

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION OVERBOARD DISCHARGE REMOVAL GRANT PROGRAM

Individual Property Owner Grant Application Package and Project Manual

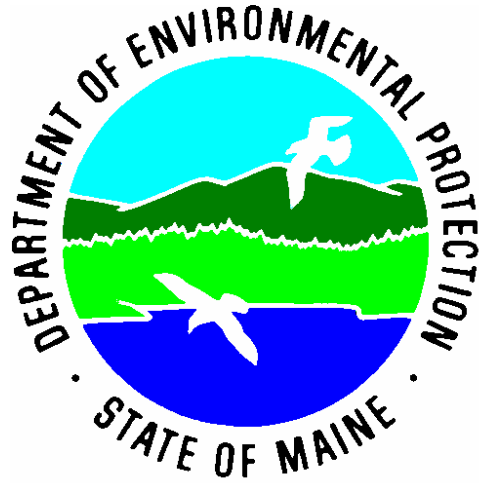


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INSTRUCTIONS FOR COMPLETING THE OBD GRANT APPLICATION

A complete OBD Grant Application contains the following:

- A completed application form
- A completed New Vendor form
- A copy of the deed showing the names of all the owners
- A copy of the tax documents for all the owners (not required for 25% grant)

Completing the Grant Application Form

1. APPLICANT INFORMATION

Please provide the name, tax id number (social security or employer ID number), mailing address, telephone, and e-mail address if available for the grant applicant(s). All correspondence and the payment will be made to the applicant. Provide the Maine DEP discharge license number, town location of the OBD, and name(s) of the holders of the discharge license.

Please also check off the appropriate project type, if known:

Priority 1 Shellfish or Water Quality - The discharge will be removed from an area certified as a shellfish area by the Maine Department of Marine Resources or the Local Shellfish Committee, or because the overboard discharge is causing a public nuisance as defined by the rules in Chapter 594.

Priority 2 Property Transfer – The discharge is being removed because a technologically proven alternative has been found during a property transfer as required by 38 MRSA §413.

Priority 3 Voluntary Removal – The discharge is being voluntarily replaced with a cost effective alternative disposal method, in an area not included in Priority 1.

Priority 1 projects will receive a grant commitment prior to construction if funds are available. Priority 2 and 3 projects will be reimbursed from funds available at the end of the year, if funds are available.

2. PROPERTY INFORMATION

Include a copy of the deed for the property showing all the owners. Also include the address, book/page number of the recorded deed, and tax map/lot number from the town tax maps.

3. INCOME INFORMATION

Include copies of the appropriate income tax forms for the use of the property for all the owners. For residences, either year round or seasonal, include the **taxable income** line from form 1040. For commercial property, use gross profit from the business return. For Rental Property, use Gross Rents on the appropriate return. The enclosed “Frequently Asked Questions” contains further information on which tax forms are needed. Include a summary showing the total income of all the owners and check the appropriate level on the application. Income information is not required if applying for 25% grant.

4. CERTIFICATION OF THE APPLICANT

The name, title, date, signature (and power of attorney or authority to file affidavit, if applicable) must be included.

INSTRUCTIONS FOR COMPLETING THE NEW VENDOR FORM

It is assumed that all OBD individual applicants are new vendors for the purposes of payment. If you already have a vendor account with the State of Maine for payment purposes, then please supply this information.

1. Use the left side of the form for the Name, Address, City, State, and zip.
2. Enter the appropriate tax id number. For individuals, this is the social security number. For businesses with employees it is the employer ID number.
3. Enter yes for the vendor type.
4. Sign and date the form.

SEND THE COMPLETE APPLICATION TO

Tim A. MacMillan, P.E.
OBD Removal Grant Coordinator
ME Dept of Environmental Protection Phone (207)287-7765
Bureau of Land & Water Quality FAX (207)287-3435
Div. of Engineering, Compliance & email: tim.a.macmillan@maine.gov
 Technical Assistance
17 State House Station
Augusta, ME 04333-0017

Please include with the completed application:

- Completed Application Form
- Copy of Deed
- Copy of Tax Return(s)
- Completed "New Vendor Form"



