

Memorandum
Department of Planning and Urban Development
Inspection Services Division



TO: Thomas S. Greer, P.E., Mark Hampton, Site Evaluator, & the Cliff Island Community Septic System Association (CICSSA)

FROM: Jonathan Rioux, Code Enforcement Officer/ Plan Reviewer & Licensed Plumbing Inspector

DATE: August 12, 2013

CC: Lawrence Walden, Associate Corporation Counsel
Jeff Levine, Director of Planning and Urban Development
Michael Bobinsky, Director of Public Services
Mike Murray, Island and Neighborhood Administrator

RE: Community Wastewater Treatment, Cliff Island (Multiple Properties)

This memo will summarize, as you requested, are the City's requirements to review and or locally approve (and state approval is also required) your proposed Community Wastewater Treatment System, shown in part on the HHE-200 application by Mark Hampton, Site Evaluator and "Engineered System" drawings by Pinkham and Greer (Consulting Engineers).

Because special conditions exist (time frame of DEP requirements, complexity of the project/ property ownership, and city and state requirements), our office is requiring that in conjunction with the construction and site documents, there be "third party" field inspections conducted by a registered engineer and site evaluator, as this project goes forward.

In order to streamline the application process please follow these 6 steps:

Subsurface Wastewater Disposal System Application (SWDSA)

1. Re-submit the SWDSA application dated 9/27/2012 from Mark Hampton, Site Evaluator (Lic. # SE 263) requesting state and local approval for a replacement system.
 - a. Your system design does not meet the minimum requirements of the Subsurface Wastewater Disposal Rules; however, it may be possible to obtain a variance to the Rules.
 - b. There are two types of variances, First Time System and Replacement System. There are also two levels of approval: Local and State.
 - i. The application indicates "First Time System and No Rule Variance". The City's interpretation is that the proposed site(s) currently utilize an over-board discharge system (existing system), and thus this is a replacement system; and the design flow requests 5,120 gallons per day (gpd) exceed the State mandated review minimum of an engineered system over 2,000 gpd; the SWDSA provides an option to request a variance for a "Replacement System with State and Local Plumbing Inspector Approval", which appears most appropriate for this system.

Indemnification Requirements

2. Contact the City's Corporation Counsel's Office to discuss a letter of no objection for the location of the system and components, because the basic guidelines provide that:
 - a. A system must be located entirely on property owned or controlled by the owner of the system.
 - i. **Private property:** The owner of a system may locate the system or components partially or completely on other private property, provided the property owners execute an easement in perpetuity for the construction, operation, replacement, and maintenance of the system, giving the system's owner authorization to cross any land or right-of-way between the two parcels. The easement must be filed and cross-referenced in the Registry of Deeds and the municipality's office prior to issuance of a disposal system permit. The easement must provide sufficient buffer around the disposal field and fill material extensions for future replacement and maintenance of the system.
 - ii. **Public property:** The owner of the proposed system may locate the system or components partially or completely on abutting public property, provided the entity controlling access to the property executes a letter of no objection giving the system's owner authorization for the construction, operation, replacement, and maintenance of the system.

Be forewarned that the City's Corporation Counsel's Office will most likely require that all elements of the system which are located in City owned property (including the City Streets) will be required to be built to 'City Standards,' that is, in the same manner as if the City were constructing those system elements for general municipal purposes.

Site Plans and Preparation

3. (Revise the existing) or provide an more complete Site Plan/ Survey identifying the exact location of each property (Chart, Block, and Lot) which will be, or potentially could be served by this system, delineating and identifying proposed protection measures for any significant natural features on the site (including shore-land, wetlands, ponds, watercourse, floodplains, significant wildlife habitats and fisheries or other important natural features) listed in any local, state or federal land use regulations, existing wells, setbacks to the proposed tanks, effluent line(s) and all system components (See # 5 and contact Public Services of any existing utilities, and or grading and contour requirements).
 - a. A letter of compliance from the System Engineer and Site Evaluator shall be submitted to our Office stating compliance with local, state, and federal subsurface and environmental laws, see item 6 below.

Property Owner(s) Responsibility (Pending Permit Approval)

4. The property owner or property owner's agent is responsible for the safe and sanitary maintenance of the system at all times.
5. Submit a street opening permit application to the City or Portland Public Services Department <http://publicworks.portlandmaine.gov/stoppermit.pdf>
6. If the SWDSA is approved, follow all conditions and required inspections identified on the street opening and subsurface wastewater permit(s).
 - a. Provide "third party" inspection(s) with oversight from a registered engineer for all system components.
 - b. At the completion of the system's construction, a letter shall be submitted by a licensed engineer verifying substantial compliance with the approved system design.

State approval will also, as mentioned above, be required before any work commences.

Please feel free to contact me at 207.874.8702 if you have any questions or concerns