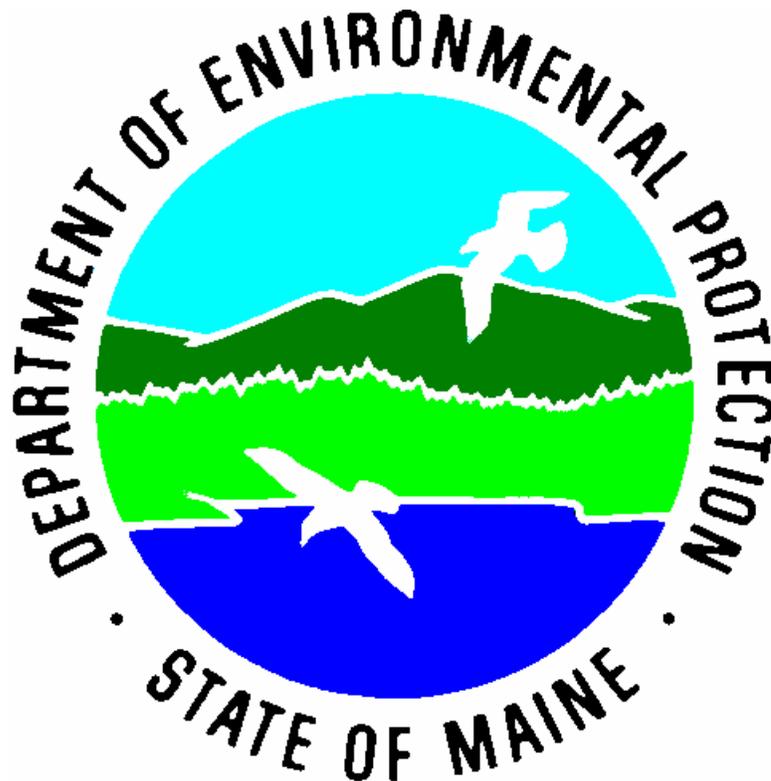


OVERBOARD DISCHARGE GRANT PROGRAM

ADMINISTRATIVE HANDBOOK

For

**MUNICIPALITIES
QUASI - MUNICIPAL
ORGANIZATIONS
COUNTY COMMISSIONERS**



2005/2006

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INTRODUCTION TO OVERBOARD DISCHARGE GRANT PROGRAM

The Maine Overboard Discharge Program was initiated by the Legislature (38 M.R.S.A., § 411-A) to help fund replacement systems that would eliminate licensed overboard discharges in certain areas. High priority is given to shellfish areas that could be opened for harvesting if the licensed overboard discharges were eliminated. High priority is also given to great ponds, Class A waters, and small rivers and streams with drainage areas of less than 10 square miles where the licensed overboard discharge creates a public nuisance condition. Chapter 594 of the Program Rules provides additional information on the administration of this Program.

The State share of funding for projects in this grant program comes from bond issues approved by the voters of the State of Maine. The Program Administrator develops a priority list based on information from the Department of Marine Resources, DEP staff, local officials, shellfish committees, and other interest groups.

Municipalities, Quasi-Municipal Organizations, County Commissioners and Individual Persons may be eligible to receive grant funds to eliminate overboard discharges. **Municipal officials may act as the Applicant for the grant funds for all the licensed discharges scheduled to be eliminated within their jurisdiction. This important function by the Town will help ensure the timely completion of all replacement systems at the best possible design and construction costs.**

Individual owners of licensed overboard discharges can also act as the Applicant for grant funds, but they must apply to the DEP before the project is done. Reimbursement to individual owners will be made after the work is complete and paid for, subject to the availability of grant funds from bond issues.

This handbook is intended for use on projects which will be administered by the town, district, or county government on behalf of OBD owners. Property owners who wish to apply directly for funding must use the **OBD Grant Application and Instructions for Individual Property Owners** located in a separate document.

For additional information on the Overboard Discharge Grant Program, please contact:

Tim MacMillan, P.E.
Department of Environmental Protection
Bureau of Land & Water, DECTA
17 State House Station
Augusta, Maine 04333 – 0017
Phone: (207) 287-7765
FAX (207) 287-3435
Email tim.a.macmillan@maine.gov

INSTRUCTIONS TO MUNICIPAL OFFICIALS

GENERAL INFORMATION

The purpose of this Municipal Handbook is to offer specific guidance to municipal officials who have elected to administer the Overboard Discharge (OBD) Grant Program. The previous INTRODUCTION page gave an overview of the origin and purpose of the Program.

The INSTRUCTIONS TO MUNICIPAL OFFICIALS contain 7 pages of explicit step-by-step instructions on each task the Town will need to know in order to perform the administrative requirements of the OBD Program. These INSTRUCTIONS are the most important part of the Handbook. In addition, each step of the Instructions also contains a Quick Reference Guide.

The remainder of the Handbook contains copies of actual documents that are discussed in the 7 pages of INSTRUCTIONS. They are provided to eliminate the need for the Town to incur the time and expense to generate any documents needed to properly administer the Program. You may use the documents in this Handbook, or you may choose to use other similar documents that provide, at a minimum, the same level of quality standards and control.

This important administrative function by the Town will help ensure the timely completion of all replacement systems at the best possible design and construction costs and assist in the possible re-opening of closed shellfish areas in the area. The APPENDIX to this Handbook contains a copy of Chapter 594 of the Regulations that implements the current law 38 M.R.S.A., § 411-A.

STEP 1

HOW A PROJECT BEGINS

QUICK REFERENCE GUIDE:

DEP sends Town a preliminary list of High Priority Projects.
TOWN meets with DEP & DMR to finalize Priority List of Projects.
TOWN sends grant application to DEP
DEP sends "Notice" and "Agreement" to Owners.
Town receives "Grant Offer" form for planning and design grant.
TOWN signs & returns "Grant Offer Forms"
Owner sends TOWN the executed "Agreement" and "Deposit".

