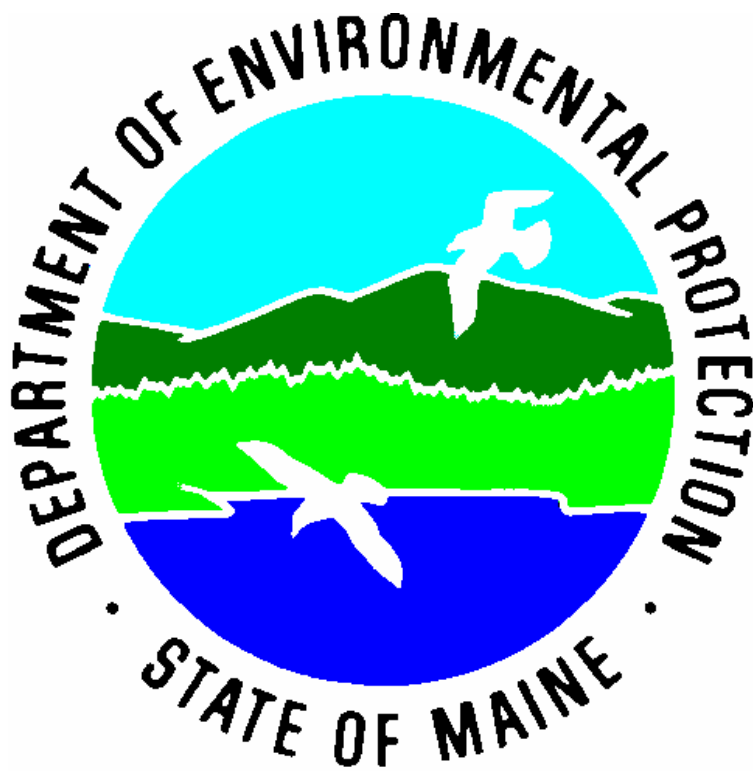


SMALL COMMUNITY GRANT PROGRAM

MUNICIPAL HANDBOOK



2007/2008

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THE SMALL COMMUNITY GRANT PROGRAM

The Small Community Grant Program was originally enacted by the 110th Legislature to solve small but serious water pollution problems caused by improper sewage disposal in rural areas of the state. Traditional funding sources available to finance large municipally owned wastewater treatment facilities in the urban areas of the state were not suitable for small and sometimes scattered projects which were needed in rural areas. The Small Community Program can help Towns solve pollution problems by providing technical assistance and grant funding for individual or cluster wastewater disposal systems.

Only problems which are directly or indirectly discharging sewage to a water body of the state, or are causing a public health problem, are eligible for grant assistance. Malfunctions contained wholly within the owner's property do not qualify for assistance, nor do systems which have not malfunctioned. The program can provide funding for either municipally or privately owned projects, but grants are offered to and administered by the municipality or the county commissioners in unorganized territory. The maximum project size which can be funded in any single year is \$100,000. Publicly owned facilities serving multiple users whose operating costs are paid through user fees are eligible for 90% funding. For privately owned residential and commercial properties the grant percentage is determined based on income according to the following table. Systems serving schools, municipal buildings, non-profit organizations, and similar organizations may be funded at the same level as commercial establishments.

ANNUAL INCOME* (TAXABLE INCOME)	SINGLE FAMILY DWELLING	SEASONAL DWELLING
\$0 TO \$5,000	100%	50%
\$5,001 TO \$20,000	90%	50%
\$20,001 TO \$30,000	50%	25%
\$30,001 TO \$40,000	25%	25%
\$40,001 OR MORE	0%	0%

ANNUAL INCOME* (GROSS PROFIT)	COMMERCIAL ESTABLISHMENT
\$0 TO \$50,000	50%
\$50,001 TO \$100,000	25%
\$100,001 OR MORE	0%

*Annual income means the sum of the entire property owner's Federal Taxable Income for the previous year for single family or seasonal dwellings, and Gross Profit for commercial establishments.

Grant applications are accepted until January 31 of each year and a priority list is then developed which allocates the grant awards. The following priorities are used to rate grant applications:

1. Elimination of discharges to public drinking water supplies;
2. Elimination of discharges to shellfishing areas;
3. Elimination of discharges to other surface waters; and
4. Elimination of public nuisance conditions.

Applications for emergency situations may be accepted after the application deadline.

This manual is intended to provide guidance to municipalities in administering the program. It includes a summary of procedures to be followed as well as various forms which may be used for bidding projects, claiming payment, etc. The use of the forms included in this book is not mandatory, and grantees may use alternative documents if they are approved by the DEP.

INSTRUCTIONS FOR ADMINISTERING THE SMALL COMMUNITY GRANT PROGRAM

(For a summary of the steps see the checklist on page 6)

GRANT APPLICATIONS

Municipalities must submit a grant application to the Department of Environmental Protection by January 31 in order to be considered for funding in that year. Grant awards will be announced by June 1st. The grant application must be in the format specified by the Department and contain specific information on the scope of the project, a complete identification of the problems, and the expected benefit of correcting them. Requests for emergency funding will be accepted for consideration after the deadline. Such requests must demonstrate that the situation is causing an immediate and dire threat to a public drinking water supply, shellfish area, waterbody or public health. Funding approved for emergencies will be taken from contingency funds if they are available.

DEP SITE INSPECTIONS & ELIGIBILITY DETERMINATION

After a grant is awarded, contact the DEP representative to schedule site eligibility inspections. DEP will send a letter to the Town confirming or denying eligibility of each system investigated.

COLLECTING THE OWNER'S SHARE

After receiving eligibility confirmation, the municipality must collect the applicant's portion (0, 10, 50, or 75%) of the estimated system cost along with a signed **agreement**, signed **Small Community Grant Easement** and a copy of the previous year's **income tax statement**. **The signed easement form must be recorded at the registry of deeds.** Applicants who can't afford their share may be eligible for loan assistance from the Local Community Action Program, Rural Housing Service (formerly Farmer's Home Administration) or Maine State Housing Authority (Maine Septic Repair and Replacement Program).

The Town shall ensure that those dischargers who do not meet the income limitations will correct the problem according to a schedule which is consistent with the overall project.

