

HOLDING TANK ORDINANCE TOWN OF STOCKTON SPRINGS

Be it enacted and ordained by the Selectmen of Stockton Springs, County of Waldo, and is hereby enacted and ordained as follows: (Reference to State of Maine Plumbing Code Chapter 22, Section 2200.1 through 2204.2)

Section 1. Purpose.

The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tank designs to receive and retain waste water from residential or commercial uses. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this Municipality.

Section 2. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

"Authority" shall mean, Licensed Plumbing Inspector of Stockton Springs, County of Waldo.

"Holding Tank" shall mean a closed, water-tight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of waste water at another site.

"Improved property" shall mean, any property within the municipality upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by humans or animals and from which structure waste water shall or may be discharged.

"Municipality" shall mean, the Town of Stockton Springs, Waldo County, Maine.

"Owner" shall mean, any person vested with ownership legal or equitable, sole or partial, of any property located in the municipality.

"Person" shall mean, any individual, partnership, company, association, corporation, or other group or entity.

"Wastewater" shall mean, any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other source of water-carried wastes of human origin. This term specifically excludes industrial hazardous, or toxic wastes and materials.

The Authority is hereby authorized and empowered to undertake, within the Municipality, the control of and methods of disposal of holding tank waste water and the collection and transportation thereof.

Section 4. Rules and regulations to be in conformity with applicable law.

All such rules and regulations adopted by the authority shall be in conformity with the provisions herein, all other Ordinances of the Town of Stockton Springs, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine. Holding tanks can not be used for seasonal conversion, see Subsection 301.3.

Section 5. Rates and Charges.

The Authority shall have the right and power to fix, alter, charge, and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

Section 6. Exclusiveness of rights and privileges.

The collection and transportation of all waste water from any improved property utilizing a holding tank shall be done solely by, or under the direction and control of, the Authority and the disposal thereof shall be made at such site or sites as may be approved by the Maine Department of Environmental Protection.

Section 7. Duties of Owner of Improved Property.

The owner of an improved property that utilizes a holding tank shall:

A. Maintain the holding tank in conformance with this or any other Ordinance of this Town of Stockton Springs, the provisions of any applicable law, the rules and regulations of the Authority, and any administrative agency of the State of Maine; and

B. Permit only the Authority, or its agent, to collect, transport, and dispose of the contents therein.

Section 8. Violations

Any person who violates any provisions of Section 7 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred (\$100.) and not more than Three Hundred (\$300) dollars, plus costs.

Section 9. Abatement of nuisances.

In addition to any other remedies provided in this ordinance, any violation of Section 7 above shall constitute a nuisance and shall be abated by the municipality or Authority by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

Section 10. Alternative disposal.

An alternative means of waste water disposal shall meet first time system criteria. Replacement system criteria shall not be considered.

Section 11. Repeal.

All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

Section 12. Severability.

If any sentence, clause, Section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance.

Section 13. Effective date.

This ordinance shall become effective July 1, 2001

Section 2200.0 general

2200.1 Scope: This Chapter governs the approval and installation of holding tanks.

2200.2 Background: Holding tanks are designed to receive and hold the domestic waste water leaving a structure. This waste water, in turn, is pumped out and transported to a municipal treatment plant or to an approved land spreading site. The average person may generate 45 to 75 gallons of waste water per day. Thus, a family of three can expect to fill a 1500 gallon holding tank every 6 to 10 days. Holding tank pumping is costly and the holding tanks require continuous supervision on the part of the municipality to assure proper maintenance and pumping.

2200.3 General: The following applies to all holding tanks:

2200.3.1 Annual pumping required: Every holding tank shall be pumped at least once a year, providing the system has been used.

2200.3.2 Seasonal conversion not permitted: Holding tanks can not be used to satisfy the requirements for a Seasonal Conversion Permit under Title 30-A MRSA §4215 Subsection 2 or a first time system located within the shoreland zoned area of major water courses, except as allowed by local ordinance.

2200.3.3 Water use monitoring: The plumbing inspector may require the installation of a water meter to monitor the flow to the holding tank.

2200.3.4 Reporting: The owner or agent for the owner of a holding tank shall retain for a period of three years the copies of the pumping records, water use records (if required) and the current agreement between the owner and tank pumper.

2200.3.5 Holding tank specifications: Newly installed holding tanks shall be constructed of the same materials and to the same structural specifications as septic tanks, as specified in Chapter 10. They shall be either a) of monolithic construction (effective May 1, 1999) below the top of the inlet to the holding tank, or b) epoxy sealed at the joint with a

non-water soluble epoxy compound and all holding tanks shall have, at a minimum, an 18 inch diameter cleanout cover and a 13 by 17 inch inspection cover over the inlet.

