

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1550

S.P. 634

In Senate, April 10, 2025

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

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator INGWERSEN of York.
Cosponsored by Representative MEYER of Eliot and
Senators: BENNETT of Oxford, MOORE of Washington, NANGLE of Cumberland, TEPLER
of Sagadahoc, Representatives: BRIDGEO of Augusta, HEPLER of Woolwich.

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

3 1. "Department" means the Department of Health and Human Services.

4 2. "Disposal field" means an individual subsurface wastewater disposal system
5 component consisting of a closed excavation made within soil or fill material to contain
6 disposal field stone and distribution pipes or approved proprietary devices for the disposal
7 of septic tank effluent. The excavation is typically in the form of trenches or beds with
8 either stone or proprietary devices included in the design.

9 3. "Horizon" means a layer within a soil profile differing from the soil above or below
10 the layer in one or more soil morphological characteristics. The characteristics of the layer
11 include the color, texture, rock-fragment content and consistency of each parent soil
12 material.

13 4. "Proprietary disposal device" means a device used in disposal fields as an alternative
14 to a bedding of stone and one or more distribution pipes.

15 5. "Septic tank effluent" means primary treated wastewater discharged through the
16 outlet of a septic tank or an approved sand, peat or similar filter.

17 6. "Short circuiting" means a process by which nutrients from subsurface wastewater
18 disposal systems enter groundwater or surface waters relatively untreated due to a lack of
19 cation exchange capacity and biologic activity in the soil as a result of very coarse textured
20 horizons or bedrock fractures.

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

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

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

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

33 **Sec. 3. Administration, enforcement and rulemaking. Resolved:** That the
34 department shall administer and enforce this resolve and shall adopt rules as necessary to
35 implement, administer and enforce this resolve. The department shall solicit input from
36 interested parties in the development of any draft rules to implement this resolve, solicit
37 public comment on the draft rules for a period of at least 30 days and hold a public hearing
38 on the draft rules in the same manner as a public hearing must be conducted under the
39 Maine Revised Statutes, Title 5, section 8052.

40 **Sec. 4. Resources. Resolved:** That the department shall complete the amendment
41 of the subsurface wastewater disposal rule under section 2 within existing resources and

1 may seek staffing and financial support from other state agencies and private entities to
2 accomplish the required amendment.

3 SUMMARY

4 This resolve directs the Department of Health and Human Services to amend its rule
5 governing subsurface wastewater disposal by:

6 1. Amending the design standards for disposal fields in a manner that addresses short
7 circuiting by reducing nutrient loading from septic tank effluent through natural processes;

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

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