GRANT PERCENTAGE

The grant percentage to be applied is based on the **combined income** of all owner(s) of a specific property. For residential properties use the taxable income from last year's return. If the owners did not file a tax return then they should provide a letter stating this. For commercial or rental property, use gross profit. Schools, Town buildings, or non profit organizations are funded as commercial. For property owners who wish to upgrade a malfunctioning primitive system to a full sized system, the grant percentage is reduced by one half. Grant percentages are determined by the following chart:

ANNUAL INCOME (TAXABLE INCOME)	SINGLE FAMILY DWELLING	SEASONAL DWELLING
\$0 TO \$5,000	100%	50%
\$5,001 TO \$20,000	90%	50%
\$20,001 TO \$30,000	50%	25%
\$30,001 TO \$40,000	25%	25%
\$40,001 OR MORE	0%	0%

ANNUAL INCOME (GROSS PROFIT)	COMMERCIAL ESTABLISHMENT
\$0 TO \$50,000	50%
\$50,001 TO \$100,000	25%
\$100,001 OR MORE	0%

SYSTEM DESIGN

The Town must procure the services of a site evaluator or engineer to design facilities to treat and dispose of wastewater from eligible sites. The designer must prepare plans which meet DEP standards and agree to answer questions or modify the design which results from DEP's review. The project shall not be put out to bid until an approval letter is received from DEP.

PERMITS

The Town shall obtain Plumbing and other required permits and submit a copy of all design plans and specifications to DEP before bidding the job. If a State variance is needed, the plans should also be sent to the Department of Health & Human Services, Division of Environmental Health (11 State House Station, 286 Water Street, Augusta, ME 04333).

BIDDING AND CONTRACT AWARD

Bids should be obtained by formal advertisement unless permission is granted from DEP to do otherwise.

Projects shall be bid using the DEP standard bidding documents or similar bidding documents. The designer may use more stringent specifications if desired. Bids should be advertised in a local paper at least 10 business days before opening. The municipality may decide to bid systems together or individually. When bids are opened, the Town shall send the following items to DEP:

- A. A copy of the low bid.
- B. A tabulation of all bids received and prices.
- C. A letter from the Town indicating who they plan to award the job.
- D. A copy of the bid advertisement from the local paper.
- E. A copy of the plans containing all necessary signatures and the plumbing permit sticker, as requested.

Contracts shall be awarded to the low bidder unless DEP approval is given to do otherwise. The contracts should not be signed until an approval letter is received from DEP.

Example of a Bid Advertisement:

**LEGAL
INVITATION TO BID**

The Town of Mammoth Falls is receiving bids from contractors to furnish materials and install five septic systems in the Town of Mammoth Falls. A portion of the work will be funded by the DEP Small Community Grant Program and the work will be subject to special requirements of the DEP. Each individual septic system will be awarded by separate contract.

Bidding Documents may be obtained at the Mammoth Falls Municipal building from 8:30 am to 4:30 pm Monday to Friday. Inspection of the sites prior to bidding is recommended.

Sealed bids marked "Town of Mammoth Falls Septic System Bids" must be received at the municipal building by 4:00 pm, May 11, 2007, at which time they will be opened.

The Town reserves the right to accept or reject any or all bids. For more information please call 123-4567.

PAYMENTS TO THE CONTRACTOR

The Town will sign a contract with the low bidder(s) using the standard contract form or one provided by the design engineer. Upon receipt of a properly prepared payment request, DEP will make a payment to the Town for 25 % to 100% for year round, 25% or 50% for seasonal, and 25% to 50% for commercial, of the eligible amounts. According to the specifications, the Town must pay 90% of the contract amount to the contractor when the work is substantially complete (operational). The **remaining 10% is paid after grass is growing and the site is restored**. Please note that a copy of the completed Septic System Inspection Checklist should be completed by the Town at the time of Substantial Completion.

CHANGE ORDERS

Changes in the work which result in a change of price, change of completion date, or any significant change in the design must be documented by a change order signed by the Town, Contractor, and DEP. Change orders shall provide a detailed breakdown of the requested change. Change orders which involve an increase in cost shall be approved by DEP in advance of the work being done, to ensure that the cost will be eligible for grant reimbursement.

INSPECTIONS

It is the responsibility of the Town to ensure that the system is inspected at the required construction stages. The DEP will perform an inspection whenever possible, but it is up to the Town to make sure the system has been installed properly. The Town Inspector (typically the LPI) must complete the DEP inspection checklist and provide photos of the completed system. The cost of one additional inspection, in excess of the minimum required under the plumbing code, will be eligible for grant reimbursement. (Invoice or paid receipt required).

PAYMENT REQUESTS

When submitting a payment request, include the following (Remember all costs to be covered by this program **must have documentation attached to payment request**):

- A. Payment request form.
- B. Copy of contract agreement signed and filled in, plus approved change orders.
- C. Copy of site evaluator bill(s).
- D. Copies of other bills (test pit, back hoe work)
- E. Inspection costs (Copy of inspector's invoice),
- F. Administration, advertising, etc. (Copies of invoices, bills)
- G. A completed Project Checklist (Page 6 of the handbook)
- H. A copy of the completed Septic System Inspection Checklist (Page 25 of the Handbook) must be sent to DEP before final payment is made to the Town.

The following costs are not eligible for grant reimbursement and must be paid 100% by the Town or property owner:

- A. Costs incurred prior to the date of DEP grant award approval.

- B. Costs incurred prior to DEP eligibility, design or contract award approvals.
- C. Internal plumbing, except where needed to connect to the new system, or to raise the plumbing if this would be less costly than using a pump station.
- D. Construction Permits or license fees, except for external plumbing permits.
- E. Costs associated with easements, right-of-ways or land acquisition, except for Small Community Grant Easement recording costs.
- F. Site restoration in excess of the requirements of the Subsurface Wastewater Disposal Rules.

DOCUMENT RETENTION

Documents pertaining to each project shall be maintained by the Town and available for DEP review for three (3) years following construction completion. These documents include, but are not limited to the following:

- A. Verification of income for all property owner(s).
- B. Bid documents.
- C. Agreements.
- D. Construction, plumbing permits or license fees.
- E. Easements.
- F. Inspection and DEP approvals.