2200.3.6 Installation: Holding tank shall be installed in accordance with Section 1007.0.

2200.3.7 Setbacks: Shall meet the setback requirements for septic tanks (Tables 400.2, 400.3, 400.4)

2200.3.8 Alarm provisions: The holding tank shall have visual and audible alarm devices to assure the tank is always pumped before it is full.

2200.3.9 Number and size of holding tanks: The installation shall have a minimum capacity of at least seven times the daily flow but not less than 1000 gallons. Multiple tanks shall be installed in series.

2200.3.10 Water conservation: The plumbing in the structure optimizes water conservation and all water closets meet or exceed ASME standard A112.19.2(1.6 gallons per flush maximum).

2200.3.11 Discontinuance of Holding Tank: Any structure which utilizes a holding tank as a first time system shall be required to meet first time criteria for alternate means of subsurface wastewater disposal.

Section 2201.0 Application Procedure

2201.1 Plumbing inspector approval: A holding tank application requires plumbing inspector approval.

2201.2. Application for a holding tank: A completed application for a holding tank (HHE-233) prepared by a Site Evaluator shall contain the following:

2201.2.1 Owner/Municipality Agreement: A completed holding tank agreement (HHE-233) with the necessary owner/municipality statement is required.

Section 2202.0 Requirements for Approval of all Permanent Holding Tanks

2202.1 LPI Approval: The plumbing inspector may approve the permanent use of a holding tank under the following conditions:

2202.1.1 Required by other regulation: A local ordinance or private and Special Law requires that a holding tank be used for wastewater; or

2202.1.2 No practical alternative: Due to site conditions, lot configuration, or other constraints, the installation of a system with a disposal field is not feasible; and

2202.1.3 Public sewers not available: Public sewers and/or multi-user systems are, by practical means, not immediately available; and

2202.1.4 Water conservation: The plumbing in the structure will be modified for maximum water conservation, and all water closets shall meet or exceed ASME A112.19.2 for 1.6 gallons per flush.

2202.1.5 A deed covenant (HHE-300) shall be required for any residential structure served by a holding tank. As a minimum, the covenant shall include a statement that a holding tank is serving the structure for the disposal of human sewage and wastewater. The aforementioned statement shall be a separate stand alone section or paragraph.

Section 2203.0 Replacement Holding Tanks

2203.1 LPI Approval: The plumbing inspector may approve the permanent use of a holding tank proposed by a site evaluator to replace a malfunctioning system or an alternative toilet.

2203.1.1 Malfunctioning system: The present system poses a threat or a potential threat to ground or surface water quality, to public health or safety, or to the environment; or,

2203.1.2 Alternative toilet replacement: An alternative toilet may be replaced by a flush toilet and holding tank if the existing structure is served by pressurized water and a legal gray water system including treatment tank and disposal field.

Section 2204.0 First Time holding Tanks with Local Ordinance

2204.1 LPI Approval: The plumbing inspector may approve the permanent use of a holding tank for up to 2000 gpd as a first time system provided all the following requirements are met. Holding tanks for flows greater than 2000 gpd must be referred to the Department.

2204.1.1 Local Ordinance: The municipality has a holding tank ordinance similar to the model ordinance in Appendix A, and has adopted this Section or an ordinance with similar or more strict provisions, a copy of which has been sent to the Department; and

2204.1.2 Application meets all criteria: The application meets all requirements of the ordinance and Section 2202.0.

Section 2205.0 First Time Holding Tanks Without Local Ordinance

2205.1 Approval criteria: If the municipality has not adopted a holding tank ordinance under Chapter 22 and Appendix A, the plumbing inspector may approve the permanent use of a holding tank for non-residential structures provided all the following requirements are met:

2205.1.1 Use: The facility served must not require a license for the sale of food by the Department.

2205.1.2 Design Flow: The flow shall not exceed 100 gallons per day or 500 gallons per week. Flows greater than 100 gallons per day or 500 gallons per week are referred to the Department.

Section 2206.0 Temporary Holding Tanks

2206.1 Temporary Use: As a temporary means of waste water disposal during alteration or repair of an existing system, the plumbing inspector may approve the use of a waste water holding tank or a septic tank temporarily modified to serve as a holding tank for up to 2000 gpd. This use may not exceed 90 days. Temporary holding tanks do not require a holding tank application.

Enacted and Ordained into Ordinance this 7th day of April 2001 by the Town of Stockton Springs, County of Waldo in lawful session duly assembled.

Selectmen of the Town of Stockton Springs

Attested by Stockton Springs Town Clerk

Constana R. Anderton
