

CHAPTER 12 WASTEWATER TREATMENT SYSTEM

Notwithstanding the provisions of Title 38 M.R.S.A., Section 414, 414A, except as provided below, it shall be unlawful to construct, maintain, or use any privately owned waste water treatment system, including any mechanical or sand filter system, which discharges any treated or untreated waste waters into the fresh or salt waters of Freeport.

Any such treatment system licensed by the Maine Department of Environmental Protection and in use as of June 1, 1986, may continue in use so long as the discharges therefrom continue to meet the "effluent limitations" and "license parameters" imposed by the Department of Environmental Protection in each case, including the specific allowances for maximum flow, B.O.D., settleable solids, total suspended solids, fecal coliform bacteria, and maximum chlorine residual, as determined by periodic tests conducted by the Town of Freeport, the Department of Environmental Protection, the Department of Marine Resources, the owner or the owner's agent. If any such test reveals a failure to meet one or more of the license conditions, the Freeport Code Enforcement Officer shall, by written notice sent by Certified Mail, give the owner or operator of the system fourteen days from receipt of the notice to rectify the failure. The Codes Enforcement Officer shall also require the owner or operator of the system to have it immediately pumped to avoid any discharge of effluent during this repair period.

If subsequent testing reveals a new or continuing failure of the system to meet the license conditions, or if the Department of Marine Resources determines that the effect of the discharge requires closure of clam flats within 3,000 feet of the discharge pipe, then the Codes Enforcement Officer shall notify the owner or operator in writing by Certified Mail that use of such system must immediately cease, and thereafter any replacement system must be both allowed under the State Plumbing Code and not prohibited by this Ordinance.

This Ordinance is adopted under the Town's general police powers under the authority of Home Rule (Title 30 M.R.S.A., Sections 2151 and 1917). Should any provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other provision of this ordinance. If any provisions of this ordinance

conflict with any other ordinance of the Town or with any regulation of the Department of Environmental Protection, the stricter provision shall apply.