DEP Small Community Grant Project Checklist

**This completed (to date) checklist must be submitted with the request for payment
For detailed instructions, see page 2**

Property Owner: _____

Mailing Address _____

Telephone _____ **Map / Lot #** _____

Target Date:	Date:	Description: (Shaded items are done by DEP, unshaded items are done by the Town)
		Application Submitted to DEP for Funding
June 1		Receive notification of grant award from DEP
		On-site inspection by CEO
July 1		Contact DEP representative to obtain project approval letter.
		Receive DEP Letter approving project for grant funding
		Income tax return submitted
		Approved for funding at _____%
		Owner's Agreement signed
		Owner's funding share received
		Easement signed and recorded
		System designed
Aug 1		Copy of design to owner & DEP
		Obtain Variance approval by Health Engineering, if needed.
		Receive letter from DEP approving design
		Local Plumbing Permit issued
		Advertise for bids
Sept 1		Send bid summary, low bid, and intent to award to DEP
		Verify that grant is sufficient/request additional funds
		Collect additional local share from owner
		Receive Approval letter from DEP to award contract
		Bids awarded/ contract signed
		Request DEP Payment (Include this checklist with request)
		Receive Payment from DEP
Oct 1		Substantial completion (90%) payment made to contractor
Oct 20		Inspection checklist w/ photos completed and sent to DEP
Nov 1		Final Payment made to contractor
		Refund property owner if overpaid

Note: Target dates are suggested to keep project on schedule. Construction should be substantially complete (operational) by October 1.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
Small Community Grant Program
Frequently Asked Questions

Topics:

- **What is the Small Community Grant Program?**
- **Who can apply for a small community grant?**
- **What types of wastewater disposal problems are eligible for grant assistance?**
- **What types of problems are not eligible for grant funding?**
- **What are the incomes limits for inclusion in the program?**
- **What costs are eligible for the grant?**
- **What costs are not eligible for the grant?**
- **How can I apply for a grant?**
- **My malfunctioning system needs to be fixed right away. Can it be funded immediately?**

What is the Small Community Grant Program?

The Small Community Grant Program is a water pollution control program administered by the Maine Department of Environmental Protection. The program may provide financial and technical assistance in solving wastewater disposal problems in unsewered areas. Grants for 25% to 100% of the replacement costs of a year round residence, 25% to 50% of a business, and 25% to 50% of a seasonal or second home are available for qualifying systems. Property owners benefiting from the grants must have a taxable income of \$40,000 or less, although technical assistance is available to anyone. The maximum project size which can be funded in a single year is \$100,000. The goal of the small community grant program is to improve water quality, protect public health, and open shellfishing areas which are affected by wastewater discharges.

Who can apply for a Small Community Grant?

A municipality (a city or Town government) may apply for a grant on behalf of residents who own property within the municipal limits. A quasi-municipal organization, such as a sewer district, may also apply for a grant for problems within the district boundaries. For unorganized territories, the county commissioners may apply for a grant. Individual property owners are not eligible to receive a grant directly, although the funding may be used to construct individual septic systems.

What types of wastewater disposal problems are eligible for grant assistance?

Discharges of untreated or partially treated sewage which flow into public drinking water supplies, shellfishing areas, or other waterbodies, or which cause a public health hazard, are eligible to receive assistance if the property owner(s) meet the income qualifications.

What types of problems are not eligible for grant funding?

The program may not be used to construct septic systems for new homes or those which have been unoccupied during the previous year, or to replace or improve septic systems which are not malfunctioning and causing a public nuisance, or for buildings constructed or placed on the site after July 1, 1974 which did not install a system in compliance with the Maine Subsurface Wastewater Disposal Rules. **The grant program cannot pay back the cost of work done before a grant is awarded.**

What are the incomes limits for inclusion in the program?

The grant program may be used to help fund small municipally owned and operated treatment facilities which collect user fees, or for privately owned septic systems. For municipal systems which collect user fees the grant percentage is 90%. For privately owned systems, income determines the grant percentage. For residences, income is the sum of all the owner's taxable income from the previous year. For commercial properties, the income limit is based on gross

profit. These are both specific lines on the federal income tax return. The percentage of the eligible costs that the grant can pay is based on the income information as follows:

ANNUAL INCOME (TAXABLE INCOME)	SINGLE FAMILY DWELLING	SEASONAL DWELLING
\$0 TO \$5,000	100%	50%
\$5,001 TO \$20,000	90%	50%
\$20,001 TO \$30,000	50%	25%
\$30,001 TO \$40,000	25%	25%
\$40,001 OR MORE	0%	0%

ANNUAL INCOME (GROSS PROFIT)	COMMERCIAL ESTABLISHMENT
\$0 TO \$50,000	50%
\$50,001 TO \$100,000	25%
\$100,001 OR MORE	0%

What costs are eligible for the grant?

The grant will pay a percentage, based on the income limitations, of the following costs:

- Design
- Construction of replacement systems to serve the existing use of the property
- Administrative costs such as advertising for bids
- External plumbing to connect to the system
- External plumbing permits
- Recording fee for recording program easement
- Additional inspection fees beyond the minimum requirements of the plumbing code

What costs are not eligible for the grant?

The grant will not pay for the following costs:

- Construction expenses incurred by the owner prior to department approval of an application for funding.
- Internal plumbing.
- Easement or land acquisition costs.
- Excessive restoration or other costs beyond the minimum amount necessary to comply with the Maine Subsurface Wastewater Disposal Rules.

How can I apply for a grant?

Grants may not be made directly to individuals. You need to contact your Town officials (or county commissioners in unorganized areas) and ask them to apply for a grant on your behalf.

If the application is approved for funding and the bond issue that funds the program is approved, a grant will be available to the Town during the next construction season.

My malfunctioning system needs to be fixed right away. Can it be funded immediately?

Emergency requests received from the Town will be considered if funding is available. To qualify as an emergency a problem must be determined by DEP to present a severe immediate threat to public health which can't wait for future funding. Funding is extremely limited for this situation and may not be available.

SMALL COMMUNITY GRANT EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That _____
in the County of _____ and State of _____, in consideration of one dollar (\$1.00) and other
valuable consideration paid by the Town of _____ a municipal corporation duly organized and existing
under the laws of the State of Maine, in the County of _____, the receipt whereof is hereby acknowledged, do
hereby grant to the said Town of _____, its successors and assigns, an easement and right to enter
upon property of the Grantor situated in the Town of _____ and to thereon construct and install a
waste water treatment system on said property, with all fixtures and appurtenances necessary thereto, and to do such things on the
property as are necessary for any of the above purposes. Upon completion of the installation, the Town is granted the right to enter the
property and inspect the waste water treatment system. Should such inspection reveal that the system is not being properly maintained
or is malfunctioning and, after giving due notice to the property owner, the Town shall take whatever action is required to properly
maintain the system or correct the malfunction and shall assess a lien against the property until the cost of the corrective action is
recovered. Said property being the same property described in Book _____ Page _____ of
_____ County Registry of Deeds.

Entry onto the Grantor(s) property for the purposes as aforesaid shall be only after such reasonable notice to the Grantor(s), his/their
heirs or assigns, as is practicable, and ingress and egress is limited to the area so designated on said plan. Reserving to the Grantor(s),
his/their heirs, successors and assigns, the use and enjoyment of said property for such purposes as will not interfere with this easement
and right, nor the function and use of the said line or system.

The work done under this easement was partially funded by a grant from the Department of Environmental Protection. If the property is
sold within four years of the date that this easement is recorded at the Registry of Deeds, the Grantor(s) shall repay a proportionate share
of the grant as follows:

<u>Term</u>	<u>Percent of Repayment</u>
First Year	100%
Second Year	75%
Third Year	50%
Fourth Year	25%

Repayment shall be made to the municipality which originally received the grant.

