

# Changes to 10-144 Chapter 241

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287-5695, 592-2086

1

## Outline of changes

- Seasonal Conversions
  - Septic tank risers
  - Soil fill age criteria
- Temporary portable toilets
  - Filter Fabric
- Backwash from residential softeners and Iron filters
  - Design flows for short-term rentals

2

# New Seasonal Conversions Section:

Formerly Chapter 242

1. Maine CDC added a section on updated requirements for seasonal dwelling units converting into year-round residences. Please refer to:

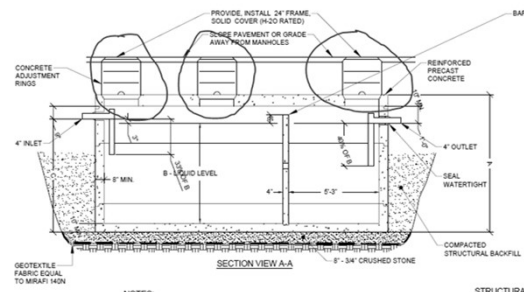
## 1. Section 8(B)

Scope. This sub-section describes the requirements for conversion of seasonal dwelling units into year-round residences, if the system serving the structure is within the shoreland zone areas of major waterbodies/courses. These requirements are intended to complement municipal planning, zoning, and land use control. The LPI may issue a Seasonal Conversion Permit for any structure served by a subsurface wastewater disposal system that meets replacement system criteria as set forth in Section 9, including any variances granted pursuant to Section 14. All other seasonal conversion requests must be approved by the Department.

3

**Septic Tanks Require Risers:** Maine CDC added requirements for all septic tanks, dosing tanks, and holding tanks to have a minimum of one watertight riser to finish grade, in order to simplify location and maintenance. Please refer to:

1. Section 7(F)(2)(a),
2. Section 7(J)(4),
3. Section 7(Q)(6)(d),
4. Section 8(C)(1)(f),
5. Section 9(C)(1)(e),
6. Section 17(E)(2), and
7. Section 17(E)(5).



4

## Artificial Fill as “suitable soils”

- **Changes to Soil Fill Age Criteria Inside and Outside of the Shoreland Zone:** Maine CDC removed the requirement for soil to be older than July 1, 1974 to be considered equivalent to original soil **inside the shoreland zone**, and replaced it with criteria that the fill must be in place for at least 40 years. Please refer to:Section 5(B)(6)(a) 🏠 🚧 🏠 🚧
- If the fill is located **outside of the Shoreland Zone**, Maine CDC requires that the soil fill must be in place for at least 20 years to be considered equivalent to original soil. Please refer to:Section 5(B)(5)(a) 🏠 🚧

5

Portable Toilets



6

## Temporary Portable Toilets

### Section 5(1)(6):

*Temporary Portable Toilets are not alternative toilets, and, therefore, may not be used as permanent alternative toilets. Temporary portable toilets are allowed for use for a maximum of seven days. Any use of temporary portable toilets for more than seven days, other than at construction sites, must receive written approval from the appointed LPI. If placement for use of the temporary portable toilet is intended for longer than seven days and associated with the Department's Health Inspection Program operation, then it must be approved by the Department's Health Inspection Program.*

7

## Temporary Portable Toilets

### Definition

- ***Temporary portable toilet:*** A prefabricated toilet designed for temporary use, typically at social functions, work sites, outdoor gatherings, etc. No plumbing permit or site evaluation is required.

