Braley, David
Cc: Lawson, Brent; Hyland, Mark; Jacobsen, James
Subject: SHELF LIFE OF HHE_200 and permissible administration

Dear David:

It is good we have the opportunity to have this 'side bar' conversation and hopefully iron out nuances on this topic perhaps before the March 1 MASE Meeting and/or the April Training Session.

Section 3A. 5 reads:

> 5. Previous applications: A revision in these Rules does not require changes in a subsurface wastewater disposal system design, provided an application for a permit has been submitted, or a permit has been obtained, prior to the rule revision. A subsurface wastewater disposal system design dated prior to the version of the Rules in effect at the time of permit issuance must be reviewed and updated as necessary by the Site Evaluator prior to the issuance of a permit.

Section 3B1 now reads :

B. DISPOSAL SYSTEM PERMITS

1. Action on application for disposal system permit: The LPI shall examine, or cause to be examined, all applications for disposal system permits, and amendments thereto, after a completed filing. If the application for a disposal system permit does not conform to the requirements of these Rules (except as allowed by Section 2(F)), and all pertinent laws, ordinances and regulations, including those administered by public water systems, or if it is considered incomplete, such application for a disposal system permit must be rejected in writing within 14 days of a completed filing, stating the reasons therefore. If the LPI is satisfied that the proposed work conforms to the requirements of these Rules and all applicable laws, ordinances, and regulations, including those administered by public water supplies, a disposal system permit must be issued as soon as practicable. For a period of 1 year from the effective date of these Rules, the LPI may issue a permit based upon an HHE-200 Form dated no more than 1 year prior to the effective date of these Rules, provided that the LPI has verified that site conditions have not changed in a manner that would require changes to the design to satisfy the Rules in place on the date the HHE-200 Form was completed and signed by the site evaluator

A quick composite summary of the news Rule requirement as it relates to HHE-200 life is as follows:

- **HHE-200 forms pre-dating January 18, 2010 are expired.**
- **HHE-200 forms completed on January 18, 2010 through January 18, 2012 are valid provided that the LPI verifies that the "site conditions" have not changed (e.g. drilled well on abutting property, stripped land, new property**

grandfathering for designs no more than one year older than the new rules. We tried to craft a reasonable compromise instead of making an abrupt change in policy to limit the effect this change may have on the older designs still out there.

- **HHE-200 forms completed on January 18, 2010 through January 18, 2012 are valid provided that the LPI verifies that the "site conditions" have not changed (e.g. drilled well on abutting property, stripped land, new property line etc).** ***Not quite. HHE-200 forms completed between 1/18/2010 and 1/17/2011 are valid until 1/18/2012 and require no changes provided the LPI verify that site conditions haven't changed.***

- **HHE-200 forms completed after January 18, 2012 are currently valid until there is any Rule change version and than requires the SE to update.** ***Again, partially correct. Any forms dated 1/18/2011 or later are valid until and unless subsequent rule changes (future rulemaking – I hope I'm retired) require they be modified. If the HHE-200 has been date stamped by an LPI or the State, the clock stops ticking and subsequent rule changes do not apply even if no permit has been issued. Once a design becomes an "application", the rules in effect on that date apply for the duration of the review. And it should be stressed that no protection from the activities of neighbors exists until a permit has been granted. This is not a change; it's the way things have always been. I'm not sure all the S.E.'s and LPI's understand this. If a neighbor drills a well before the LPI grants a permit it could affect the application.***

The reality is that this change shouldn't cause too many problems. Most of the "older" designs that are out there will be under the 2009 rules, which are at least as strict as the new rules. I'd expect most designs that meet the pre-2009 rules (and there shouldn't be many at this point) or the 2009 rules would meet the new rules as well. We have not made them more restrictive. A quick review by the S.E. should be all that's required, with major or profound changes resulting from these reviews being rare.

At least that's my hope.

Let me know what you think.

Thanks/

David Braley, C.G.
Division of Environmental Health
Maine Drinking Water Program
Maine Well Drillers Commission
Maine Subsurface Waste Water Unit

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run into any additional issues. I am requesting an explanation from the State as to why this is being administered contrary to the Requirements.

Respectfully;
Albert Frick

From: Albert Frick [mailto:albert@albertfrick.com]
Sent: Friday, June 24, 2011 9:50 AM
To: John Rioux (jrioux@portlandmaine.gov)
Subject: FW: SHELF LIFE OF HHE_200 and permissible administration

From: Albert Frick [mailto:albert@albertfrick.com]
Sent: Friday, June 24, 2011 9:33 AM
To: John RIoux (jrioux@portlandmaine.gov)
Subject: FW: SHELF LIFE OF HHE_200 and permissible administration

Dear John:

Thanks for discussing this matter with me today regarding McIsaac,499 Island Avenue, Portland, Peaks Island. Below is the Division of Environmental Health advise on validity of HHE-200 forms that are less than 1 year old. (Yes, it is somewhat confusing to most LPI's).

The date on the HHE-200 form was August 13, 2010. Hence the second bullet comments would apply.

Respectfully;

Albert Frick

From: Braley, David [mailto:David.Braley@maine.gov]
Sent: Wednesday, January 26, 2011 3:52 PM
To: Albert Frick
Cc: Hyland, Mark; Lawson, Brent; Jacobsen, James
Subject: RE: SHELF LIFE OF HHE_200 and permissible administration

Al:

It is good that we can work through this and be on the same page at the meeting.

I think your assessment was close:

- **HHE-200 forms pre-dating January 18, 2010 are expired.** ***Kind of. They're not expired; they just need to be reviewed the same way the old rules allowed 2 year old designs to be reviewed. For HHE-200's dated prior to 1/18/2010, changes only need to be made if required by subsequent rule changes, similar to the way 2 year old designs were handled by the old rules. What we've done is - for the purposes of this rulemaking - given a one year window of***