This easement will terminate ten (10) years from the date that this easement is recorded at the Registry of Deeds.

IN WITNESS WHEREOF, the said _____
have hereunto set _____ hand and _____ seal this _____ day of _____
in the year of our Lord two thousand and _____

Signed, Sealed, and Delivered:

In the Presence of:

STATE OF _____
_____, _____, 20____

Personally appeared the above named _____
and acknowledged the foregoing instrument to be _____ free act and deed.

Before me,

Justice of the Peace/Notary Public

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
SMALL COMMUNITY PROGRAM
STANDARD BIDDING DOCUMENTS**

STANDARD BIDDING DOCUMENTS. Pages 12 through 23 contain standard bidding documents which are provided for use in bidding small community projects. It is recommended that these documents be used, along with the design sheets prepared by a licensed site evaluator or engineer. Alternate bidding documents may be used if approved by the DEP project representative.

USING THE STANDARD DOCUMENTS. The bidding documents include the instructions for bidders, bid form, contract agreement, general conditions of the contract, and construction specifications for septic systems. These are to be combined with the design plans, which are usually in the form of an HHE-200 form containing a septic system design, and any variance forms, and together they form the contract documents. A copy of the entire package should be provided to each prospective bidder.

AWARD BASED ON INDIVIDUAL OR TOTAL BIDS. The bids may be awarded either as an individual contract for each individual septic system, or as a single contract to build all the systems. There are advantages and disadvantages to each. The method of awarding the bids must be decided before bidding and must be made clear to the bidders. The instructions to bidders and bid form are different depending on the method of award chosen. Forms using both methods are included here, and are labeled as either "AWARD BASED ON INDIVIDUAL SYSTEMS" or "AWARD BASED ON TOTAL BID." The appropriate instruction to bidders and bid form which reflects the method of award chosen shall be given to the bidders.

CONTENTS OF THE CONTRACT DOCUMENTS. The contract between the Town and the contractor will consist of the Contract Agreement (see page 16) as well as the instructions to bidders, bid form, standard general conditions, specifications for septic systems, and design plans.

**SHORT FORM CONTRACT
SMALL COMMUNITY PROJECTS
(AWARD BASED ON TOTAL BID)**

CONTENTS

- SECTION 1 Instructions to Bidders
- SECTION 2 Bid Proposal
Contract Agreement
- SECTION 3 General Conditions of the Contract
- SECTION 4 Construction Specifications
- SECTION 5 Construction Plans

SECTION I

**INSTRUCTIONS TO BIDDERS
(AWARD BASED ON TOTAL BID)**

1. All bids must be submitted on the attached bid proposal form prior to the bid opening date indicated. It is the responsibility of the prospective bidder to inspect the construction site and examine the plans and HHE 200 forms, technical specifications, and contract general conditions to ensure that he fully understands the construction requirements. Any questions regarding the work should be directed to the Town at least twenty-four hours before bid opening.
2. The contract is based on the total of several individual systems listed in the bid proposal. A single contract will be signed with the bidder whose aggregate price for all the work to be performed is lowest. 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 contractor may be required to produce evidence of his ability to adequately perform the work before bids are awarded.
3. The bid prices must be for complete and finished septic systems 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. Qualified bids will not be accepted. Any errors or omissions detected by prospective bidders should be brought to the attention of the Town at least twenty-four hours before bid opening.
4. This project is partially funded by the Maine Department of Environmental Protection, and is subject to special requirements as described in the bidding documents.
5. Pump stations shown on the plans must be included in the bid price. If the need for a pump station is not clear on the plans, then the system bid shall include a price for the complete system without a pump station and a separate price for the pump station if it is found to be needed.

**SECTION 2
 BID PROPOSAL FORM
 STATE PROJECT
 (AWARD BASED ON TOTAL BID)**

THIS BID IS SUBMITTED TO: _____ (TOWN)

 _____ (ADDRESS)

Having carefully examined the Short Form Contract, General Conditions, and Plans and Specifications prepared by: _____ (Site Evaluator/Engineer) as well as the premises and conditions affecting the Work, we the undersigned propose to furnish all Labor, Equipment, and Materials necessary for and reasonably incidental to the construction and completion of this Proposal for:

NAME OF SYSTEM (An individual price for each system must be shown)	LUMP SUM PRICE (BASIS of AWARD is TOTAL OF ALL SYSTEMS) <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	_____
_____	\$ _____ Dollars	_____
_____	\$ _____ Dollars	_____
_____	\$ _____ Dollars	_____
_____	\$ _____ Dollars	_____
TOTAL BID FOR ALL SYSTEMS	\$ _____ Dollars	

The Contract(s) will be awarded to the lowest acceptable TOTAL BID FOR ALL SYSTEMS. 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 and a separate price for the pump station in case it is found to be needed. A separate pump station price which is deemed to be unreasonable may be reason to reject the bid.

The undersigned agrees, if awarded the Contract, to complete the Work within _____ calendar days after execution of the agreement. (FILLED IN BY TOWN)

The undersigned agrees, if this Proposal is accepted, to sign a Contract and deliver it, along with the Affidavits of all insurance (if required) within twelve (12) calendar days after the date of notification of such acceptance.

SIGNED: _____ DATE: _____
 PRINTED NAME: _____
 COMPANY NAME: _____ TEL: _____
 ADDRESS: _____

**SHORT FORM CONTRACT
SMALL COMMUNITY PROJECTS
(AWARD BASED ON INDIVIDUAL BIDS)**

CONTENTS

- SECTION 1 Instructions to Bidders
- SECTION 2 Bid Proposal
Contract Agreement
- SECTION 4 General Conditions of the Contract
- SECTION 5 Construction Specifications
- SECTION 5 Construction Plans

SECTION I

**INSTRUCTIONS TO BIDDERS
(AWARD BASED ON INDIVIDUAL SYSTEMS)**

1. All bids must be submitted on the attached bid proposal form prior to the bid opening date indicated. It is the responsibility of the prospective bidder to inspect the construction site and examine the plans and HHE 200 forms, technical specifications, and contract general conditions to ensure that he fully understands the construction requirements. Any questions regarding the work should be directed to the Town at least twenty-four hours before bid opening.
2. The contract is based on individual systems. Contracts will be signed individually with each bidder whose individual septic system price is lowest. 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 contractor may be required to produce evidence of his ability to adequately perform the work before bids are awarded.
3. The bid prices must be for complete and finished septic systems 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. Qualified bids will not be accepted. Any errors or omissions detected by prospective bidders should be brought to the attention of the Town at least twenty-four hours before bid opening.
4. This project is partially funded by the Maine Department of Environmental Protection, and is subject to special requirements as described in the bidding documents.
5. Pump Stations shown on the plans must be included in the bid price. If the need for a Pump Station is not clear on the plans, then the system is to be bid without a Pump Station with a separate price for the Pump Station if it is found to be needed.