DETAILED INSTRUCTIONS:

The DEP and DMR will develop a preliminary list of high priority projects. This list will contain the names and license numbers of OBD's that are licensed in the project area. The Town, with input from local shellfish committees or other sources of local knowledge, will agree to administer the projects as proposed, suggest alternatives based on local knowledge, or decline to administer OBD projects. DEP will meet with the Town to finalize the project list.

The Town will complete a one page grant application agreeing to administer the projects. DEP will send notices to the OBD license holders informing them that their OBD is targeted for removal and asking them to sign an agreement form to participate in the program. The agreement will also require a deposit by the property owners of their estimated share of the cost. This amount should be determined by the Town based on income information and local knowledge of design and construction costs. DEP will make a grant to the Town for the estimated state share of planning and design costs, including an allowance for local administrative costs. When the agreements are signed and the property owner deposits are collected, the project is ready to proceed to the planning and design stage.

STEP 2

HOW TO DESIGN A PROJECT

QUICK REFERENCE GUIDE:

TOWN hires Licensed Site Evaluator or P.E. to determine if replacement systems are feasible.
Design consultant completes design drawings and specifications.
TOWN shows design to Owner for concurrence.
TOWN sends designs to DEP for review and approval.
TOWN sends designs to DHS, if applicable.
DEP and DHS, if applicable, issue design approval.

DETAILED INSTRUCTIONS:

One major Town administrative step is to hire and coordinate a Licensed Site Evaluator(s) or a Registered Professional Engineer to design the replacement systems. If the project consists of more than one OBD removal, the designer should conduct a preliminary site evaluation for each site to determine if every site has a feasible design. The results of the preliminary design should be discussed with the DEP, and, if necessary, the Department of Health & Human Services, Division of Health Engineering. If it is determined that each property has a feasible alternative to the OBD, the designer shall prepare the final design drawings and specifications.

A copy of the design must be forwarded to the DEP for review and approval. The design forwarded to the DEP should contain both the Owner's and Local Plumbing Inspector's (LPI) signatures. If the design needs to be sent to the Department of Health & Human Services, Division of Health Engineering (DHS), for State Variance Approval, a copy should be sent to the DEP concurrently for review. **Do not put the system out to bid until DHS and DEP have approved the design.** The Town should also make sure that the Owner is familiar with the replacement system design.

**STEP 3
HOW TO BID A PROJECT**

QUICK REFERENCE GUIDE:

**TOWN makes Bid Package from design & Contract Documents in Handbook.
TOWN places one local newspaper ad and mails Bid Package to Contractors.**

DETAILED INSTRUCTIONS:

The next major Town administrative step is to advertise the project for bids. One local newspaper ad is required and the bid package may be given directly to all contractors in the area who specialize in this type of work. At least 2 weeks should be allowed for bidding. The bid package may consist of copies of the Contract Documents shown in this Handbook and the design (HHE-200 FORM) done by the Site Evaluator or Registered Professional Engineer. The Town will not have to generate any bid package material. The Contract Documents shown in this Handbook consist of the following: the BID PROPOSAL FORM on page 11, the CONTRACT AGREEMENT on page 12, the GENERAL CONDITIONS on pages 13 -16, the SPECIFICATIONS on pages 17 - 21, and the CHANGE ORDER FORM on page 22. Copies of these pages may be made from the Handbook to form the Contract Documents.

**STEP 4
HOW TO AWARD A CONTRACT**

QUICK REFERENCE GUIDE:

**TOWN opens sealed bids.
TOWN forwards Bid Proposals to DEP with a recommendation for award.
DEP issues approval to award the Contract.
TOWN and Contractor sign "Contract Agreement Form".**

DETAILED INSTRUCTIONS:

The Town will open the sealed bids at the advertised time and forward them to the DEP with a recommendation for award to the lowest responsible bidder. The DEP will issue approval for the Town to award the contract and the Town and Contractor will sign the CONTRACT AGREEMENT FORM.

STEP 5
HOW TO RECEIVE INITIAL DEP GRANT FUNDS

QUICK REFERENCE GUIDE:

<p>DEP will increase the town's grant to cover the bid price plus a contingency. TOWN sends "Payment Request Form", with back up documentation, to DEP. DEP pays TOWN for previously incurred costs & future construction costs.</p>

DETAILED INSTRUCTIONS:

This step is very important because the Town will need the DEP grant funds, in addition to the Owner's money, in order to pay the Contractor.

The Town will fill out the PAYMENT REQUEST FORM shown on page 23 of this Handbook and send it to the DEP along with a copy of the CONTRACT AGREEMENT on page 12 signed by the Town and the Contractor. A copy of the site evaluator's invoice for design and any other eligible costs that have been previously paid should also be included with the request. DEP will make a payment for costs already incurred and for construction costs based on the signed construction contracts. This method of payment by the DEP will allow the Town to receive the construction funds before the Contractor's payment is due. If the Town has incurred other administrative expenses, such as advertising costs and plumbing permit fees, these invoices must also be attached and the costs included on the PAYMENT REQUEST FORM in Column A, Administrative Expenses. The Town may also submit the advertising costs and plumbing permit fees at a later date, as described in STEP 10 of these Instructions entitled "How To Receive Final DEP Grant Funds" on page 7 of this Handbook. If requested in advance and approved by DEP, a lump sum administrative fee may be claimed for each system built to help defray costs of administering the grant program. The DEP share of design and construction costs is limited to the level of grant funding for the system to which they apply (100%, 90%, 50%, 35%, or 25% based on the property owner's income). The remaining share of these costs is paid to the Town by the Owner of the system.

STEP 6
HOW TO RECEIVE OWNER'S INITIAL SHARE OF PROJECT COSTS

QUICK REFERENCE GUIDE:

<p>TOWN sends Owner a bill for his share of advertising, design, & construction. TOWN allows Owner credit for "deposit" previously paid to TOWN.</p>
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DETAILED INSTRUCTIONS:

This step is very important because the Town will need the Owner's money, in addition to that of the DEP, in order to pay the Contractor.

