

Proposed North Yarmouth Land Use Ordinance Amendments for Advanced Wastewater Treatment System Use in the Groundwater Protection Overlay District

The Town of North Yarmouth Land Use Ordinance is hereby amended as follows:

Section 1. SECTION 4.5 GROUNDWATER PROTECTION OVERLAY DISTRICT: ADDITIONAL SUBMISSION REQUIREMENTS is amended to read:

...

C. Additional Requirements for Certain Activities: More than one of the categories listed below may apply to a particular use. Applicants should review the Best Management Practices in Section 9.2 Groundwater Protection Overlay District: Best Management Practices, and request assistance from the CEO and/or Planning Board should there be questions as to which categories apply.

1. **Subsurface Wastewater Disposal, Sewage Disposal and Subsurface Injection:** Provisions for sewage disposal including:
 - a. Soil evaluator's report and septic system design
 - b. Location of test pits keyed to site evaluator's or soil scientist's report
 - c. For sites/uses producing more than 1,000 gallons of sewage per day, a hydrogeologic assessment of nitrate concentrations at the property line
 - d. Evaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a registered professional engineer or the sewer system superintendent
 - e. Provisions and designs for all floor drains, grease traps, and holding tanks
 - f. Where the applicant proposes to use an advanced wastewater treatment system as part of the proposed subsurface wastewater disposal system for a proposed development, the applicant shall provide the following with the application:
 1. Manufacturer's specifications showing that the advanced wastewater treatment system has nitrogen removal capacity that meets NSF 245 standards;
 2. A maintenance agreement for maintenance and repair of the advanced wastewater treatment system; and
 3. A completed Pre-treatment Maintenance Agreement form (Form HHE-300, prepared by Maine Department of Health and Human Services, Maine Center for Disease

Control and Prevention) along with a statement of intent to record with the Cumberland County Registry of Deeds .

Section 2. SECTION 9.2 GROUNDWATER PROTECTION OVERLAY DISTRICT: BEST MANAGEMENT PRACTICES is amended to add a new subsection H.10. to read:

H. Best Management Practices

10. Advanced Wastewater Treatment Systems.

- a. Advanced wastewater treatment systems shall employ a denitrification process and a nitrogen removal capacity that meets the standards of NSF 245.
- b. Owners of a dwelling unit constructed, expanded, enlarged, rebuilt, or replaced on or after the effective date of this amendment that is served by an advanced wastewater system shall prepare, execute, and record in the Cumberland County Registry of Deeds a Pre-treatment Maintenance Agreement form (Form HHE-300, prepared by Maine Department of Health and Human Services, Maine Center for Disease Control and Prevention). The owner shall provide a copy of the recorded HHE-300 with recording information to the CEO prior to receiving a certificate of occupancy for the dwelling unit.
- c. Owners of a dwelling unit constructed, expanded, enlarged, rebuilt, or replaced on or after the effective date of this amendment that is served by an advanced wastewater treatment system also shall provide a copy of an executed maintenance agreement for maintenance and repair of the advanced wastewater treatment system in accordance with the requirements of that system's manufacturer to the CEO prior to receiving a certificate of occupancy for the dwelling unit, and they shall enter into replacement or extension maintenance agreements for the duration of the lifetime of that advanced wastewater treatment system, copies of which shall be provide to the CEO. Such maintenance agreements shall specify the manufacturer's maintenance and repair requirements for the advanced wastewater treatment system, and shall require annual sampling and testing of the system's effluent, the results of which shall be provided to the CEO and to the Yarmouth Water District.
- d. Replacement of an advanced wastewater treatment system shall require the owners of the dwelling unit to complete and record a new Form HHE-300, and to submit a copy of the recorded Form and a copy of new and replacement or extension maintenance agreements as provided above to the CEO within 14 days from the date of installation of the replacement advanced wastewater treatment system.
- e. The heirs, successors, and assigns of an owner of a dwelling unit subject to this subsection H. 10. also shall be bound by this maintenance agreement requirement.
- f. Failure or neglect of an owner subject to this subsection H. 10. or of its heirs, successors, and assigns to comply with the requirements of this subsection H. 10 shall be a violation of this ordinance

(New language is underlined.)