**SECTION 2
 BID PROPOSAL FORM
 STATE PROJECT
 (AWARD BASED ON INDIVIDUAL SYSTEMS)**

THIS BID IS SUBMITTED TO: _____ (TOWN)

 _____ (ADDRESS)

Having carefully examined the Short Form Contract, General Conditions, and Plans and Specifications prepared by: _____ (Site Evaluator/Engineer) as well as the premises and conditions affecting the Work, we the undersigned propose to furnish all Labor, Equipment, and Materials necessary for and reasonably incidental to the construction and completion of this Proposal for:

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	_____
_____	\$ _____ Dollars	_____
_____	\$ _____ Dollars	_____
_____	\$ _____ Dollars	_____
_____	\$ _____ Dollars	_____

The Contract(s) will be awarded to the lowest acceptable LUMP SUM PRICE for each individual septic 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 and a separate price for the pump station in case it is found to be needed. A separate pump station price which is deemed to be unreasonable may be reason to reject the bid.

The undersigned agrees, if awarded the Contract, to complete the Work within _____ calendar days after execution of the agreement. (FILLED IN BY TOWN)

The undersigned agrees, if this Proposal is accepted, to sign a Contract and deliver it, along with the Affidavits of all insurance (if required) within twelve (12) calendar days after the date of notification of such acceptance.

SIGNED: _____ DATE: _____
 PRINTED NAME: _____
 COMPANY NAME: _____ TEL: _____
 ADDRESS: _____

CONTRACT AGREEMENT

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

WITNESS,

That the Town 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 Town 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 Town 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 Town 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: _____
Town

BY: _____ WITNESS: _____
Contractor

**SECTION 3
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, Instruction for Bidders, Contract Agreement, General Conditions of the Contract, Construction Plans and Specifications prepared by a Registered Professional Engineer or Licensed Site Evaluator (including HHE 200 forms), and General Construction Specifications for Septic Systems. 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 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, Instruction to Bidders, the General Conditions of the Contract, Executed Contract, General Construction Specifications for Septic Systems, and completed Bid proposal 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 secure the Small Community Grant Easement for the project. The Town will also ensure all other easements and right-of ways are obtained for work to be completed on property not directly owned by the subject Property Owner. The Contractor is responsible for obtaining any 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 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, 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 satisfactorily and substantially complete. 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.

SECTION 4 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: Fill material shall be coarse sand to gravelly coarse sand and as specified in the latest edition of the Maine Subsurface Wastewater Disposal Rules or as shown on the plans.
5. 1½" Crushed Stone: The stone used for septic systems is a coarse sand to gravelly coarse sand and shall be clean 1½ inch stone with 100% passing a 3 inch sieve, less than 90% passing a 2 inch sieve, less than 10% passing a 1 inch sieve, less than 4% passing a ½ inch sieve, and less than 2% 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 and pipe penetrations 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. 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.
 - 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 my coastal wetland, freshwater wetland, great pond, river, stream or brook.

18. A residential Pump 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 Pump Station containing a submersible effluent pump.
 - b. The Residential Pump Station shall be the equal of an American Concrete 4' x 4' pump tank, minimum 300 gallon working capacity. American Concrete, Inc. Item No. 1835 or equal, may be used as a combined septic tank and residential Pump 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. **The outlet of the septic tank shall be equipped with an effluent filter equivalent to Zabel A1800 Series.**
 - c. The pump shall be a 0.5 hp minimum heavy duty submersible pump designed to pump septic tank effluent and shall be equivalent to or exceed a Barnes EHV412. Actual pump sizing and capacity shall be determined based on site conditions. 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 should 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 Pump Station wall with proper connections. All wiring from house to Pump Station shall be in conduit.
 - h. An alarm system consisting of high water **non-mercury** float switch and alarm light mounted inside the house shall be installed for all Pump Stations. Controls containing mercury are not to be used.

D. BASIS OF PAYMENT:

1. Payment for construction of the septic system shall be as a lump sum including finish site work. A Residential Pump Station, if shown on the plans, shall be included under the lump sum bid price. If a Pump 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
SMALL COMMUNITY 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

**SMALL COMMUNITY GRANT PROGRAM
SEPTIC SYSTEM INSPECTION CHECKLIST**

PROPERTY OWNER	
TOWN	DATE
CONTRACTOR	
DESIGNER	
INSPECTOR	
ITEM INSPECTED	INITIALS
Silt fence and other EROSION CONTROL DEVICES have been properly installed.	
The ORIGINAL SOIL beneath the system was dry and properly prepared by scarifying.	
The SEPTIC TANK is of the size and materials shown on the plans. Tank size=_____gal	
The DISPOSAL AREA DIMENSIONS and LOCATION are as shown on the plans.	
The DISPOSAL AREA is at the proper elevation and level within 1 inch per 100 feet.	
The FILL is of the specified texture.	
The FILL OVER THE SYSTEM is crowned at a 3% slope to facilitate drainage.	
The FILL EXTENSIONS are no steeper than a 4:1 slope unless otherwise called for.	
The CRUSHED STONE was the proper size, cleanliness, and depth.	
The proper NUMBER OF CHAMBERS or PROPRIETARY DISPOSAL DEVICES were used. # of Devices:_____ Supplier:_____	
The PUMP STATION has been installed properly, wired according to the specifications, including two separate circuits for the pump & alarm, and has been tested.	
The SEPTIC TANK and RISERS have been properly sealed.	
All DISTURBED AREAS have been loamed, seeded, and mulched.	
PROPER SITE DRAINAGE has been provided to divert surface drainage around the leach field, tank, and pump station.	
The BUILDING has been properly connected to the new system.	
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 of Inspector & License #	_____ Date
Property Owner's Statement	
The system has been installed to my satisfaction. I agree to report any problems I find with the system within the one year warrantee period. I have received the DEP brochure on septic systems and agree to read it and maintain the system properly as explained in the brochure.	
_____ Signature of Owner	_____ Date
DEP Approval (Required for Final Payment)	
Based on the certifications above this project is approved for final payment.	
_____ Signature of DEP Representative	_____ Date

A copy of this inspection form, along with two photographs of the system, must be sent to the Maine Department of Environmental Protection, Division of Water Quality Management, State House Station 17, Augusta, ME 04333. One photo is to be taken just before covering the system, and the second after grass is established (Final photo may be sent separately from checklist).