At the same time DEP funds are requested, the Town should send a bill to the Owner of the system for his share of design and construction costs. In calculating the Owner's share, credit must be given to the Owner for his "up-front" money previously paid.

Prompt submission of the payment request to the DEP and the bill to the Owner of the system should allow the Town to construct all systems without tying up any short term funds of their own.

STEP 7
HOW TO INSPECT THE CONSTRUCTION OF THE PROJECT

QUICK REFERENCE GUIDE:

<p>LPI inspects system as per plumbing code requirements. TOWN hires designer or LPI to conduct 1 or 2 additional inspections. TOWN mails completed "Inspection Checklist" to DEP.</p>

DETAILED INSTRUCTIONS:

The Maine Subsurface Wastewater Disposal Rules require the Town's Licensed Plumbing Inspector (LPI) to conduct two inspections of the project. Normally, the cost of this inspection is covered by the Plumbing Permit Fee. If the Town feels that **additional** quality control during construction is needed, the designer or the LPI may be hired by the Town to conduct 1 or 2 additional construction inspections. These additional inspections are eligible for reimbursement but must be approved in advance by the DEP. The timing of these construction inspections should be determined jointly by the designer or LPI and Town so that the best possible quality control will result. These additional inspections can be eligible for reimbursement as an Inspection Cost. The DEP share of inspection costs is limited to the level of grant funding for the system to which they apply (100%, 90%, 50%, 35%, or 25%). The remaining share of inspection costs are paid by the Owner of the system.

As part of his inspection duties, the designer or LPI hired by the Town must complete the SEPTIC SYSTEM INSPECTION CHECKLIST on page 24 of this Handbook. The Town will be responsible for sending this checklist to the DEP as part of the Final Payment Request discussed in Step 10 of these INSTRUCTIONS.

STEP 8

HOW TO HANDLE CHANGES DURING CONSTRUCTION

QUICK REFERENCE GUIDE:

**TOWN discusses any changes during construction with Contractor & DEP.
TOWN and Contractor execute "Change Order Form", if needed.**

DETAILED INSTRUCTIONS:

Change Orders are sometimes necessary during construction. The Contractor must discuss them with the Town and the Site Evaluator before performing the additional work. **The Town must also receive, as a minimum, verbal approval from the DEP before authorizing the additional work.** This approval is necessary to ensure that DEP funding is available for the extra work. In addition, the changes and costs should be discussed with the property owner. The Town may request that the property owner pay their share of change order costs before the change order work is approved. The Contractor and the Town should complete the CHANGE ORDER FORM on page 22 of this Handbook. The Town will be responsible for sending the CHANGE ORDER FORM to the DEP for formal approval as part of the Final Payment Request discussed in a later section of these INSTRUCTIONS. The DEP share of change order costs is limited to the level of grant funding for the system to which they apply (100%, 90%, 50%, 35%, or 25%). The remaining share of change order costs are paid by the Owner of the system.

STEP 9

HOW TO PAY THE CONTRACTOR

QUICK REFERENCE GUIDE:

**TOWN pays 90% of contract amount after project is substantially complete.
TOWN pays 10% of contract amount after project is operational & grass grows.**

DETAILED INSTRUCTIONS:

The Town shall make payment of 90% of the contract amount after the project is substantially complete. That is, all structures installed and operating and all disturbed areas loamed and seeded.

Final payment shall be due after final completion. That is, the Work is completed and operational in accordance with the Contract Documents including a catch of grass.

STEP 10

HOW TO RECEIVE FINAL DEP GRANT FUNDS

QUICK REFERENCE GUIDE:

**TOWN submits "Payment Request Form" for costs not previously submitted.
TOWN sends "Septic System Inspection Checklist" to DEP.**

DETAILED INSTRUCTIONS:

This step is very important because the Town will need the DEP grant funds, in addition to the Owner's money, in order to make final payment to the Contractor.

After the project is substantially complete, the Town should submit a final PAYMENT REQUEST FORM, shown on page 23, to the DEP. Since the design and construction costs were included on a previous payment request, this final payment request will include only miscellaneous project costs, such as advertising for bids, inspection, change orders, plumbing permit fees, etc. Copies of invoices supporting these additional costs, plus a copy of the SEPTIC SYSTEM INSPECTION CHECKLIST on page 24 of this Handbook and executed CHANGE ORDER FORM on page 22 of this Handbook (if applicable), must be included in the final payment request.

The costs that the Town incurs for advertising the project for bids and for plumbing permit fees are eligible for reimbursement as an Administrative Expense in column A on the PAYMENT REQUEST FORM on page 23.

The costs that the Town incurs for hiring the designer or LPI to conduct additional inspections of the project are eligible for reimbursement as an Inspection Cost in column D of the PAYMENT REQUEST FORM on page 23.

The costs that the Town incurs for approved Change Orders are eligible for reimbursement as an Other Cost in column E of the PAYMENT REQUEST FORM on page 23.

The DEP share of advertising for bids, inspection, change orders, plumbing permit fees, etc. is limited to the level of grant funding for the system to which they apply (100%, 90%, 50%, or 25%). The remaining share of these costs is paid to the Town by the Owner of the system.

STEP 11

HOW TO RECEIVE OWNER'S FINAL SHARE OF PROJECT COSTS

QUICK REFERENCE GUIDE:

TOWN sends final bill to Owner for Owner's share of costs not previously requested.

DETAILED INSTRUCTIONS:

This step is very important because the Town will need the Owner's money, in addition to that of the DEP, in order to make final payment to the Contractor.

At the same time final DEP funds are requested, the Town should send a final bill to the Owner of the system for his share of any costs not previously paid, such as advertising for bids, plumbing permit fees, inspection, and any change orders.