GRANT APPLICATION & OWNER AGREEMENT

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333

OVERBOARD DISCHARGE REMOVAL GRANT PROGRAM

APPLICANT INFORMATION

APPLICANT NAME(GRANT RECIPIENT)	TAX ID NUMBER(SS OR EID)
---------------------------------	--------------------------

MAILING ADDRESS

TELEPHONE#	EMAIL ADDRESS
------------	---------------

OBD LICENSE NUMBER	TOWN
--------------------	------

NAMES ON LICENSE

PROJECT TYPE: SHELLFISH OR WATER QUALITY VOLUNTARY PROPERTY TRANSFER

PROPERTY INFORMATION

NAME(S) ON DEED

PROPERTY ADDRESS

BOOK/PAGE(ATTACH COPY OF DEED):	TAX MAP/ LOT NUMBER
---------------------------------	---------------------

INCOME INFORMATION

GRANT APPLIED FOR	ANNUAL INCOME	*MAXIMUM GRANT %
<input type="checkbox"/>	0-\$24,999	100%
<input type="checkbox"/>	\$25,000-\$50,000	90%
<input type="checkbox"/>	\$50,001-\$75,000	50%
<input type="checkbox"/>	\$75,001-\$100,000	35%
<input type="checkbox"/>	GREATER THAN \$100,000	25%

CERTIFICATION OF APPLICANT

I certify that the information provided herein is true and accurate to the best of my knowledge. I agree to follow the rules of the Overboard Discharge Grant Program and provide evidence of compliance with the rules. I understand that grant reimbursement is subject to availability of grant funds and may not be available when requested,

I further understand that the Department of Environmental Protection does not guarantee the quality or performance of the project. I agree to maintain the replacement system according to the standards recommended for the type of system that I have, including pumping out the septic tank every three years.

PRINTED NAME AND TITLE(ATTACH POWER OF ATTORNEY OR AUTHORITY TO FILE)

SIGNATURE	DATE
-----------	------

- NEW VENDOR
- CHANGE REQUEST
- MULTI ADDRESS

**STATE OF MAINE
NEW VENDOR/VENDOR UPDATE**



NAME/ADDRESS (NEW ADDRESS IF CHANGE)	(OLD ADDRESS IF CHANGE)
Name	
Address	
City, State, and Zip code	

Individual or sole proprietor

Social Security Number										
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TAX I.D. NO.

or

Corporation

Employer Identification Number										
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ACCT. NUMBER

CONTACT NAME

CONTACT PHONE

ACCT. REC. CONTACT

COMMENT: _____

VENDOR DESCRIPTION - ENTER Y (YES) FOR ALL THAT APPLY

DEALER _____	INDIVIDUAL _____	SMALL _____
MANUFACTURER _____	SOLE PROPRIETOR _____	IN-STATE _____
JOBBER _____	PARTNERSHIP _____	SERVICES (NON-MED) _____
RETAILER _____	INCORPORATED _____	MEDICAL SERVICES _____
FACTORY REP _____	COMMODITY _____	GOVERNMENT ENTITY _____
	MINORITY _____	NON-PROFIT CORP. _____

Submitted By: _____ Date _____
AUTHORIZED VENDOR'S SIGNATURE

Title: _____

BUREAU OF ACCOUNTS AND CONTROL USE ONLY

VENDOR CODE _____ 1099 _____

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
Overboard Discharge Removal Grant Program
Frequently Asked Questions

Topics:

- **What is an Overboard Discharge?**
- **My Overboard Discharge works fine. Why do I need to remove it?**
- **Who can apply for an Overboard Discharge Removal grant?**
- **What funding is available for other types of wastewater projects?**
- **How do I apply for an OBD Grant**
- **How much will the grant pay to remove my OBD?**
- **How do I determine what my income is?**
- **What additional steps do I follow to remove my OBD?**
- **When will I receive my grant payment?**
- **Will the State guarantee my grant payment?**

What is an Overboard Discharge?

An Overboard Discharge (OBD) is a small wastewater treatment plant, which purifies and disinfects sewage from homes, businesses, schools, and institutions and discharges the treated effluent to a surface waterbody. All discharges of wastewater are required to be treated and are regulated by the Maine Department of Environmental Protection (DEP). OBDs differ from other types of wastewater treatment plants such as municipal or industrial facilities because they are smaller and are not monitored as closely. OBDs can legally discharge wastewater to receiving water if they have a valid discharge license from the DEP. Untreated discharges are illegal and are not eligible to receive grant assistance under the OBD program, although they may qualify for DEP's Small Community Grant Program.

My Overboard Discharge works fine. Why do I need to remove it?

Overboard discharges were originally developed as an alternative for wastewater disposal on sites that did not have a public sewer and were not suitable for septic systems. They were always considered to be a "last resort" but were allowed in areas that had enough water to dilute them. Although the treated wastewater was of high quality, it still contained traces of pollutants and disease causing microorganisms. Changes in national sanitation laws made during the 1980s caused large areas of the coast to be closed to shellfishing simply because the large numbers of OBDs represented a potential threat to health. New overboard discharges were banned by the state and the Overboard Discharge Grant Program was created in an attempt to open shellfish areas and eliminate nuisance conditions. In 2003 the legislature amended the OBD laws further and required their removal if a technologically proven alternative could be found. This legislation is anticipated to result in the removal of most, but not all OBDs.