**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
SMALL COMMUNITY GRANT PROGRAM
PAYMENT REQUEST FORM**

GRANTEE NAME AND ADDRESS	TYPED OR PRINTED NAME OF CERTIFYING OFFICIAL	DATE
	SIGNATURE	TEL. NO.

NAME OF PROPERTY OWNER (USE THIS SHEET FOR UP TO 4 PROJECTS)	ADMIN. (A)	DESIGN (B)	CONSTRUCT. (C)	INSPECT. (D)	SUBTOTAL (SUM A TO E) (E)	% (F)	GRANT AMOUNT (E x F)
Name & address:	\$	\$	\$	\$	\$		\$
Tax map & lot: Taxable income: Waterbody:							
Name & address:	\$	\$	\$	\$	\$		\$
Tax map & lot: Taxable income: Waterbody:							
Name & address:	\$	\$	\$	\$	\$		\$
Tax map & lot: Taxable income: Waterbody:							
Name & address:	\$	\$	\$	\$	\$		\$
Tax map & lot: Taxable income: Waterbody:							

INSTRUCTIONS: All property owner information is required for processing payment requests.

1. Each row includes all the costs associated with each individual system. Use a single sheet for up to 4 systems.
2. Include the tax map & lot #. Taxable income amount (gross profit for commercial), and waterbody affected by the discharge.
3. Columns A-D are the total eligible costs as shown on the invoice. Include copies of the invoices or contracts.
4. 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.
5. B contains design cost documented by site evaluators or engineers invoice.
6. C contains construction costs based on the contract plus any approved change orders.
7. D is inspection costs which DEP has previously agreed to pay. Only one inspection in excess of the Plumbing Code Requirements is eligible.
8. E is the sum of A to D.
9. F is the grant percentage factor:
100%.....1.0 50%.....0.5
90%.....0.9 25%.....0.25
10. Grant amount is the product of E x F.
11. Total payment requested is the sum of the grant amount column.

Send Completed Pay Request, copy(ies) of construction agreement(s), approved change orders and invoices for amounts claimed, and a completed "Project Checklist" and "Inspection Checklist" (Pages 6 and 25 respectively of this Handbook) to the DEP project manager.

<p>\$</p> <p>TOTAL PAYMENT REQUESTED (SUM OF ABOVE)</p>	
REGIONAL OFFICE APPROVAL	DWQM APPROVAL



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

SMALL COMMUNITY GRANT PROGRAM

**APPLICATION FOR
GRANT FUNDING**

APPLICANT INFORMATION

MUNICIPALITY: _____ COUNTY: _____
 ADDRESS: _____
 TELEPHONE: _____ EMPLOYER ID NO: _____

PROJECT DESCRIPTION

Provide a detailed description of the project.

(Attach additional sheets if necessary)

PROJECT JUSTIFICATION(attach available documentation)*

Property Owner Name	Street	Tax Map & Lot	Priority	Waterbody Affected

***Include a USGS Quadrangle Map with each property location shown**

GRANT FUNDS REQUESTED

State Grant Funds requested: _____ \$ _____
 (Basis for the requested amount must be provided)

SIGNATURE OF MUNICIPAL OFFICIAL

TYPED OR PRINTED NAME AND TITLE _____ DATE _____

SIGNATURE _____

INSTRUCTIONS FOR COMPLETING THE GRANT APPLICATION

Only one application form should be completed, covering one or more individual systems. A separate description of each individual problem should be included in the project justification. Applications will be evaluated based on the priority rating, number of problems documented, the amount requested, and available funding. The amount awarded may differ from the requested amount.

1. APPLICANT INFORMATION

Please provide all the information requested, including the Town's employer ID number. This information is needed in order to offer a grant to the Town.

2. PROJECT DESCRIPTION

This section should contain a detailed description of the proposed project. It should include the number of individual septic systems to be constructed or itemization of the components of the project. A copy of a USGS or tax map clearly showing the property locations should be included. If available, include a design and cost estimate prepared by a site evaluator or engineer.

3. PROJECT JUSTIFICATION

Under the project type, indicate the category that best describes the project. Documentation of the specific problem may be in the form of a DEP inspection report, photographs, discharge survey report, or facility plan.

4. GRANT FUNDS REQUESTED

The amount requested should be based on the project description.

5. SIGNATURE OF MUNICIPAL OFFICIAL

The name, title and signature must be included on the application.

DISCHARGE SURVEY FIELD REPORT

Town: _____ Waterbody affected: _____

Priority Category _____ Public Drinking Water _____ Shellfishing Protection
 _____ Water Quality Protection _____ Public Nuisance

PROPERTY OWNER(S) INFORMATION

Name(s): _____

Address: _____

Tax Map & Lot #: _____

Person Being Interviewed: _____

PROPERTY USE

Type of Building (Single family, multifamily, business, etc.) _____

Occupancy (Year round / Seasonal / Recent Year-Round Conversion) _____

Number of Occupants or Employees _____ Number of Bedrooms _____

Type of Water Supply _____ Wastewater Flowrate _____

WASTE DISPOSAL INFORMATION

Type of System: _____ Year installed _____

Type & Volume of septic tank _____

Frequency of septic tank pumping _____

Known problems _____

Attach a sketch showing the location of the house, well, septic system, waterbodies, etc. Include the wastewater disposal system plan, if available.

DISPOSAL SYSTEM INSPECTION

The following was observed during a visual inspection of the system:

- | | |
|--|---|
| <input type="radio"/> No apparent problem | <input type="radio"/> Ground soggy in area of system |
| <input type="radio"/> Surfacing wastewater remaining on property | <input type="radio"/> Surfacing wastewater leaving property |
| <input type="radio"/> Untreated wastewater entering drainageway or waterbody | |
| <input type="radio"/> Other _____ | |

OTHER INFORMATION (i.e. Photographs, Dye test results)

Distance to waterbody / drinking water supply: _____

LPI/Town Official: _____ Date: _____

Chapter 592: THE SMALL COMMUNITY WASTEWATER PROGRAM

SUMMARY: The Maine Small Community Program funds sewage treatment facilities for municipalities, quasi-municipalities and unorganized townships with water quality problems in freshwater lakes, streams, and/or salt water; or public health hazards. Funding may also include privately owned sanitary facilities within such communities. The requirements for and extent of such funding by the State are defined in this section.