Prompt submission of the payment request to the DEP and the bill to the Owner of the system should allow the Town to construct all systems without tying up any short term funds of their own.

**STEP 12
OTHER PROJECT COSTS THAT MAY BE ELIGIBLE**

QUICK REFERENCE GUIDE:

TOWN submits costs for any other miscellaneous expense previously deemed eligible by the DEP

DETAILED INSTRUCTIONS:

Under certain circumstances there are other Administrative Expenses that can be eligible. These usually involve project management type costs on large projects in which construction of many systems are required. In these situations, the Town should discuss the available options with the DEP.

If approved by the DEP in advance, the town may claim a reasonable lump sum administrative fee for each project as an eligible cost of the project. This fee will help cover town costs associated with the project. The grant program will reimburse the administrative fee as a project cost at the same percentage paid for the rest of the project. Note that administrative costs for full time Town municipal officials are not eligible for reimbursement.

Municipal Project Checklist Overboard Discharge Grant Program

(For detailed instructions, see page 2)

Property Owner: _____

Mailing Address _____

Telephone _____ **OBD License#** _____

Project or Waterbody Name _____

Date:	Description:
	OBD Appears on DEP/Town Approved Priority List
	Copy of Deed Received
	Copy of Tax Returns Received
	Approved for funding at _____%
	Owner's Agreement completed and signed
	Owner's Estimated funding share received
	System designed
	Copy of design to owner & DEP
	Variance approval by Health Engineering
	Local Plumbing Permit issued
	Advertise for bids
	DEP review of bids
	Verify that grant is sufficient/request additional funds
	Collect additional local share from owner
	Bids awarded/ contract signed
	Payment from DEP requested
	Payment from DEP received
	Obtain approval for any change orders needed.
	Inspection checklist w/ photos completed and sent to DEP
	Substantial completion(90%) payment made to contractor
	Final Payment made to contractor
	Refund property owner if overpaid

**MAINE DEPARTMENT OF ENVIRONMENTAL
PROTECTION**



**OVERBOARD DISCHARGE GRANT PROGRAM
GRANT APPLICATION**

INSTRUCTIONS TO TOWNS FOR COMPLETING THE OBD GRANT APPLICATION TOWN ADMINISTERED PROJECT

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 of the town that is applying for the grant. Include the name and phone number of the contact person for the town. All correspondence and payments will be made to the town.

2. PROPERTY INFORMATION

Individual OBD Grant Application containing information on the property and owner, including income, should be included for each project applied for. A copy of the property deed and proof of income shall be kept on file at the town office. Include a summary of the projects applied for in this section. The project name or waterbody name should be included if the targeted area contains more than one OBD.

The project type is one of the following priority types:

Priority 1 Shellfish Resource or Nuisance Conditions - 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.

Projects are funded based on relative priority. Priority 1 is the highest and 4 is the lowest. The applicant should demonstrate that the proper priority type has been determined.

3. CERTIFICATION OF THE APPLICANT

Include the name, title, date, signature of the municipal official with authority to apply on behalf of the town.

6. SEND APPLICATION TO

Tim MacMillan, P.E.	Phone (207)287-7765
ME Dept of Environmental Protection	
Bureau of Land & Water Quality, DECTA	FAX (207)287-3435
17 State House Station	email:
Augusta, ME 04333-0017	tim.a.macmillan@maine.gov



TOWN OBD GRANT PROGRAM APPLICATION

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

TOWN ADMINISTERED PROJECT TO BE COMPLETED BY THE MUNICIPALITY

TOWN INFORMATION

TOWN NAME(GRANT RECIPIENT) EMPLOYER ID #

PROJECT CONTACT PERSON:

MAILING ADDRESS

TELEPHONE# EMAIL ADDRESS(IF AVAILABLE)

PROJECT INFORMATION(ATTACH OWNER AGREEMENTS FOR EACH)

LICENSE #	PROPERTY OWNER NAME	PROJECT NAME	OWNER INCOME	PROJECT TYPE

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.

PRINTED NAME AND TITLE OF MUNICIPAL OFFICIAL

SIGNATURE DATE

**INSTRUCTIONS FOR THE OWNER AGREEMENT FORM
(TO BE COMPLETED BY THE PROPERTY OWNER)**

1. OWNER AND PROPERTY INFORMATION

Provide the requested information pertaining to the name, address, phone number, and email address of the owners of the property that uses the OBD. Include the information for all the owners. Provide the license number from the latest wastewater discharge license and the name of the town where the OBD is located. Provide the actual address of the property if different than the owner's. Provide the tax map lot number from the tax bill, and the book/page from the current deed. Attach a complete copy of the current deed, showing the names of the property owners.

2. 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. Examples of these tax documents are attached. 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.

Depending on the use of the property, the following tax forms apply:

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		

If the property has more than one use, include all the tax forms that relate to it and an estimate of the length of time and wastewater flow for each use. The grant percentage for properties with multiple uses will be prorated based on the proportion of each use and the income.

3. CERTIFICATION OF THE APPLICANT

Sign and date the agreement on behalf of all owners, or have all owners sign. The initial deposit will be based on the estimated owner's share and should be determined with the help of the town. If the agreement is signed by someone other than the owner, then the power of attorney or other authority to sign document must be provided.

**SEND OR GIVE THE COMPLETED FORM TO THE TOWN OFFICIAL ADMINISTERING
THE OBD GRANT.**

OBD OWNER AGREEMENT
TOWN ADMINISTERED PROJECT
OVERBOARD DISCHARGE REMOVAL GRANT PROGRAM

OWNER AND PROPERTY INFORMATION

APPLICANT NAME AND MAILING ADDRESS

TELEPHONE#

EMAIL ADDRESS

OBD LICENSE NUMBER

TOWN

PROPERTY ADDRESS

BOOK/PAGE(ATTACH COPY OF DEED):

TAX MAP/ LOT NUMBER

INCOME INFORMATION(ATTACH COPY OF TAX RETURN)

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 OWNER

I understand that the Town will administer this project and I will be responsible for paying the remaining share, not covered by the DEP grant, of the cost of administration, design, construction, inspection, and other necessary costs to design and construct a replacement wastewater disposal system.