Who can apply for an Overboard Discharge Removal grant?

A municipality (a city or town government) or a sanitary or sewer district may apply for and be awarded a grant to remove some or all of the overboard discharges within their jurisdiction. Individual owners of overboard discharges may also apply directly for a removal grant, although individuals can only be reimbursed after the work is complete and all bills paid. Grants can only be awarded if the project plans are approved by the Department of Environmental Protection before the project is constructed.

What funding is available for other types of wastewater projects?

The Maine DEP also administers the Small Community Grant Program, which can help replace malfunctioning septic systems, and the State Revolving Loan Program, which provides low interest loans to towns that want to upgrade wastewater treatment facilities. Except for the overboard discharge grant program, the DEP can't provide grants or loans directly to privately owned projects. The USDA 504 loan program, and certain programs through the local Community Action Agency may provide funding directly to property owners if they are eligible.

How do I apply for an OBD Grant?

Overboard discharge grant application packages are available by request through the DEP from the OBD Removal Grant Coordinator, Maine Department of Environmental Protection, Bureau of Land & Water Quality, DECTA, 17 State House Station, Augusta, ME 04333, (207)287-7765, email tim.a.macmillan@maine.gov. The completed application consists of a one page application form accompanied by a copy of the deed showing the property owners and copies of tax forms showing the previous year's income of the owners. The application will be acknowledged by the Department with a letter of acceptance or denial. The acceptance letter will show the grant percentage that is approved for the project.

How much will the grant pay to remove my OBD?

The law change of 2003 changed the percentage that the grant will pay. The previous law specified a percentage based on the use of the property. The new law funds all OBD removals based on income, according to the following chart:

ANNUAL INCOME	GRANT PERCENTAGE
\$0 TO \$24,999	100%
\$25,000 TO \$50,000	90%
\$50,001 TO \$75,000	50%
\$75,001 TO \$100,000	35%
\$100,001 OR MORE	25%

For a publicly owned overboard discharge facility, 50% to a maximum of \$150,000.

"Annual income" means the sum of all the property owner's federal taxable income for the previous year for single family dwellings, gross profits for the previous year for commercial establishments and gross rents for the previous year for rental properties, as listed on the relevant federal income tax returns.

The grant will only pay for the minimum work necessary to replace the OBD. Costs such as excessive landscaping or additional work not required by the state plumbing code are not eligible and must be kept separate.

How do I determine what my income is?

The taxable income, gross profit income, or total rents reported for all the property owners are added together to determine annual income. The following are some tax form line numbers to use for 2005:

Taxable Income		Gross Profit		Gross Rents	
Form	Line Number	Form	Line Number	Form	Line Number
1040	37	Schedule C	5	1120	6
1040a	22	Schedule C-EZ	1	Schedule E	3
1040EZ	6	1120	3		

What additional steps do I follow to remove my OBD?

The grant application contains a project checklist showing additional steps, in their usual order, that must be followed. The application also contains additional paperwork that must be completed, once approval is received from the department, in order to complete the removal process and be eligible for repayment.

When will I receive my grant payment?

Projects that are administered through the town will require that the OBD owner pay their share of the costs and the town will receive and pay the state share. Projects that are administered directly by property owners will not receive payment until the work is complete and the contractor certifies that he has been paid.

Will the State guarantee my grant payment?

Projects that are administered through the town will receive a grant commitment from the state prior to proceeding with the project. Once grant funding is committed, the payment is guaranteed as long as the proper procedures are followed. Projects not administered through the town may receive a grant commitment if funding is available and the project is a high priority (Priority 1). Other projects will be approved but will not be guaranteed funds immediately, although they will be put on a waiting list and receive reimbursement as funds become available.

What priorities are used for the grant program?

The grant program priorities, from highest to lowest, are:

Priority 1 Shellfish or Water Quality - The discharge will be removed from an area certified as a shellfish area by the Maine Department of Marine Resources or the Local Shellfish Committee, or because the overboard discharge is causing a public nuisance as defined by the rules in Chapter 594.

Priority 2 Property Transfer – The discharge is being removed because a technologically proven alternative has been found during a property transfer as required by 38 MRSA §413.

Priority 3 Voluntary Removal – The discharge is being voluntarily replaced with a cost effective alternative disposal method, in an area not included in Priority 1.

Priority 1 projects will receive a grant commitment prior to construction if funds are available. Priority 2 and 3 projects will be reimbursed if additional funds become available.

Priority 2 projects are required by law to be done whether grant funding is immediately available or not.