- 1. Definitions.** The terms below have the following meanings.
 - A. Applicant.** An "applicant" is a municipality, quasi-municipal organization, or county commissioners acting on behalf of an unorganized township or plantation.
 - B. Commercial establishment.** A "commercial establishment" is a building used for purposes of trade or commerce, or used to conduct operations of a non-profit, governmental, or educational organization, or for renting for a total of more than six months in any year.
 - C. Individual system.** An "individual system" is a privately owned and operated sanitary treatment facility serving one or more single family dwellings, seasonal dwellings, or commercial establishments.
 - D. Municipal system.** A "municipal system" is a municipally or quasi-municipally owned sanitary facility, the operation of which is funded by the collection of user fees or property taxes.
 - E. Non-profit organization.** A "non-profit organization" is an organization with non-profit status under the U.S. Internal Revenue Code.
 - F. Seasonal dwelling.** A "seasonal dwelling" is a dwelling that is not defined as a "commercial establishment" or "single family dwelling".
 - G. Single family dwelling.** A "single family dwelling" is the dwelling that is continuously occupied by the owner for 6 months or more in any calendar year and is the legal residence of the owner for State and Federal income tax purposes.
- 2. Funding.** The department uses funds from bond issues for implementation of this program. Grants may be awarded to pay up to 90% of the costs of municipal systems. Grants involving individual systems may be awarded for funding from 25% to 100% of the cost of the project, depending upon the use of the property and the owner's annual income. The maximum construction cost of any project receiving funding through this program is \$100,000. An application may include several projects, and may be funded in any one year up to a maximum of \$90,000.
- 3. Application for funds**
 - A. Contents of an application.** An application is a written submission from the governing body of the municipality, or from the county commissioners on behalf of an unorganized township or plantation. The application must explain the water pollution problem, the number and type of sanitary systems involved (single family dwellings, seasonal dwellings, commercial establishments, etc.) and the benefit expected to the State from elimination of the pollution

sources as well as all other information required by this rule. Use of monies obtained under the Small Community Grants Program is subject to the conditions stated in this chapter.

- B. Deadline.** An application may be submitted at any time. Only applications received before January 31 of the year will be eligible for award in the same calendar year except as described in section 3(C) below.
- C. Emergency request.** After the deadline for applications an application may be submitted as an emergency request for award during the same calendar year. An emergency request must demonstrate that the project will eliminate an immediate, severe threat to a public drinking water supply, an open shellfishing area, or to public health and will be considered on a case-by-case basis subject to the availability of funds. An emergency request is subject to all other requirements of the program.

4. Review of applications

- A. Project priorities.** Applications are prioritized by the severity of the pollution problem caused by the existing condition. Four types of pollution problems are used to prioritize applications, and each application is assigned a priority type based on the predominant category of problems shown in the application. Grants are awarded on the basis of priority type assigned, documentation of specific problems, and the number of requests received during the year.
 - (1) Public drinking water supply protection projects are designated as priority 1, the highest priority. The project must eliminate a source of contamination to a public surface or subsurface drinking water system as defined by 22 M.R.S.A. §601. This priority type will be assigned to a project when a potential public health hazard exists as a result of the contamination, and the contamination does or will require alternative sources of water or additional water treatment if the project is not carried out.
 - (2) Shellfishery protection projects are designated as priority 2, the second highest priority. The project must eliminate a source of contamination to a shellfishing area. This priority type will be assigned to a project that will eliminate sources of waste responsible for a shellfish area closure or eliminate sources of pollution in order to maintain an open status, according to the standards of the Department of Marine Resources.
 - (3) Water protection projects are designated as priority 3, the third highest priority. The project must eliminate a source of inadequately treated sewage to waters of the State. This priority type will be assigned to a project that will eliminate direct discharges of untreated or partially treated wastewater that degrade the quality of waters of the State.
 - (4) Public nuisance condition elimination projects are designated as priority 4, the fourth highest priority. The project must eliminate a hazard to public health resulting from the improper disposal of sewage. Public nuisance conditions may exist even if there is no discharge of sewage to a waterbody. This priority type will be assigned to a project that eliminates a nuisance or health hazard to the public caused by a malfunctioning or inadequate wastewater treatment and disposal system. A malfunction contained wholly within an owner's property is not normally considered to be a public nuisance.

NOTE: In addition to information furnished in the application, the department may also seek information from the Department of Human Services, the Department of Marine Resources, or other sources in the assignment of projects to specific categories and determination of the relative priority of problems within a category.

- B. Priority list.** The project priority list prepared by Commissioner staff is submitted to the board for approval. After approval, each applicant whose project will be funded is notified by the Commissioner, and two copies of an application for state grant that formally allocates the grant funds are then sent to each applicant for signature by authorized officials. An applicant who is not funded in any calendar year must reapply to be considered in the next calendar year.
- C. Rescission of unspent grant funds.** Grants which are awarded but not spent during the same calendar year may be rescinded by the department and used for other projects.

5. Use of grant funds

A. Eligible costs. Grant funds may be used to pay for the following work and services:

- (1) Design of the treatment and disposal system;
- (2) Construction of the treatment and disposal system up to and including connections through the foundation wall, as necessary;
- (3) Proper abandonment of existing septic tanks to be replaced as part of the total construction plan;
- (4) Inspection of the system by qualified person(s);
- (5) Administrative services, advertising costs and telephone bills associated with the project, external plumbing permits, and easement recording fees;
- (6) Internal plumbing done to avoid the use of a pump when the cost of a pump would be greater than the cost of the re-plumbing. Claims for such costs must be accompanied by written estimates for both alternatives; and
- (7) Other project costs if the scope and cost are approved of in writing by the department.

B. Non-eligible costs. Grant funds may not be used to pay for the following costs:

- (1) Construction expenses incurred by the owner prior to department approval of an application for funding under this chapter;
- (2) Internal plumbing except as specifically allowed in section 5(A) (6);
- (3) Easement or land acquisition costs;
- (4) Excessive restoration beyond a reasonable amount necessary to comply with the Maine Subsurface Wastewater Disposal Rules or contract documents ; and

- (5) Other unnecessary costs or excessive charges as determined by the department.

6. Applicant's responsibilities

- A Related laws.** The applicant shall abide by the Maine Subsurface Wastewater Disposal Rules and all other applicable laws.
- B Good faith effort by the applicant.** Prior to submission of an application, the applicant shall make a good faith effort to ascertain the existence of all malfunctioning septic systems and direct discharges that are affecting water quality or causing a public nuisance within its jurisdiction. These systems are defined under sections 7(B) and (C) below.
 - (1) The applicant shall post a public notice about the program at the Municipal Building asking for information from individuals who may qualify for the program.
 - (2) A Local Plumbing Inspector or Code Enforcement Officer shall inspect all potentially qualifying systems to determine if a malfunction or direct discharge exists.
 - (3) The applicant shall provide the department with information necessary to determine the grant eligibility of each individual system. A list of eligible systems, arranged in order of severity of the pollution problem, will be developed jointly by the applicant and department. Individual systems will be funded based upon this eligibility list, in order of the most severe to the least severe, until available grant funds are expended. Projects not on the eligible list or lower on the list may be funded at the department's discretion.