Before any design begins, I will pay a \$ _____ deposit to the Town. After the project is designed, I will review the plans in order to understand the scope of the project. After the project is bid, my share will be calculated and I will pay any additional amount to the Town at this time to cover my share of advertising, design, and construction. Credit will be given for the deposit previously paid. After construction is complete, my exact share will be determined, and paid to the Contractor and site evaluator by the Town. If my share of the project costs are more than the above amount then I will pay the additional amount, if it is less then my remaining money will be returned to me.

I grant the right to the Town and its agents to enter my property to design, construct, and inspect a wastewater treatment project and to do such things on the property as are necessary for any of the above purposes.

I understand that the Contractor will provide a one year warrantee period for defective equipment or workmanship. I also understand that there is no guarantee by the Department of Environmental Protection or the Town concerning the operation and performance of the System. I will be responsible for all maintenance necessary on my system including pumping the septic tank every 3 years.

Considering all the above, I hereby agree to the conditions set forth, and authorize the town to proceed, as soon as possible, with the design and construction of a replacement wastewater disposal system and removal of my overboard discharge system.

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

SIGNATURE

DATE

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. 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 Department of Environmental Protection 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 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, as well as 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 Tim MacMillan, 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 contains:

For Town Administered Projects – The Town Grant Application form containing the town information and a summary of OBD projects which will be done. For each OBD Project a one sheet OBD Owner and Income Information form is needed with information on the property owner's name, and income information. The property owners will need to supply and copy of the deed and proof of income, which generally is a copy of their tax return.

For Owner Administered Projects – The Individual Grant Application form containing information on the property, owner, and income information. This document, along with a copy of the deed and proof of income, is submitted directly to the DEP.

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 owners of a specific property 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, which 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. 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 Resource or Nuisance Conditions - 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 voluntarily replaced with a cost effective alternative disposal method, in an area not included in Priority 1. Priority 3 projects are required by law to be done whether grant funding is immediately available or not.

Priority 3 Voluntary Removal – The discharge is being removed because a technologically proven alternative has been found during a property transfer as required by 38 MRSA §413.

Priority 1 projects will receive a grant commitment prior to construction if funds are available. Priority 2 and 3 may be eligible for reimbursement at a later date, when/if funds become available.

**OBD GRANT PROGRAM
BIDDING AND PAYMENT DOCUMENTS**

BID PROPOSAL FORM OVERBOARD DISCHARGE PROGRAM

THIS BID IS SUBMITTED TO: _____ (TOWN) OR (OWNER)
 _____ (ADDRESS)
 _____ (ADDRESS)

THE UNDERSIGNED BIDDER PROPOSES AND AGREES AS FOLLOWS:

1. It is responsibility of the prospective bidder to inspect the construction site and examine the plans & specifications to ensure that he fully understands the construction requirements. The bid prices must be for a complete and finished project as indicated in the bid documents including any piping, fittings, valves, fill, grading, insulation, site restoration, or other work not directly shown but which can be reasonably inferred by an examination of the site and construction documents to produce a finished product.

2. The Contractor shall maintain in force for the duration of the project Public Liability and Property Damage insurance that shall protect the Contractor from claims and damages arising from operation under this Contract. The minimum amount of coverage shall be as is customary for the work to be performed and shall provide complete indemnification of the Owner for the Contractor's work.

3. It is the responsibility of the Contractor to comply with all laws, regulations, and permit conditions in constructing the project, including safety regulations.

4. The Town will be the sole judge of the acceptability of the bids, and may reject any and all bids if it is judged to be in the Town's best interest. The BASIS OF AWARD for the contracts will be the lowest acceptable bid proposal based on the LUMP SUM PRICE for each individual system. Pump stations indicated on the plans ("REQUIRED" is checked) must be included in the LUMP SUM PRICE. If the need for a pump station is not clear on the plans, ("MAY BE REQUIRED" is checked), the LUMP SUM PRICE shall include a price for the complete system without a pump station. Also for this situation, a price for the pump station must be shown separately in case it is found to be needed.

THE BIDDER WILL COMPLETE THE WORK FOR THE FOLLOWING PRICE(S):

NAME OF SYSTEM	LUMP SUM PRICE (BASIS of AWARD) <small>(includes price for pump station if "REQUIRED" is indicated on the plans)</small>	ADDITIONAL PUMP STATION COST <small>(extra cost of pump station if "MAY BE REQUIRED" is indicated on the plans)</small>
_____	_____	\$ _____ DOLLARS
_____	_____	\$ _____ DOLLARS
_____	_____	\$ _____ DOLLARS
_____	_____	\$ _____ DOLLARS

The undersigned agrees, if awarded the Contract, to complete the Work within _____ calendar days after execution of the contract agreement.

SIGNED: _____ DATE: _____

NAME OF COMPANY: _____

CONTRACT AGREEMENT

THIS AGREEMENT made the ____ day of _____ 20____ by and between the Town of _____ hereinafter called the Owner and _____ hereinafter called the Contractor.

WITNESS,

That the Owner and the Contractor for the consideration hereinafter named agree as follows:

ARTICLE 1. SCOPE OF WORK

The Contractor shall furnish all of the Materials and perform all the Work shown on the Plans and described in the Specifications entitled: _____

Prepared by _____, referred to in these Contract Documents as the Engineer, and shall do everything required by this Agreement, the General Conditions, the Specifications, and the Drawings.