DEP OBD Removal Grant Program Checklist

Property Owner (Print): _____

License Number _____

Date:	Description:
	Application Submitted to DEP for Funding
	Receive DEP Letter accepting application
	Design Replacement System
	Send Copy of Design for DEP review
	Obtain Plumbing permit from Town
	Obtain Variance from Health Engineering(if needed)
	Solicit bids
	Submit Bid results and request for grant to DEP
	Receive DEP grant offer or letter of commitment
	Bids awarded/ contract signed
	Notify DEP of construction schedule
	Complete Construction
	Inspection checklist w/ photos completed and sent to DEP
	Sign Contractor Payment Certification
	Request Reimbursement from DEP

INSTRUCTIONS FOR COMPLETING THE OVERBOARD DISCHARGE REPLACEMENT PROJECT

(See Checklist on previous page)

The checklist on the previous page lists the step-by-step procedures for an Overboard Discharge replacement project funded through the DEP grant program. These instructions are intended to clarify the items on the checklist.

Application Submitted to DEP for Funding

The first step in replacing an overboard discharge under the DEP grant program is to apply for a grant. The application and instructions are found earlier in this document.

Receive DEP Letter accepting application

After the application is received by DEP you will receive a letter either accepting the application as is or requesting additional information. This letter will also estimate the grant percentage that you are eligible for, based on the income information. Note: The actual grant participation will be determined based on your income during the year prior to construction of the project. Thus, if the project is built in 2005, the income from your 2004 income tax will be used.

Design Replacement System

Replacement septic systems must be designed by a Licensed Site Evaluator. The Site Evaluator will investigate your property and determine the best type of systems based on the specific conditions. A Site Evaluator will generally explain how the recommendation was arrived at if requested. A list of site evaluators who practice locally is probably available at your town office. A statewide list can be found at http://www.state.me.us/dhs/eng/plumb/Adobe/se_list.pdf. Projects that involve connection to the public sewer may require the services of a Registered Professional Engineer. Your Local Plumbing Inspector or Sewer Department may have additional information on requirements for sewer connections.

Send Copy of Design for DEP review

Send a copy of the design to:

<p>Tim A. MacMillan, P.E. OBD Removal Grant Coordinator Maine Department of Environmental Protection Bureau of Land & Water Quality, DECTA 17 State House Station Augusta, ME 04333-0017</p>
--

You will receive a letter from the DEP approving of the design.

Obtain Plumbing permit from Town

A plumbing permit needs to be obtained from the Local Plumbing Inspector or Code Enforcement Officer.

Obtain Variance from Health Engineering (if needed)

Variances are generally handled by the Local Plumbing Inspector or Code Enforcement Officer. Under certain circumstances a state variance to the Rules may be needed. The design plans should indicate if this is the case and the LPI/CEO can assist with where to send the forms.

Solicit Bids

DEP allows individuals to solicit contractor bids rather than by formal advertisement for individual OBD projects. A least three bids should be obtained from reputable contractors. A list of contractors who have obtained training and voluntary certification to install septic systems is found at <http://www.state.me.us/dhs/eng/plumb/Adobe/installers10-03.pdf>.

Submit Bid results and request for grant to DEP

Send copies of the bids, and the completed Bid Summary Form, and up-to-date income tax information, if necessary, to:

<p>Tim A. MacMillan, P.E. OBD Removal Grant Coordinator Bureau of Land & Water Quality, DECTA Maine Department of Environmental Protection 17 State House Station Augusta, ME 04333-0017</p>
--

Receive DEP grant offer or letter of commitment

You will receive a letter authorizing award of the contract to the low bidder, and a grant commitment. The commitment will consist of a determination of the approved grant amount based on the bid and the grant percentage which applies. For High Priority projects, an actual grant offer will be sent encumbering grant funds which will be available as soon as the project is completed. For Low Priority projects the letter will state that the approved amount will be paid when low priority funds are available according to the program rules. Low priority project funding will be determined at the end of the construction season.

Bids awarded/ contract signed

After receiving a grant offer or commitment letter from DEP, the construction contract may be signed, authorizing the work to be started.

Notify DEP of construction schedule

You may notify DEP in writing or by telephone.

Complete Construction

Construction is considered complete after the work is completely done, including abandoning the overboard discharge and restoring the area. Unless special arrangements are made, no grant payments will be made until the work is complete.

During construction, it may become necessary to alter the design. If this occurs, a change order (form attached) needs to be completed with the modified plans resubmitted to this office for approval. DEP approval is required before the changes are constructed; otherwise, the costs may not be accepted for reimbursement.

Inspection checklist w/ photos completed and sent to DEP

The Inspection checklist, completed by the Local Plumbing Inspector, will be used as verification that the Overboard Discharge is no longer in use. No grant payments will be made until this form is completed and received by DEP.