7. Requirements of individual systems for inclusion in program

- A. Individual system requirements.** Individual systems may not be funded by the program unless the following requirements are met:
 - (1) The applicant has received a state grant from the Small Community Program that includes funding for individually owned systems;
 - (2) The individual system meets the eligibility criteria of sections 7 (B) and (C) and is included in the list of eligible systems described in section 6(B) (3) of this chapter;
 - (3) The owner of the individual system meets the income requirements of section 7(E) below and has submitted a statement of financial condition to the applicant; and
 - (4) The owner of the individual system has submitted to the applicant: (1) a signed agreement and (2) a signed easement form.
 - (a) Agreement. The applicant shall require a signed agreement between the applicant and the owner for each individual system. This agreement must:
 - (i) Grant access to the site for design, construction and inspection of the required facilities;
 - (ii) Require payment of owner's share of project;

- (iii) State that the owner is responsible for the maintenance and repair of the system; and
 - (iv) Be accompanied by the previous year's federal tax return if one was filed, or a signed statement of financial condition if a tax return was not filed.
- (b) Easement form. The applicant shall require a signed easement form to be recorded by the applicant at the Registry of Deeds. This shall be recorded within thirty days after a contract has been signed for construction. This easement grants to the applicant the right of access at all reasonable times to inspect or correct a malfunction should the owner fail to do so, and requires repayment of all or part of the grant to the applicant if the property is sold or transferred within a time period determined by the department. Funds which are repaid because of the transfer of property may either be used by the applicant to construct other projects on the list of eligible systems, or returned to the department.
- B. Eligible systems.** In addition to other requirements of this chapter, only the following types of individual systems may be eligible for funding:
- (1) A structure that discharges raw or partially treated wastewater through a pipe or open ditch directly into the waters of the State;
 - (2) A structure that discharges raw or partially treated wastewater through a pipe or open ditch and threatens the public health of the community; or
 - (3) A structure with an alternative toilet (such as an outhouse, chemical toilet, or electric toilet) and gray water disposal systems that is discharging wastewater to the waters of the state or causing a public health hazard. Only the component of an alternative system that is discharging wastewater is eligible for funding.
- C. Non-eligible systems.** Individual sanitary systems are not eligible for funding in any of the following situations.
- (1) A structure that has been vacant for the twelve (12) months immediately prior to the date when a grant eligibility determination is requested from the State. .
 - (2) A structure lacking a pressurized water system.
 - (3) A structure constructed after July 1, 1974, for which a septic system in compliance with the Maine Subsurface Wastewater Disposal Rules was not installed.
 - (4) A seasonal dwelling converted to year round use that does not meet the requirements set forth in 30-A M.R.S.A. § 4215.
 - (5) A structure that is otherwise not in compliance with laws of the State or Municipality.
- D. Expansion of existing facilities.** A malfunctioning alternative disposal system, consisting of an alternative toilet and gray water disposal system, or one of its components, that is eligible for funding as described in section 7(B)(3) must be replaced with a properly designed alternative disposal system or component thereof. The grant percentage paid for the replacement will be

determined as set forth in section 7(E) (1). Alternative systems that are upgraded to conventional systems are funded at one-half of the percentages shown in section 7(E) (1).

- E. Financial requirements for individual systems.** The applicant shall require a signed statement of financial condition from the owner(s) of each individual system. For purposes of this chapter, a copy of the owner(s) Federal Income Tax return for the preceding year is a statement of financial condition. If the owner(s) file separate returns, income from their returns will be combined for the purpose of determining eligibility for the program. In cases where a Federal Income Tax form is not filed, the owner must provide alternative documentation to the applicant for review and approval by the department. A statement of financial condition is not required for a building owned by a local government or non-profit organization.

For jointly owned single family and seasonal dwellings, grant percentage is determined by the sum of all the property owners' taxable income from the previous year.

For commercial properties, grant percentage is determined by the sum of the owners' gross profit income from the previous year. Taxable income and gross profit will be determined from the specific lines found on the appropriate tax returns.

For structures with multiple uses, the funding percentages will be prorated based on the wastewater flows generated by each use, as shown on the wastewater disposal system design.

- 8. Design of treatment system.** The applicant shall secure the services of a qualified individual or consulting firm for the design of the treatment system. A licensed site evaluator may design subsurface treatment systems up to 2,000 gallons per day (gpd) in size. A professional engineer is required to design and prepare contract documents for subsurface wastewater disposal systems in excess of 2,000 gpd and for overboard discharge systems.

9. Cost quotations, contract awards and state payments

- A. Bidding requirements.** The applicant is required to solicit quotations from area contractors using contract documents approved by the department. 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 systems may be bid as follows:

- (1) Separate contracts must be bid for each individual system, and the basis of contract award is a lump sum price for each system; or

A single contract must be bid for all individual systems. In this case, the basis of contract award is a total lump sum price for construction of all individual systems; or

- (2) For municipal systems, the basis of the contract award must be stated in the contract documents.

- B. Contract documents.** Contract documents, to include forms such as the following, and must be approved by the department.

- (1) Instructions to bidders;
- (2) Bid proposal;
- (3) Contract agreement;
- (4) Contract general conditions;
- (5) Construction specifications; and
- (6) Construction plans.

C. Award of construction contracts. The Applicant shall award construction contracts to the lowest responsive bidder pursuant to section 9(A) of this chapter and provided that the contractor selected has demonstrated that he or she has the ability to perform the required work and that he or she will comply with all State laws and the requirements of the contract documents. The contract documents may require that bidders be licensed or certified to perform the work.

D. State payments. Payments for eligible costs up to the limit of funding are remitted to the applicant as they are incurred. A payment request consists of a department approved payment request form detailing the eligible expenses with documentation attached. Copies of design invoices, construction contracts, inspection invoices, advertisement invoices, and change order statements are the usual documentation required for payment; however, the department may require additional documentation in particular cases if necessary to prove the appropriateness of payment.

10. Inspection of treatment system. All construction under program grants pursuant to this chapter must be inspected as follows:

- A. Engineered subsurface or overboard discharge systems.** For subsurface disposal systems with wastewater flow greater than 2,000 gpd, or overboard discharge systems, the services of an on-site inspector hired by the consulting engineer are required.
- B. Non-engineered subsurface systems.** For subsurface disposal systems with wastewater flow less than 2,000 gpd, inspection by the local plumbing inspector or code enforcement officer is required. Additional inspection by a site evaluator, consultant, or department project representative may be required by the contract documents.

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