ARTICLE 2. TIME OF COMPLETION

The work shall be completed according to the following schedule:

Substantial Completion: _____

Final Completion: _____

ARTICLE 3. THE CONTRACT SUM

The Owner shall pay the Contractor for the performance of the Contract, subject to additions and deductions provided by approved Change Orders in current funds as follows:

_____ \$ _____
(In Words) (In Figures)

ARTICLE 4. PAYMENTS

The Owner shall make payment of 90% of the contract amount after the project is substantially completed. That is, all structures installed and operating and all disturbed areas loamed and seeded.

Final payment shall be due after final completion. That is, the Work is completed and operational in accordance with the Contract Documents including a catch of grass.

ARTICLE 5. THE CONTRACT DOCUMENTS

The General Conditions of the Contract, Instructions to Bidders, the Bid Proposal, the Specifications, and the Drawings, together with this Agreement, form the Contract.

The Owner and the Contractor hereby agree to the full performance of the covenants herein.

IN WITNESS WHEREOF the parties hereto have executed this Agreement in the day and year first above written.

BY: _____ WITNESS: _____
Owner

BY: _____ WITNESS: _____
Contractor

GENERAL CONDITIONS OF THE CONTRACT

ARTICLE I: Definitions

Wherever the following terms are used in the contract documents, the intent and meaning shall be as follows:

Contract Documents - The documents which are comprised of the Bid Proposal, Contract Agreement, General Conditions of the Contract, Construction Specifications for Septic Systems, Construction Plans and Specifications prepared by a Registered Professional Engineer or Licensed Site Evaluator (including HHE 200 Forms), and Change Order Form. They are also known as the Contract.

DEP - The Maine Department of Environmental Protection

Engineer -- The designer of the replacement system.

Final Completion - The condition in which the work is complete and operational, covered, graded, and satisfactory grass cover is established.

HHE - 200 Form - A subsurface wastewater disposal system application form, provided by the Maine Department of Health & Human Services, exhibiting a complete subsurface wastewater disposal system design.

LPI - Local Plumbing Inspector representing the Town.

Town - The Town, acting through its authorized representative.

Project - The entire work to be performed under the contract.

Substantial Completion - The condition in which the work is complete to a point where all structures are properly installed and operational, the system can be utilized for its intended purpose, and all disturbed areas are loamed and seeded.

ARTICLE 2: Intent and Correlation of the Contract Documents

It is the intent of the Contract Documents to describe a complete project. The Contractor shall furnish all Labor, Material, Tools, Transportation, Insurance, and Incidentals which are reasonably required to construct and complete the project. The plans, or HHE-200 Forms, including all revisions, completed Bid Proposal Form, Executed Contract Agreement, the General Conditions of the Contract, General Construction Specifications for Septic Systems, and the Change Order Form comprise the Contract Documents.

Should the Contractor discover any error, omission, or inconsistency in the Contract Documents which would require additional costs above that shown in the bid, he shall notify the Town at least twenty-four hours before the bids are opened. Should errors, omissions, inconsistencies, or differing site conditions be discovered after contract award, then the Town shall be promptly notified and affected work suspended until a resolution is found. In the event that there is a conflict between requirements of the plans and specifications, the more stringent requirement will be followed.

ARTICLE 3: Permits, Laws, and Regulations

The Town will apply for and obtain the Plumbing Permit, DEP permits, including Permit By Rule Notification and Highway Opening Permits. The Town will also secure all required easements for the project. The Contractor is responsible for obtaining all other permits.

It is the responsibility of the Contractor to comply with all laws, regulations, and permit conditions in constructing the project, including safety regulations. If the Contractor discovers that the Contract Documents conflict with any laws, regulations, or permit conditions, he shall promptly notify the Town. In addition, if the Contractor's proposed construction methods require it, it shall be his responsibility to obtain any variances or permit modifications required.

ARTICLE 4: Inspection of the Work

The Contractor shall permit access to the site and work to representatives of the Town and Maine Department of Environmental Protection at all times. Before covering the work, the Contractor shall give timely notice to the Town and LPI that the work is ready for inspection. The work shall not be covered until it has been inspected and certified on the HHE 200 Form by the LPI and/or designated inspector of the Town. Should the work be covered without approval of the Town and LPI, it must be uncovered for inspection at the Contractor's expense.

If the LPI or the Town determines that the work is not in compliance with the Contract Documents, then it must be corrected to the satisfaction of the LPI, Town, and DEP at the Contractor's expense.

ARTICLE 5: Changes in the Work

The Town may request changes, increases, or decreases of the work without invalidating the original agreement. Any changes involving a change in the contract price or time must be authorized by a change order executed by the Contractor, Town, and DEP.

If the Contractor, in performing the work, discovers conditions which could not reasonably have been anticipated from inspection of the site and examination of the contract documents, including the need for ledge removal by blasting, he shall notify the Town promptly, and a change order shall be negotiated before proceeding further.

ARTICLE 6: Contract Termination

Should the Contractor fail to complete the work within the time frame specified in the contract and any time extension change orders, or not in conformance with the Contract Documents, the Town may, after giving written notice to the Contractor, terminate the contract and arrange for the work to be completed by others. The cost of any uncompleted work will be deducted from the contract amount.

ARTICLE 7: Payments

The Town shall pay 90% of the contract cost when the work is substantially complete, and inspected and approved by the LPI/Town. The Town may request that the Contractor provide evidence that all payrolls, suppliers, and subcontractors have been paid before 90% payment is made. Final payment shall be made at final completion of the finished project provided that the Contractor has submitted evidence that all payrolls, suppliers, and subcontractors have been paid. The making and acceptance of final payment shall constitute a waiver of all claims by the Town except those arising from unsettled liens, faulty work or claims under the one year warranty, and all claims by the Contractor, except those previously made and unsettled.

For contracts exceeding one month, monthly progress payments may be requested.

ARTICLE 8: Contractors Insurance

The Contractor shall maintain in force for the duration of the project Public Liability and Property Damage Insurance that shall protect the Contractor from claims and damages arising from operation under this Contract.