Sign Owner/Contractor Payment Certification

This signed formed will be used as verification that the contractor has been paid and released any claims on the project.

Request Reimbursement from DEP

Use the OBD Owner's Payment Request Form found in this package. Include a copy of the paid invoice for all costs claimed. For each category (design, construction, inspection, etc) fill in the actual costs backed by the invoices. Total all eligible costs and multiply by the approved grant percentage which was previously determined. When making a claim for payment also include a completed copy of the "DEP OBD Removal Grant Program Checklist" found on page 9.

List of Additional Forms

Bid Summary Form
Change Order Form
Owner/Contractor Payment Certification
OBD Grant Program Septic System Inspection Checklist
Grant Payment Request Form

OVERBOARD DISCHARGE GRANT PROGRAM BID SUMMARY FORM

Property Owner Name _____

OBD License Number _____

List bidders and prices, from lowest to highest:

BIDDER NAME	BID PRICE

I intend to award this construction contract to _____

in the amount of \$ _____.

Signed _____

Date _____

(Include copies of each bid with this form)

If you do not intend to award the contract to the low bidder, please state the reasons below or on a separate sheet: Projects which don't use the low bidder will not receive grant funding unless approval is granted from DEP.

**CHANGE ORDER FORM
OVERBOARD DISCHARGE GRANT PROGRAM**

CHANGE ORDER NO. _____

OWNER OF SYSTEM: _____

Property Owner's Name

LOCATION OF SYSTEM: _____

Town

CONTRACTOR: _____

Name of Company

The following changes are hereby made to the CONTRACT DOCUMENTS:

(attach additional sheets if necessary)

Justification:

(attach additional sheets if necessary)

ORIGINAL CONTRACT PRICE: \$ _____

PREVIOUS CHANGE ORDERS: \$ _____

**THE CONTRACT PRICE DUE TO THIS CHANGE
ORDER WILL BE (INCREASED) (DECREASED) BY:** \$ _____

NEW CONTRACT PRICE \$ _____

The present date for completion of the work is _____

The new date for completion of the work is: _____

To be effective this CHANGE ORDER must be approved by the Maine Department of Environmental Protection.

The undersigned agree to the terms of the CHANGE ORDER:

Contractor

Date

Municipality

Date

Dept. of Environmental Protection

Date

**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
OVERBOARD DISCHARGE GRANT PROGRAM**

OWNER / CONTRACTOR PAYMENT CERTIFICATION

OBD LICENSE NUMBER: _____

INSTRUCTIONS: THIS FORM MUST BE EXECUTED AND RETURNED TO THE DEP AT PROJECT COMPLETION.

OWNER CERTIFICATION

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THE PROJECT WAS CONSTRUCTED UNDER THE TERMS OF THE GRANT AGREEMENT AND THE CONTRACTOR HAS BEEN PAID THE FOLLOWING AMOUNTS:

90% OF THE CONTRACT AMOUNT WHEN THE PROJECT WAS SUBSTANTIALLY COMPLETED. THAT IS, ALL STRUCTURES WERE INSTALLED AND OPERATING AND ALL DISTURBED AREAS WERE LOAMED AND SEEDED.

AMOUNT PAID: \$ _____ **DATE PAID:** _____

THE REMAINING 10% OF THE CONTRACT AMOUNT WHEN ALL WORK WAS COMPLETED AND OPERATIONAL IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, INCLUDING A CATCH OF GRASS.

AMOUNT PAID: \$ _____ **DATE PAID:** _____

NAME OF PROPERTY OWNER (PLEASE PRINT)	LOCATION OF PROJECT (TOWN)
PROPERTY OWNER'S SIGNATURE	PHONE

CONTRACTOR CERTIFICATION

I CERTIFY THAT I HAVE PERFORMED ALL WORK SHOWN ON THE PLANS AND DESCRIBED IN THE SPECIFICATIONS, THE WORK IS COMPLETED AND OPERATIONAL IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, AND I HAVE BEEN PAID THE TOTAL CONTRACT AMOUNT OF \$ _____

