

**MEMORANDUM OF UNDERSTANDING**  
**Between**  
**The Department of Health and Human Services**  
**Maine Center for Disease Control and Prevention (Maine CDC)**  
**and**  
**Maine Department of Environmental Protection (DEP)**

**I. Purpose**

The purpose of this Memorandum of Understanding (MOU) is to create an agreement between the Department of Health and Human Services (Maine CDC) and Maine Department of Environmental Protection (DEP), to provide review and assistance in the evaluation and approval of engineered subsurface wastewater disposal system proposals. This class of subsurface wastewater disposal systems is designed to handle 2,000 or more gallons per day.

**II. Introduction/Background**

The Maine Department of Health and Human Services, Maine Center for Disease Control and Prevention Division of Environmental and Community Health Subsurface Wastewater Unit within the Drinking Water Program (Maine CDC) and the Maine Department of Environmental Protection, Bureau of Land Resources (DEP), enter this agreement to continue its coordinating efforts in protecting public health and the environment, by working together to review potential water quality impacts potentially caused by the installation or replacement of large subsurface wastewater disposal systems. In accordance with the Maine Legislature's directive to promulgate rules and enter into an agreement, , both parties entered into a previous memorandum of agreement to delineate the roles and responsibilities associated with each agency's oversight of this activity, with the last version becoming effective in August 2014. This version replaces any previous agreements in effect.

DEP is generally responsible for recommending the classification of all groundwaters of the State of Maine and for protecting the quality of groundwater through its waste discharge licensing program and site location permitting program.

The Maine CDC administers the Maine Subsurface Wastewater Disposal Rule (10-144 CMR Ch. 241), which regulates the subsurface disposal of wastewater from private disposal systems and is responsible for final decisions on applications made pursuant to this Rule. Maine CDC defines "wastewater" at 10-144 CMR Ch. 241, as any domestic wastewater, or

other wastewater from commercial, industrial, or residential sources which has constituents similar to that of domestic wastewater.

### **III. Roles and Responsibilities**

#### **A. The Maine CDC will:**

1. Provide pertinent and available information regarding any proposal for an engineered subsurface wastewater disposal system to DEP within 20 working days of learning about such a proposal. Pertinent information includes but is not limited to the application, location map, plans, test pit logs and other soil and subsurface data, a mounding analysis, if required, and other relevant documentation.
2. Provide electronic copies of any plans or data to DEP for review and comment in those cases where Maine CDC has required the applicant to submit additional plans or data for review and comment of an engineered system, unless the opportunity for such review and comment is specifically waived by DEP.
3. Receive and consider DEP's comments on the proposed disposal system and incorporate in its final determination any agreed upon recommendations. If there are any disagreements between the parties, then appropriate staff from both agencies will further discuss and resolve the disagreement. If staff from both parties fail to reach agreement, the matter is referred to the Maine CDC's Associate Director of its Division of Environmental and Community Health and the DEP's Director of its Bureau of Land Resources for resolution.
4. In circumstances where DEP has requested additional time to review a proposal, as described in Section B(5) below, Maine CDC will review each request to determine whether additional time will be granted.
5. Proceed with its action without DEP input, if DEP fails to respond to Maine CDC's request to review a proposed engineered subsurface wastewater disposal system within 20 working days of Maine CDC's request.
6. Provide DEP with a copy of all permitting actions implemented for engineered subsurface wastewater disposal systems and experimental technology.
7. Notify DEP of any changes to the Maine Subsurface Wastewater Disposal Rule, as well as any applicable Maine CDC statutes, advisory opinions, technical notes, and other information relating to engineered systems. Maine CDC will also ensure that appropriate DEP staff are notified of the opportunity to provide comments on any proposed rules relating to the use of engineered systems for subsurface wastewater disposal.
8. Provide notification of this Agreement to all Site Evaluators and all practicing Registered Professional Engineers of record who have provided subsurface designs for proposals to the Maine CDC Subsurface Wastewater Unit.

## **B. DEP will:**

1. Assist Maine CDC in evaluating the environmental impacts of engineered subsurface wastewater disposal systems, whenever staffing and budgetary resources allow.
2. Review proposals, when DEP has the resources available, to determine the environmental impact of experimental technology related to subsurface wastewater disposal systems, upon request by Maine CDC.
3. Consider the following factors, when appropriate and applicable:
  - a) Geology of the project parcel and vicinity;
  - b) Primary, secondary, and cumulative effects of a project on the quality of groundwater and the impact of degradation of groundwater quality on the natural environment and water quality of any surface water; and
  - c) Private and public uses of groundwater and surface water resources in the project area and vicinity, to the extent that DEP is aware of such uses.
4. Complete the following actions within 20 working days of the Maine CDC's request for review, or within other such time frame as mutually agreed upon, by electronic mail, to provide one of the following responses:
  - a) Provide comments to Maine CDC, stating that DEP has found no reason to believe that normal operation of the disposal system will result in unreasonable adverse impact on the natural environment or other uses of groundwater and surface water, provided that the system is properly constructed and maintained.
  - b) Provide comments to Maine CDC that explain the existing and potential project impacts on groundwater and surface water resources, along with recommendations for Maine CDC action on the project, including a justification for any recommended denial or conditions of approval; or
  - c) Request additional information or clarification of information, stating specifically what information DEP needs, and explaining why such information is necessary to fulfill the obligations specified in the Agreement.
5. In the event that DEP is unable to complete its review of a project within 20 working days via the actions in Section B(4) above, DEP will write and explain to Maine CDC the reason that the review was not completed. In such circumstances, DEP will request a specific amount of additional time to comment, with written notice to the applicant(s). If no comment or request for a specified additional amount of time is received from DEP within 20 working days, then Maine CDC will assume that DEP has no concerns about the system and will act accordingly.

## **IV. Term of Agreement**

This MOU will be effective from the date the agreement is signed by the second signatory until June 30, 2028. The MOU may be amended or revoked at any time at the request of either party, in writing, with 30 days' notice to the other party. This agreement should be reviewed every 5 years.


V. **Payment Terms** No Monetary Value

VI. **Confidentiality**

To the extent permitted by law, the Maine Department of Environmental Protection shall be responsible for any breach of confidential information by itself, or one of its subcontractors or agents.


VII. **Signatures**

**For the Department of Health and Human Services:**

  
\_\_\_\_\_  
Jeanne M. Lambrew  
Commissioner

5-8-23  
Date

**For the Department of Environmental Protection:**

  
\_\_\_\_\_  
Melanie Loyzim  
Commissioner

5/24/2023  
Date