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RAVALLI COUNTY SUBSURFACE WASTEWATER TREATMENT AND DISPOSAL REGULATIONS

EFFECTIVE JANUARY 1, 2011

APPROVED BY THE RAVALLI COUNTY BOARD OF HEATLH MEMBERS ON DECEMBER 20, 2010

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RAVALLI COUNTY SUBSURFACE WASTEWATER TREATMENT AND DISPOSAL REGULATIONS

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RAVALLI COUNTY SUBSURFACE WASTEWATER TREATMENT AND DISPOSAL REGULATIONS

ARTICLE 1. GENERAL INFORMATION

SECTION 1.1 Title

These regulations shall be known as the Ravalli County Subsurface Wastewater Treatment and Disposal Regulations and may be referred to herein as "these regulations".

SECTION 1.2 Applicability

These regulations shall be applicable throughout Ravalli County and shall be enforced by the Ravalli County Board of Health. These regulations shall govern the disposal of Wastewater and the design of all Wastewater Systems within the jurisdiction of Ravalli County except these regulations shall not govern an approved municipal system nor shall these regulations govern the disposal of Wastewater by means of an approved municipal Wastewater systems designed in accordance with DEQ Circular DEQ-2 ("approved" means an approval by the Department of Environmental Quality, DEQ). These regulations apply to non-municipal systems located in municipal jurisdictions.

All Occupied Buildings, including Dwellings and Residences, must have an approved means of Wastewater treatment in accordance with these regulations regardless of whether they currently have a Piped Water System. Any office or business must have approved toilet facilities connected to a Wastewater System within 200 feet of the structure (portable toilets do not fulfill this requirement). Portable toilets may only be used temporarily until a permanent wastewater treatment system is installed.

SECTION 1.3 Authority

Under authority of Section 50-2-116, Montana Code Annotated (MCA) and Administrative Rules of Montana (ARM) 17.36.920, the Ravalli County Board of Health has authorized these regulations establishing a permit system for the review, approval, or denial of design and inspection of all Wastewater Systems identified in Section 1.2 to be installed within Ravalli County.

SECTION 1.4 Purpose

The Ravalli County Board of Health declares the purpose of these regulations is to protect the health, safety, and welfare of the public and to prevent the spread of communicable disease by ensuring Wastewater is disposed in a manner that will not create a health hazard, adversely affect the environment, pollute state waters, impair the enjoyment or use of property or create a nuisance. These regulations further this purpose by setting forth minimum standards for the installation, alteration, repair, extension, and use of Wastewater Systems within Ravalli County.

SECTION 1.5 Delegation of Authority

The Ravalli County Board of Health delegates authority to administer and enforce these regulations to the Ravalli County Environmental Health Department. The Ravalli County

Board of Health reserves the right to hear any variance request or appeal to actions of the Department or Local Health Officer. The Board also retains the authority to amend these regulations as necessary.

SECTION 1.6 Amendment of Regulations
Before the Board of Health amends these regulations it will, at a minimum, hold a public hearing on the proposed amendment(s) with the notice provisions in section 7-1-2121, MCA.

SECTION 1.7 Interpretation.
In the event that any question arises concerning any provision, or the application of any provision of these regulations, the Department Director, in consultation with the County Attorney's Office as determined necessary, shall be responsible for such interpretation and shall look to the overall intent of these regulations for guidance. The Department Director shall provide such interpretation in writing to the applicant upon request and keep a permanent record of said interpretations. The Department Director's interpretations may be subject to the appeal provisions of these regulations.

SECTION 1.8 Definitions
Terms in these regulations, including capitalized terms, are as defined in ARM 17.36.101, ARM 17.36.912, MCA 50-1-101, and Montana Circular DEQ-4. The following terms are defined in these regulations. If a term is defined in both the ARM and these Regulations, then the definition in these Regulations shall apply. Words and phrases not specifically defined in these regulations or in the ARM shall have their usual and customary meaning in the context of environmental health:

A. "Alteration" or "Alter" means to change any Wastewater System in any way that is determined by the Department to substantially change the intent of the original permit. This may include, but is not limited to the following:
    1. Increased Use
    2. Connecting a different structure to the Wastewater System than the originally approved structure,
    3. Reconnecting to the Wastewater System after a period of nonuse greater than five years,
    4. Lengthening or shortening any Absorption System component
    5. Replacing the Septic Tank or any components of the Wastewater System, or
    6. Building structures on top of the Wastewater System including parking areas or paving. For example, under this definition, adding a new bedroom to an existing Dwelling would be an Alteration and require a permit.

B. "Camping" means the use of a recreational vehicle (such as a camper, motor home, or travel trailer), tent, or other non-permanent residence for living quarters or sleeping purposes for a period of less than 30 consecutive days on any given tract of record. The term does not include use for any period of time of a recreational vehicle that has skirting installed or is connected to a Wastewater System. Camping may be extended for more than 30 days but no longer than 180 days with prior Department approval of an

appropriate Wastewater disposal plan that complies with these regulations and includes a deadline for ending Camping on the particular tract of record.

C. "Delineated Floodplain" means a floodplain adopted by the Ravalli County Floodplain Regulations, a floodplain delineated under subdivision or other site specific review process, or any other floodplain boundary as delineated by accepted professional standards and as reviewed and approved by the Ravalli County Floodplain Manager.