The minimum amount of coverage shall be as is customary for the work to be performed and shall provide complete indemnification of the Town for the Contractor's work. In addition, Workman's Compensation shall be maintained by the Contractor if required by Maine Law.

The Contractor may be required to provide insurance certificates.

ARTICLE 9: Warranty

The Contractor shall warranty all work performed under the contract against defects in workmanship and materials for a period of one year from the date of final completion. During the warrantee period, he shall promptly repair all such defects at no cost to the Town.

ARTICLE 10: Disputes

Disputes between the Town and Contractor which cannot be resolved by the DEP shall be settled by litigation.

CONSTRUCTION SPECIFICATIONS FOR SEPTIC SYSTEMS

GENERAL

All Work shown on the plans or specified must be included in the lump sum bid proposal. These specifications are general in nature and, in several instances, refer to the latest edition of the Maine Subsurface Wastewater Disposal Rules. If there is a conflict between the requirements of the plans and these written specifications, the most stringent requirement shall apply. DEP will be the sole judge of the applicable requirements in the case of conflicting specifications.

No deviations from the Drawings will be allowed without written consent of the Maine Department of Environmental Protection, the Local Plumbing Inspector, and the Town.

A. DESCRIPTION :

1. Furnish and install at the location and elevation shown on the plans, a septic system including septic tank, disposal field, miscellaneous piping and appurtenant structures as shown on the plans.

B. MATERIALS :

1. Septic Tank: Septic tanks shall be of the size and type indicated on the HHE-200 form or construction drawings, and shall meet the requirements of the Maine Subsurface Wastewater Disposal Rules. The minimum septic tank volume shall be 1000 gallons.
2. Building Sewer & Drain Pipe: The building sewer and drain piping material shall be in accordance with the Maine Subsurface Wastewater Disposal Rules.
3. Proprietary Disposal Devices: For septic systems utilizing proprietary devices only approved manufacturers' products may be used. A list of approved manufacturers can be found in the Maine Subsurface Wastewater Disposal Rules.
4. Fill Material: Unless otherwise specified on the plans, fill material shall be gravelly coarse sand with 4-8% passing a #200 sieve and shall contain less than 5% by volume of rocks greater than 3 inches in size.
5. 1½" Crushed Stone: The stone used for septic systems shall be clean 1½ inch stone with 100% passing a 1½ inch sieve, less than 8% passing a ½ inch sieve, and less than 3% passing a 200 mesh sieve.
6. Loam shall be topsoil taken from the excavation or topsoil of a similar texture. It shall be free from gravel, roots, clods, or stones larger than 2 inches.
7. Lime shall be standard grade dolomitic limestone.
8. Fertilizer shall be standard commercial 10-10-10 mixture.
9. Seed shall contain a mixture of annual and perennial grass seeds such that a fast and lasting catch of grass is obtained.
10. Mulch material shall consist of hay or straw reasonably free from noxious weeds.
11. Insulation shall be extruded minimum 2" thick rigid board polystyrene or as specified on the drawings.

C. EXECUTION :

1. The disposal bed shall be constructed in accordance with the plans and the Maine Subsurface Wastewater Disposal Rules. All portions of the work shall conform to applicable state and local codes and ordinances.

Where required to comply with codes or ordinances, the Contractor shall hire appropriate licensed professionals to perform portions of the work. The contract price shall include all such incidental costs.

2. Construction shall not be performed when the soil moisture content is above the plastic limit. Soil moisture shall be tested by rolling a lump of soil with the fingers to form a wire. If a wire 1/8 inch in diameter can be formed which does not crumble when handled, the soil moisture is too high. Upon encountering excessive soil moisture conditions, the Contractor shall immediately notify the town and shall not proceed further with construction.
3. Excavation shall be made to lines and grades necessary to allow for construction of the septic system including interconnecting piping.
4. Excavated material not required for backfill shall be removed from the site and disposed of in a lawful manner at the Contractor's expense.
5. The entire fill area shall be scarified by rototilling or raking with excavator bucket teeth prior to placing fill material or stone. On sites requiring fill, a transition layer shall be constructed by rototilling 4-6 inches of fill material into the original soil underneath the entire fill area. Wheeled vehicles must not be used on scarified soil.
6. The crushed stone shall be dumped beside the bed and placed in the disposal field to minimize the transfer of fines to the disposal field. Piping shall be installed to the lines and grades shown on the plans, covered with hay or fabric, and backfilled with suitable fill material.
7. Proprietary devices shall be installed as per the manufacturer's specifications.
8. The septic tank is to be placed on a working pad of 6 inches or more of bank-run gravel, compacted by tamping with excavator bucket.
9. The Contractor shall replace the building drain from a point just outside the building wall to the septic tank. The materials shall be in accordance with the Maine Subsurface Wastewater Disposal Rules.
10. Where internal plumbing changes are required, the Contractor shall extend the building drain from the septic tank through the foundation wall at the proper elevation and provide a clean-out connection.
11. All pipe connections shall be water tight.
12. Pressure and gravity lines shall be protected against freezing.
13. Septic tanks to be abandoned shall be pumped out and filled with soil or removed.
14. Spread loam uniformly on all disturbed areas, except driveways, with a minimum depth of 2 inches. The loam shall be hand-raked to achieve a smooth surface blending into the undisturbed areas.
15. Fertilizer shall be applied at the rate of 14 pounds of fertilizer per 1000 square feet. It shall be thoroughly mixed with the soil to a depth of 1 inch.
16. The seed mixture shall be sown at the rate of 3 pounds per 1000 square feet. Mulch shall be applied to all seeded areas the same day as seeding.
17. The existing overboard discharge system shall be properly abandoned as follows:
 - a. Outfall. Any exposed portion of the final effluent line shall be removed and the remaining effluent pipe permanently sealed.
 - b. Wastewater. Mechanical treatment systems must be aerated for 24 hours and then allowed to settle before they are emptied. The supernatant liquid must be discharged through the chlorinator to the water. Wastewater containing settled solids shall not be discharged to the water. The solids contained in the tanks shall be disposed of in a lawful manner by the Contractor.