8

## Alternative toilet, definition

- **Alternative toilet:** *A device, other than a water closet or other fixture, located inside a structure, designed to treat or store human waste only. Examples are: pit privies and vault toilets. Portable toilets are not considered Alternative Toilets, as they are only for temporary use (see definition of temporary portable toilet).*

9

## Reason for the change

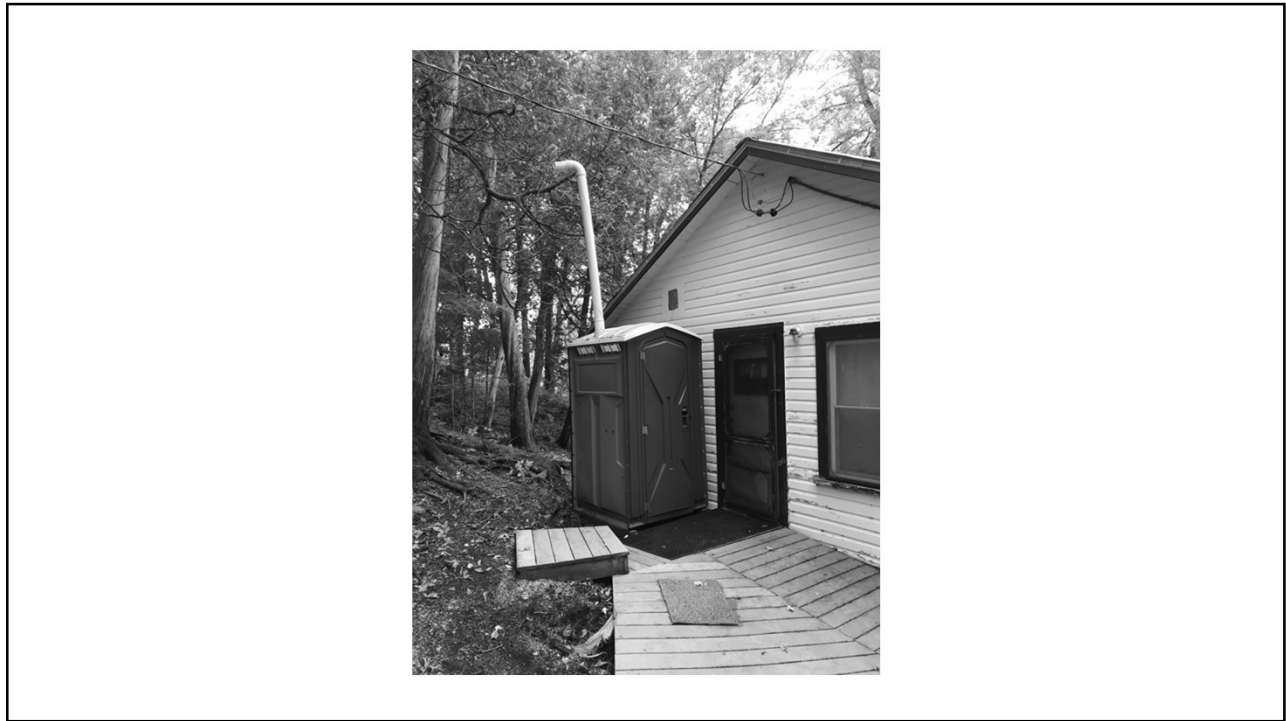
Temporary portable toilets were being used as permanent solutions to wastewater disposal challenges at homes and businesses

- Local Plumbing Inspectors who were concerned about temporary portable toilets, especially those at restaurants.

- Health Inspection Program  
OSHA rules, as well.

*Employers must maintain restrooms in a sanitary condition. Restrooms must provide hot and cold running water or lukewarm water, hand soap or similar cleansing agent and warm air blowers or individual hand towels (e.g., paper or cloth). Waterless hand cleaner and towels/rags are not adequate substitutes for soap and water.* (<https://www.osha.gov/restrooms-sanitation>)

10



11



12



13

## Guidance – temporary portable toilets

Health Inspection Program can determine if a business that it licenses is using temporary portable toilets in a way that compromises public health and, as a result, deny the continued use of those temporary portable toilets.

In that case, the business would then be required to install internally plumbed bathrooms in accordance with the Subsurface Wastewater Rule and the Maine Internal Plumbing Code.

Local Plumbing Inspectors and the Health Inspection Program base their approvals on assurances that Maine's Internal Plumbing Code is followed, to ensure compliance with specific requirements for bathrooms at restaurants and public buildings.