NAME OF COMPANY (PLEASE PRINT)	PHONE
CONTRACTOR'S SIGNATURE	DATE

OVERBOARD DISCHARGE GRANT PROGRAM SEPTIC SYSTEM INSPECTION CHECKLIST

PROPERTY OWNER	OBD LIC. NUMB.
TOWN	DATE
CONTRACTOR	
DESIGNER	
INSPECTOR	
ITEM INSPECTED	INITIALS
1. The ORIGINAL SOIL beneath the system was dry and properly prepared by scarifying.	
2. The SEPTIC TANK is of the size and materials shown on the plans. Tank size= _____ gals.	
3. The DISPOSAL AREA DIMENSIONS are as shown on the plans. Dimensions = _____ ft x _____ ft.	
4. The DISPOSAL AREA is located as shown on the plans.	
5. The DISPOSAL AREA is at the proper elevation.	
6. The SYSTEM is level within 1 inch per 100 feet.	
7. The FILL is of the specified texture. Texture specified: _____	
8. The FILL OVER THE SYSTEM is crowned at a 3% slope to facilitate drainage.	
9. The FILL EXTENSIONS are no steeper than a 4:1 slope unless otherwise called for.	
10. The CRUSHED STONE was the proper size, cleanliness, and depth.	
11. The proper NUMBER OF CHAMBERS or PROPRIETARY DISPOSAL DEVICES were used. # of Devices: _____ Supplier: _____	
12. The PUMP STATION has been installed properly, wired according to the specifications, including two separate circuits for the pump & alarm, and has been tested.	
13. The SEPTIC TANK and RISERS have been properly sealed.	
14. All DISTURBED AREAS have been loamed, seeded, and mulched.	
15. The BUILDING has been properly connected to the new system.	
16. The existing OVERBOARD DISCHARGE SYSTEM has been properly abandoned.	
17. INSPECTOR'S COMMENTS (List any DEVIATIONS from plans): _____ _____ _____	
<p>I certify that I have inspected the septic system described above and that, unless noted, have found that each item I inspected was installed in accordance with the Contract Documents.</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Signature</p>	

A copy of this inspection form, along with two photographs of the system, must be sent to the Maine Department of Environmental Protection, Bureau of Land & Water Quality, Division of Engineering, Compliance and Technical Assistance, 17 State House Station, Augusta, ME 04333-0017. One photo is to be taken just before covering the system, and the second after grass is established. Final payment may not be made to the Contractor until this has been done.
SepticSystemInspectionChecklist.doc

**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
OVERBOARD DISCHARGE GRANT PROGRAM
OWNER'S PAYMENT REQUEST FORM**

LICENSE NUMBER	LOCATION OF PROJECT (TOWN)
OWNER'S PRINTED NAME	MAILING ADDRESS
OWNER'S SIGNATURE	DATE
DESIGN COST (LPI OR PE)	\$ (ATTACH INVOICE)
CONSTRUCTION COST (CONTRACTOR)	\$ (ATTACH CONTRACT AGREEMENT)
INSPECTION COST (LPI OR PE)	\$ (ATTACH INVOICE)
CHANGE ORDER COST (IF APPLICABLE)	\$ (ATTACH INVOICE)
OTHER COSTS (PLUMBING PERMIT FEE, ETC.)	\$ (ATTACH INVOICE)
TOTAL PROJECT COST	\$
% DEP GRANT (25% - 35% - 50% - 90% - 100%)	X
DEP GRANT PAYMENT REQUESTED	\$

Include paid invoices to support all costs claimed. Also include a completed "DEP OBD Removal Grant Program Checklist" form found on Page 9.

Chapter 594: STATE CONTRIBUTION TO OVERBOARD DISCHARGE REPLACEMENT PROJECTS

SUMMARY: This chapter implements 38 M.R.S.A. § 411-A. The intent of this chapter is to clarify how the State contribution for replacement projects to eliminate overboard discharges required by 38 M.R.S.A. § 414-A (1-B) and 38 M.R.S.A. § 413(3) will be administered by the Department of Environmental Protection.

1. Definitions.

- A. Applicant.** An "applicant" is a person, a municipality, a quasi-municipal organization, or county commissioners acting on behalf of an unorganized township or plantation.
- B. Commercial establishment.** A "commercial establishment" is a building primarily used for the purposes of trade or commerce, a non-profit organizational endeavor, or a municipal or quasi-municipal government purpose.
- C. Construction costs.** "Construction costs" for the purposes of grants made under this chapter mean costs associated with the installation of the wastewater disposal system up to and including connections through the foundation wall, as necessary. If a replacement system cannot be installed on property owned or controlled by the applicant, and the Department determines it necessary to carry out the overboard discharge removal, then easement or land acquisition costs and associated legal fees necessary for the installation, operation, maintenance and replacement of an approved replacement system may be included, provided that these costs are not prohibited by any applicable Federal rules or laws.
- D. Individually administered project.** An "individually administered project" is a project to remove an overboard discharge in which the owner of the overboard discharge acts as the grant applicant and is responsible for the implementation and completion of the project.
- E. Multiple use property.** A "multiple use property" is a building or buildings with combined uses defined separately as a "commercial establishment", "residential rental property", or "single family dwelling".
- F. Overboard discharge.** For the purposes of these rules an "overboard discharge" is a licensed discharge to the surface waters of the State of domestic pollutants not conveyed to and treated in municipal or quasi-municipal sewerage treatment facilities from a property that has a valid or expired waste discharge license issued by the department.
- G. Public nuisance condition.** A "public nuisance condition" means an existing overboard discharge to a receiving water that is:
- (1) A Class GPA, A, or SA water;
 - (2) A tributary to a class GPA water;
 - (3) A water body with a drainage area of less than 10 square miles; or

(4) A violation of 38 M.R.S.A. §§ 464, 465, 465-A or 465-B.

