

# City of Biddeford



2024.11 IN BOARD OF CITY COUNCIL on January 16, 2024

**BE IT ORDERED**, that the Biddeford City Council approve a Zoning Text Amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading to the following. Text additions are shown in blue underline and text deletions shown in ~~red strikethrough~~.

## **Section 58 Subsurface wastewater disposal and sludge spreading.**

[Ord. of 3-5-1991(2)]

### **I. Subsurface wastewater disposal systems.**

- A. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (rules).
  1. The minimum setback for new subsurface sewage disposal systems shall be no less than 100 horizontal feet from the normal high-water line of a perennial water body, such as a lake, pond or year-round stream, and wells or other drinking water supplies.
  2. Replacement systems shall meet the standards for the replacement systems as contained in the rules.
- B. Any lot proposed shall have a separate soils test and HHE-200 form prepared by a licensed site evaluator. Disposal system locations shall be indicated on plats presented to the Building Inspector or Planning Board.
  1. The certified plumbing inspector (LPI) of the City of Biddeford shall ~~be present when test pits are being dug to ensure that the pit meets all standards and that the pit is filled after digging to avoid a potential safety hazard~~ inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
  2. Further, the LPI shall ~~be notified prior to placement of any tanks or leach field. He shall be present to verify installation~~ inspect the top of the disposal device and septic components.
  3. In the case that the LPI is not available, the Building Inspector may ~~observe~~ inspect.

C. Not exclusive of Subsection B above, common or shared disposal systems may be allowed by the Planning Board upon presentation of detailed plans approved by the Maine Department of Health and Human Services, Division of Health Engineering, and documents detailing plans and agreements for system maintenance.

~~II. Sewage and industrial sludge spreading (including land spreading of contaminated soils as defined by Maine Department of Environmental Protection).~~

~~A. The City of Biddeford recognizes the advantages that the spreading of selected sludges has for agricultural lands. The City also realizes that this spreading can pose problems for abutting property owners. The City of Biddeford therefore requires that any proposal for the spreading of sewage or industrial sludge, or contaminated soils be reviewed by the Planning Board prior to permitting by the Maine Department of Environmental Protection (DEP). This review will allow for public input and allow concerns to be presented to the applicant and the DEP prior to any action by the State Department.~~

~~B. Any proposed spreading or storage of sewage or industrial sludge, or contaminated soil, shall submit an application to the City planning office. The Planning Board shall schedule a site review of the application within 30 days of receipt of the application.~~

~~C. Ten copies of the application shall be submitted. Such application shall include:~~

~~1. A narrative description of proposed spreading operation to include:~~

~~a. The application submitted to DEP.~~

~~D. The City Planner shall provide copies of the DEP application to the City Engineer and the City's environmental specialist for review and comment. These comments shall be submitted to the Planning Board and shall be made part of the permanent record for the application.~~

~~E. The Board may conduct a public hearing concerning the application. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the meeting.~~

~~F. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the board's decision concerning the application. In the case of a negative/disapproval of the application, a copy of the findings of fact and supporting materials shall be forwarded along with the decision.~~

**January 16, 2024**

Motion: Councilor Belanger

Second: Councilor Lessard

Vote: Unanimous in favor.  
Motion passed.

**February 6, 2024**

Motion: Councilor Mills  
Second: Councilor Schlaver  
Vote: Unanimous in favor.  
Motion passed.

Attest by: \_\_\_\_\_

  
Robin Patterson, City Clerk