14



15



16



## Guidance - temporary portable toilets

Please note that Section 5(l)(6) allows temporary portable toilets to serve **construction sites**. The Department interprets this allowance to include other sites where OSHA requires portable restrooms, such as some agricultural work sites.

*In 1987, OSHA published a Final Rule for Field Sanitation, 29 CFR §1928.110. Among other things, it requires that all employers of 11 or more hand laborers in the field provide adequate hand washing facilities, including potable water, soap, and single-use towels.*

*<https://www.osha.gov/laws-regs/regulations/standardnumber/1928/1928.110>*

17

## Guidance - temporary portable toilets

For those situations like a town park, ball field, fair, or farmer's market that will be requiring bathrooms for longer than a seven-day period, the rule requires the landowner to get permission from the municipality's Local Plumbing Inspector. The town can choose to give permission in whatever form they like, and ***it can be as informal as an e-mail***, if the town allows.

There are no fees or information required to be sent to the State following the receipt of the LPI's permission.

For those situations that involve a mass gathering, such as a music festival, the Health Inspection Program's "Mass Gathering Permit" would be sufficient.

<https://www.maine.gov/dhhs/mecdc/environmental-health/el/site-files/forms/Application%20for%20Mass%20Gathering1.pdf>

For those situations that involve event camping, the Health Inspection Program's "Campground and Event Camping" License with a current signed Appendix C would be sufficient.

<https://www.maine.gov/dhhs/mecdc/environmental-health/el/site-files/forms/Campground-Event%20Camping%20Application.pdf?v2>

18

## Filter fabric

**Hay is No Longer an Allowable Filter Material:** Filter fabric must be used in place of field, which is in line with current industry standards. Hay has been omitted from the following sections:

1. Section 12(E)(c),
2. Section 12(F)(3), and
3. Section 12(I)(5)(b)

19

## Residential Water Softener backwash

**New Waste Discharge from Residential Water Softeners and Iron Systems Section:** Maine CDC added provisions governing the discharge of water softeners and iron systems for single family and duplex residential dwellings (only). Please refer to:

1. Section 11(E)

- Intent: Residential water softeners and/or iron removal system discharge may impact subsurface wastewater septic systems beyond the control of the homeowner and site evaluator, due to brine or iron entering the system and deteriorating the concrete components. These components may also cause premature clogging of filters and proprietary devices and possibly forming an impermeable layer on the bottom of the disposal field, which may result in a premature malfunction of the system. Discharge from such residential removal systems is classified as de minimus and may be daylighted or discharged by the following required methods;

20

These alternative methods do not require a test pit, plans by a subsurface disposal system designer, fees or formal review, unless required by the Municipality and may include discharging on top of the ground.



21

## Residential Water Softener backwash

- The treatment system design must consider the amount of water used. If the backwash is not discharged to an approved septic system, and an alternative disposal method is used, then the disposal area must be capable of receiving and infiltrating all wastewater without flooding. In addition, the discharge must meet the following conditions:
  - a. Infiltrate all water on-site and not cause erosion, siltation; or a discrete (channelized) runoff;
  - b. Not discharge to a surface water or wetland;
  - c. Include water treatment system wastewater only.
    - No discharge of black water, graywater, or laundry water to a separate drywell is permitted;
  - d. Follow all SSWW first time system criteria setbacks, including 100 feet from potable water supplies and 300 feet from public potable water supplies;

22

## Residential Water Softener backwash

- e. Not render groundwater undrinkable on any adjacent properties;
- f. Not flow directly into a storm drain system that carries the discharge to a surface water body or into a municipal sewer system. The discharge is allowed directly to a municipal sewer system, only if authorized by the receiving facility;
- g. Not impact abutting properties such that the point of daylighted discharge and area of infiltration extend across property boundaries; and
- h. Have enough vegetated buffer in the area to infiltrate the discharge and not cause channeling or erosion.
- The Municipality reserves the authority under local ordinance to require the treatment unit discharge to empty into a septic system or grey water disposal system.

23

## Short-term Rentals

### **1. Clarification of Design Flows for Short-Term**

**Rentals:** Maine CDC clarified that the design flow for short-term rentals must be higher than flows listed in Table 5(A).