- H. Residential rental property.** A “residential rental property” is a building or buildings that are rented or leased for residential use for at least six months of the year and do not meet the definition of a “commercial establishment”.
- I. Replacement system.** A “replacement system” means a wastewater disposal system installed in accordance with Chapter 241, Subsurface Wastewater Disposal Rules of the Department of Health and Human Services effective October 1, 2002 or connection to a public sewerage treatment facility.
- J. Shellfish harvesting area.** A "shellfish harvesting area" is an area where shellfish, including any species of clams, quahogs, mussels or oysters are or may be located, including known productive areas; areas where shellfish may be found; habitat where it is reasonable to assume shellfish may be found in the future; and areas where shellfish may be stored (wet storage), processed or cultivated, as determined by the Department of Marine Resources.
- K. Single family dwelling.** A “single family dwelling” is a human habitation occupied continuously or seasonally by the property owners that does not meet the definitions of “commercial establishment” or “residential rental property”.
- L. Town administered project.** A “town administered project” is a project to remove one or more overboard discharges in which the municipal, quasi-municipal, or county government acts as the grant applicant and is responsible for the implementation and completion of the project.
- 2. Funding.** Funding is in accordance with 38 M.R.S.A. § 411-A and subject to the availability of funds under 38 M.R.S.A. § 411.
- 3. Priority.** The commissioner shall authorize grants according to an annual priority list developed using input from the Department of Environmental Protection, Department of Marine Resources, town governments, local shellfish committees and other interested parties. Technical feasibility and estimated costs and benefits derived from proposed projects will be considered in developing the priority list. Eligible projects must be assigned one of the following priorities in order to be eligible for grant funding:
- A. High priority.** Reimbursement for elimination of discharges to shellfish harvesting areas or elimination of public nuisance conditions, as listed on the current priority list; or
- B. Low priority.** Reimbursement for elimination of discharges to shellfish harvesting areas or elimination of public nuisance conditions that do not qualify for funding as high priority projects.
- 4. Eligibility.** Persons, municipalities, quasi-municipal organizations and county commissioners may be eligible to receive funds to eliminate overboard discharges that cannot be relicensed under 38 M.R.S.A. § 414-A(1-B) or that are required by property transfers under 38 M.R.S.A. § 413(3). No projects will be eligible for funding until the department reviews and approves the project. A person who removed an overboard discharge after September 30, 1989 according to plans and specifications approved by the commissioner in advance of construction may be reimbursed subject to Section 2 above.
- 5. Application for funds.** An application is a written document from the project applicant. The document must include the applicant’s name and address, discharge license number(s) of the overboard discharge(s)

proposed to be removed, a description of the project, the priority category, information documenting ownership of the property and income verification using the proper tax forms.

6. Use of grant funds.

A. Eligible costs. State funds may be used to pay for the following work and services, provided that the cost and scope of the work has been determined by the commissioner to be reasonable and necessary to remove the overboard discharge. In determining reasonable and necessary costs for the replacement system, the commissioner shall take into account costs and benefits obtained by construction of the system, the expected successful operation of the system and any other relevant factors.

- (1) Design of the replacement system.
- (2) Construction costs for the replacement.
- (3) Inspection of the replacement system by a qualified person(s).
- (4) Administrative services, associated with the project.
- (5) Costs to abandon the overboard discharge system in accordance with Chapter 596 of the Department's rules referring to overboard discharge licensing and abandonment.
- (6) Other necessary project costs as determined by the commissioner.

B. Non-eligible costs. State funds may not be used for the following costs.

- (1) Excessive property restoration beyond a reasonable amount necessary to comply with Chapter 241, Maine Subsurface Wastewater Disposal Rules of the Department of Health and Human Services effective October 1, 2002 or other applicable design standards.
- (2) Other unnecessary costs or excessive charges as determined by the commissioner.

C. Income criteria. Grant funding percentages are determined according to the income of the property owner(s). See 38 M.R.S.A § 411-A. For multiple use properties, the overall grant percentage will be determined by the pro rata share of each use based on the design flows as shown on the replacement system design.

