

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
S.P. 634 - L.D. 1550

**Resolve, Directing the Department of Health and Human Services to Amend
Its Rules to Protect Water Quality by Reducing Nutrient Pollution from
Septic Systems**

Sec. 1. Definitions. Resolved: That, as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. "Department" means the Department of Health and Human Services.
2. "Disposal field" means an individual subsurface wastewater disposal system component consisting of a closed excavation made within soil or fill material to contain disposal field stone and distribution pipes or approved proprietary devices for the disposal of septic tank effluent. The excavation is typically in the form of trenches or beds with either stone or proprietary devices included in the design.
3. "Horizon" means a layer within a soil profile differing from the soil above or below the layer in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content and consistency of each parent soil material.
4. "Proprietary disposal device" means a device used in disposal fields as an alternative to a bedding of stone and one or more distribution pipes.
5. "Septic tank effluent" means primary treated wastewater discharged through the outlet of a septic tank or an approved sand, peat or similar filter.
6. "Short circuiting" means a process by which nutrients from subsurface wastewater disposal systems enter groundwater or surface waters relatively untreated due to a lack of cation exchange capacity and biologic activity in the soil as a result of very coarse textured horizons or bedrock fractures.

Sec. 2. Amendment of subsurface wastewater disposal rule. Resolved: That the department shall amend its rule Chapter 241 in the section that governs the requirements for disposal field design for subsurface wastewater disposal systems. The amendments must include the following:

1. Amending the design standards for disposal fields to add a requirement to address short circuiting by reducing nutrient loading from septic tank effluent through natural processes;

2. Applying the amended design standards under subsection 1 only to soil profiles that pose a high risk of short circuiting due to the presence of sand or gravel layers in lower horizons or bedrock fractures; and

3. Providing that an area of land suitable for the installation of a disposal field may not be rendered unsuitable due to any changes in the rules adopted pursuant to this resolve.

Sec. 3. Administration, enforcement and rulemaking. Resolved: That the department shall administer and enforce this resolve and shall adopt rules as necessary to implement, administer and enforce this resolve. The department shall solicit input from interested parties in the development of any draft rules to implement this resolve and shall hold a public hearing on the draft rules in accordance with the process described in the Maine Revised Statutes, Title 5, section 8052.

Sec. 4. Resources. Resolved: That the department shall complete the amendment of the subsurface wastewater disposal rule under section 2 within existing resources and may seek staffing and financial support from other state agencies and private entities to accomplish the required amendment.