#### **Section 5(E)(3)**

Adjusted Design Flow: The Site Evaluator will determine the correct design flow for the potential occupancy load of any dwelling or structure per owner's statement. The design flow for short-term rentals must be higher than flows listed in this section. In no case shall the design flow be below the minimum design flows of this section.

- This increase is at the LPI's discretion

24

And the beat goes on...

**1. Removal of Microfiche Permit Search Fees:** Maine CDC removed fees for Microfiche permit searches, because the agency no longer offers that service. Permits are now scanned and uploaded to an online permit database. All other fees remain the same. Please refer to:

1. Section 4(C)

25

## New Web Resource

### Municipal Office Resources

**Subsurface Wastewater/Plumbing Rules and Permits**

#### Page Index

[Subsurface Wastewater & Internal Plumbing Rules](#)

[Documents and Forms](#)

[List of Documents and Forms for Download](#)

[Variances](#)

[External Resources](#)

[Online Permit Search](#)

[Training](#)

[For More Information](#)

[Drinking Water Resources](#)

26

# Docuware HHE-200 permit search

Type of Permit *	Subsurface Waste Disposal System HHE-200
Town *	Belgrade
Year *	2021
Owners Name	Docimo, Joe & Tia
Street Number	440
Street Name *	West Road
Map Number	5
Lot Number	5A

<b>PROPERTY LOCATION</b> City, Town or Plantation: <b>BELGRADE</b> Street or Road: <b>440 WEST ROAD</b> Subdivision, Lot #: _____ Owner/Applicant: <b>DOCIMO, JOE &amp; TIA</b> Address: <b>440 WEST ROAD</b> Belgrade, ME 04917 Daytime Tel #: <b>207-431-9462</b> Signature of Owner or Applicant: <b>Joe M. Docimo</b> Date: <b>8-24-21</b>		<b>CAUTION: NO APPROVAL REQUIRED!!</b> Town/City: <b>BELGRADE</b> Permit #: <b>8848</b> Date Rec'd: <b>8/24/21</b> Fee: <b>\$150</b> (if applicable) Fee Collected: <b>\$150</b> Local Planning Director Signature: _____ Fee: <b>\$150</b> (if applicable) Fee: _____ Locally adopted fee Copy: _____ The Subsurface Wastewater Disposal System shall not be installed until a permit is issued by the Local Planning Department. The Permit shall authorize the owner or installer to install the disposal system in accordance with this ordinance and the Maine Subsurface Wastewater Disposal Rules. <b>CADON, INJECTION REQUIRED</b> Have installed the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rule, Application: _____ This one approved: _____
<b>TYPE OF APPLICATION</b> 1. First Time System 2. Replacement System 3. Existing System 4. Experimental System 5. Seasonal Conversion Size of property: <b>± 0.5</b> ac. No. of units: <b>2</b>	<b>THIS APPLICATION REQUIRES</b> 1. No Rule Variance 2. First Time System Variance 3. 100% & Local Planning Department Approval 4. Seasonal Conversion Variance 5. Minimum Lot Size Variance 6. Seasonal Conversion Permit <b>DISPOSAL SYSTEM TO SERVE</b> 1. Single Family Dwelling Unit, No. of Bedrooms: _____ 2. Multiple Family Dwelling, No. of Units: _____ 3. Other: _____	<b>DISPOSAL SYSTEM COMPONENTS</b> 1. Complete Non-engineered System 2. Primitive System (grapeyard & all holes) 3. Alternative Toilet, septic 4. Non-engineered Treatment Tank (only) 5. Holding Tank, _____ 6. Non-engineered Disposal Field (only) 7. Separated Leachate System 8. Complete Engineered System (2000 gpd or more) 9. Engineered Treatment Tank (only) 10. Engineered Disposal Field (only) 11. Pre-treatment, septic 12. Miscellaneous Components <b>TYPE OF WATER SUPPLY</b> 1. Shallow well 2. Deep well 3. Private