D. Expanded use of property. The State's contribution will be determined based on the existing use of the structure. If an expanded or different use of the structure is proposed, the state's share will be limited to the pro rata share based on the current wastewater flow from the structure as determined by the lesser of the current licensed discharge limit or design flow as determined by Chapter 241, Maine Subsurface Wastewater Disposal Rules of the Department of Health and Human Services effective October 1, 2002 based on current use.

7. Requirements for inclusion in program.

A. Eligible systems. Only replacement systems for buildings whose owners are required to eliminate a licensed discharge to comply with 38 M.R.S.A. § 414-A (1-B) or 38 M.R.S.A. § 413(3) are eligible for funding.

B. Non-eligible systems. Replacement systems are ineligible for funding in the following situations.

- (1) A building that did not have a licensed overboard discharge prior to September 30, 1989.
- (2) A building that is otherwise not in compliance with laws of the State or the municipality.

C. Funding as a town administered project. Individual systems may be funded as a town administered project, if and when the following requirements are met:

- (1) The individual system meets the eligibility criteria of Section 7(A); and
- (2) The owner of the individual system has submitted to the appropriate local government entity a signed agreement form. This agreement must:
 - (a) Grant access to the site for design, construction and inspection of the required facilities;
 - (b) Require payment of owner's share of project prior to work; and
 - (c) State that the owner is responsible for maintenance, repair or replacement of any malfunction of the system.

D. Funding as an individually administered project. Individual systems may be funded as an individually administered project if and when the following requirements are met:

- 1) The individual system meets the eligibility criteria of Section 7(A); and
- 2) The owner of the individual system has submitted a complete signed application for funds and received approval for the replacement system design and contractor procurement from the department.

8. Design of treatment system. The applicant shall secure the services of a qualified individual or consulting firm for a system design. A licensed site evaluator may design subsurface wastewater disposal systems up to 2,000 gallons per day (gpd) in size. A professional engineer is required to design and prepare contract documents for wastewater disposal systems in excess of 2,000 gpd. A copy of the final wastewater system design must be submitted to the department for approval prior to the start of construction.

9. Cost quotes, contract awards and State payments.

A. Bidding procedure. All applicants are required to solicit bids or quotes from area contractors using contract documents for the project.

- 1) Individually administered projects. A minimum of three competitive quotes from qualified contractors must be obtained.
- 2) Town administered projects. Sealed competitive bids are required for all contracts. An advertisement for bids must be published in a local newspaper at least seven (7) days before bids are opened. The bid advertisement may require separate bids for each individual system or a single bid for multiple systems with an individual price for each system. The contract will be awarded as follows:

- (a) A separate contract for each individual system will be drawn and payment will be a lump sum for each individual system; or
- (b) A single contract for a group of individual systems may be drawn with payment being made as a lump sum for construction of each individual system.

B. Contract documents. Contract documents must include forms such as: bid proposal; contract agreement; general conditions; construction specifications; and construction plans. These forms may be provided by the Department or similar forms may be used if approved by the department.

C. Award of construction contracts. Prior to awarding the construction contract, the department must be notified of the bid results to determine if the costs are reasonable. The applicant shall award construction contracts to the lowest bidder, provided that the contractor(s) selected have demonstrated ability to perform this kind of work and will comply with all state laws and the contract documents required by Section 9(B) of this chapter.

D. State payments.

- (1) Town administered projects. Payments for eligible costs up to the limit of funding are remitted to the appropriate local government entity as they are incurred.
- (2) Individually administered projects. Reimbursement for project costs will be made when the project is complete and the contractor has certified that payment in full has been received.
- (3) Payment Requests. A payment request form detailing the eligible expenses must be submitted with appropriate documentation attached.
 - (a) Copies of design invoices, construction contracts, contractor certification form, inspection invoices, advertisement invoices and change order statements are the usual documentation required for payment, however, the department may require additional documentation in certain cases to determine the appropriateness of payment.
- (4) Low priority projects may be funded from unencumbered funds after October 1 of the calendar year, unless sooner added to the annual priority list. If unencumbered funds are not available during the calendar year, then the reimbursement request will be held and paid if and when funding becomes available.

10. Inspection of treatment system. All construction of subsurface disposal systems under grants pursuant to this chapter must be inspected as required by Chapter 241, Maine Subsurface Wastewater Disposal Rules of the Department of Health and Human Services effective October 1, 2002. Public sewer connections must be inspected as required by the local sewer use ordinance and other applicable standards.

AUTHORITY: 38 M.R.S.A. § 411-A

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

EFFECTIVE DATE OF AMENDMENT: November 28, 2004