- c. Tanks. All tanks including grease traps, septic tanks, mechanical treatment systems, pump stations and chlorinator tanks which are not utilized as part of the replacement wastewater disposal system shall be disconnected and filled with soil or removed.
- d. Sandfilters. If the abandoned treatment system is a sandfilter with a capacity of less than 1000 gallons per day, the chlorine contact tank shall be removed and the hole filled with crushed gravel to serve as a dry well for rainwater.

If the capacity of the sandfilter is 1000 gallons per day or greater, the downgradient end to the sandfilter shall be excavated and the liner punctured sufficiently to allow rain water to drain.

- 18. A Natural Resources Protection Act (NRPA) Permit is not required for the abandonment of wastewater treatment facilities or the installation of a subsurface wastewater disposal system. Construction or abandonment activities, however, shall comply with the following conditions in areas within the jurisdiction of the NRPA.:
 - a. Erosion of soil or fill material from disturbed areas into the 25 foot buffer and the resource must be prevented. Properly installed erosion control measures, such as staked hay bales and silt fence, are required to be in place before the project begins. These erosion control measures must remain in place, functioning as intended, until the project area is permanently stabilized with mulch and seed. NOTE: Erosion and sedimentation control measures shall comply with "Maine Erosion And Sediment Control Handbook For Construction: Best Management Practices", dated March, 1991, or most recent addition.
 - b. No power equipment shall be operated in the water except that equipment operating on shore may, when necessary, reach into the water with a bucket or similar device.
 - c. All heavy equipment which must travel and work on wetland vegetation shall travel on mats or platforms in order to protect the vegetation.
 - d. Except for installation of an outfall line, no excavation, filling or construction shall take place on the coastal wetland, freshwater wetland, great pond, river, stream or brook.
- 19. A residential lift station, if required, shall be constructed under the following specification:
 - a. Furnish and install in the location and to the elevations shown on the plans, and in compliance with the Maine Subsurface Wastewater Disposal Rules, a concrete Lift Station containing a submersible effluent pump.
 - b. The Residential Lift Station shall be the equal of a Superior Pump Tank Item No. 150, 300 gallon working capacity. American Concrete, Inc. Item No. 1835 or equal, may be used as a combined septic tank and residential lift station. Provide the necessary riser sections to extend 4" above grade. An approved joint sealer shall be used at all riser section joints. All joints and pipe connections must be watertight.
 - c. The submersible pump shall be a Goulds WP0311E, a Meyers SR4M, a Hydramatic SP-40A, a Peabody Barnes SE-411, or approved equal. The pump motor shall be operated on 115 volts.
 - d. The pump shall be installed as shown on the plans. The control switch shall be a **non-mercury** type float switch.
 - e. The junction box shall be water-tight Nema 4X.
 - f. The Contractor shall be responsible for all electrical work connecting the junction box to the electrical system in the house. **The pump and alarm shall be connected to two separate circuits in the house electrical system.** All such work will be done by a licensed electrician and in conformance

with the latest edition of the National Electrical Code. The electrician shall provide a certificate of approval for all electrical work to the town before payment is made to the Contractor.

- g. Underground cable shall be rated for direct burial and shall pass through the Lift Station wall with proper connections. All wiring from house to Lift Station shall be in conduit.
- h. An alarm system consisting of high water mercury float switch and alarm light mounted inside the house shall be installed for all Lift Stations.

D. BASIS OF PAYMENT :

1. Payment for construction of the septic system shall be as a lump sum including finish site work. A Residential Lift Station, if shown on the plans, shall be included under the lump sum bid price. If a lift station is not shown on the plans and must be added to the Contract by Change Order, then a price will be as stated in the bid proposal or negotiated before installation.
2. Ledge excavation will be measured by the Engineer for payment on the basis of cubic yards removed. Payment will be negotiated as a Change Order.

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

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MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
OVERBOARD DISCHARGE GRANT PROGRAM
PAYMENT REQUEST FORM

PROJECT NUMBER	TOWN	PAYMENT NUMBER	DATE
OBD -			

GRANTEE NAME AND ADDRESS	TYPED OR PRINTED NAME OF CERTIFYING OFFICIAL
	SIGNATURE

NAME OF PROPERTY OWNER	ADMIN. (A)	DESIGN (B)	CONSTRUCT. (C)	INSPECT. (D)	OTHER (E)	SUBTOTAL (SUM A TO E) (F)	% (G)	GRANT AMOUNT (F x G)
	\$	\$	\$	\$	\$	\$		\$

	TOTAL PAYMENT REQUESTED:	\$
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INSTRUCTIONS:

<ol style="list-style-type: none"> 1. Each row includes all the costs associated with each individual system. 2. Columns A-E are the total eligible costs as shown on the invoice. 3. Column A contains eligible administrative costs. These costs may be distributed to each individual system. A calculation sheet should be included showing how the distribution was figured. 4. Column B contains design cost documented by site evaluators or engineers invoice. 5. Column C contains construction costs based on the executed contract. 6. Column D is inspection costs which DEP has previously agreed to pay. Only inspection in excess of the Maine Subsurface Disposal Rules are grant eligible. Inspections paid for must be documented by photos and a completed inspection form. 	<ol style="list-style-type: none"> 7. Column E is for approved change orders and other applicable costs 8. Column F is the sum of A to E. 9. Column G is the grant percentage factor: 90%.....0.9 50%.....0.5 25%.....0.25 10. Grant amount is the product of F x G. 11. Total payment requested is the sum of the grant amount column. 12. Copies of invoices for all costs are to be attached to this form.
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**OVERBOARD DISCHARGE GRANT PROGRAM
SEPTIC SYSTEM INSPECTION CHECKLIST**

PROPERTY OWNER	
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):_____	
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.	
_____ Signature	

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 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.

APPENDIX

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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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