D. "Department" means the Ravalli County Environmental Health Department.

E. "Existing System" means a Wastewater System that was installed prior to January 1, 1972, or was installed with a valid permit on or after January 1, 1972.

F. "Increased Use" means the enlargement or change in use of any structure served by a Wastewater System where the enlargement or change in use would potentially increase the effluent flow from the structure in excess of approved limits. Increased Use includes but is not limited to the following:

1. Enlarging a residence by adding one or more spaces which can be used as bedrooms;
2. Increasing a room or building's total square footage in a way that could lead to increased use in the future;
3. Adding a business that will have employees;
4. Adding a structure that will have a Piped Water Supply or any other plumbing component.
5. The Department may reasonably determine if an enlargement or change in use is an Increased Use.

G. "Installation Permit" means a written permit issued by a registered sanitarian from the Department or other authorized representative permitting the construction, Alteration, repair, connection or use of a Wastewater System under these regulations.

H. "Occupied Building" means any structure with any one or more of the following: sleeping area, plumbing, a Piped Water System, a kitchen, or laundry facilities. Recreational vehicles, motor homes, travel trailers, and tents are Occupied Buildings when they are used for living purposes, or for overnight use and are not "Camping" under these regulations.

I. "Wastewater System" means a Wastewater Treatment System as defined in ARM 17.36.912

ARTICLE 2 GENERAL REQUIREMENTS

The general requirements for these regulations are as referenced in ARM 17.36.913.

ARTICLE 3 ADMINISTRATIVE REQUIREMENTS

SECTION 3.1 Application for Installation Permit

A. No person may install, Alter, repair, utilize, or connect to a Wastewater System or Replacement System within Ravalli County unless the Department has issued an Installation Permit, except as exempted in Section 3.1.C below. This Installation Permit shall be for the specific installation, Alteration, repair or connection of a Wastewater System or Replacement System.

B. When an Installation Permit is required, it must be issued prior to starting construction on the structure or building, and before installing or connecting a Wastewater System to a mobile structure.

C. Minor maintenance may be performed on a Wastewater System without first obtaining an Installation Permit. Minor maintenance is limited to the following: pumping the Septic Tank, cleaning or replacing the effluent filter, replacing the effluent pump with a pump of equal specifications, unplugging sewer pipes, adjusting the flow leveling devices in a distribution box, installing an access riser or lid, installing an effluent filter, repairing broken pipes, and other minor activities if approved in advance by the Department and completed by a licensed installer or the owner of the tract of record.

D. No person may install a Wastewater System that is different from specifications on the Installation Permit, unless the Department has previously approved the change in writing or the installation is being supervised and certified by a professional engineer or a registered sanitarian. "As built" drawings and certification must be submitted that show the changes.

E. The installer shall ensure that all setback requirements under these regulations and ARM 17.36.918 are met.

F. An otherwise valid Installation Permit shall be void if any of the following occurs:
   1. if ground water or a Limiting Layer becomes evident during installation;
   2. if substantial difference in site conditions from the initial Site Evaluation is encountered during installation; or
   3. if the installer discovers a situation that will prevent the Wastewater System from being constructed as designed on the Installation Permit.

   If any of these situations occur, the installer must halt further installation and contact the Department to determine if site modification or relocation may be necessary. Failure of the installer to abide by these provisions shall subject the installer to penalties under these regulations.

G. No person may install, Alter, repair, or connect to a Wastewater System within Ravalli County unless that person holds a valid Ravalli County Wastewater Treatment System Installer Certification or is exempt under Section 3.5.B.

H. Application for an Installation Permit shall be submitted by the owner of the tract of record or the owner's duly authorized agent on forms provided by the Department and shall, at a minimum, include the following required information:
   1. Name, mailing address, and phone number, and signature of each and every owner of the tract of record.
   2. Legal description of the property, geocode, parcel number, and a county-assigned physical address where the Wastewater System is proposed to be installed.
   3. Installer's name, certification number, and phone number. This information may be provided when the Installation Permit is written.
   4. A lot layout drawn to scale, consisting of the following:
      a. Property lines;
      b. Existing and proposed structures, including basements;
      c. All existing and proposed wells within 100 feet of the proposed Wastewater System, including but not limited to wells for domestic water or irrigation supply;
      d. All streams, lakes, springs, ponds, irrigation ditches, and other surface water sources, and any part of the delineated floodplain located within 300 feet of the Wastewater System or within the distance of the length of mixing zone, if the mixing zone requested is greater than 300 feet;
      e. Location of any area subject to flood irrigation;
      f. All paved areas including driveways and parking areas;
      g. Utility lines;
      h. Any existing Wastewater or sewage disposal systems or facilities;
      i. A scale (for example: 1 inch = 20 feet);
      j. Direction of slope on the property;
      k. A north directional arrow;
      l. A layout plan for the proposed Wastewater System and replacement area;

I. The applicant, at the applicant's expense, must have a Site Evaluation (including a Soil Profile) conducted. A Soil Profile shall be within 25 feet of the proposed Absorption System area unless the Department determines that a Soil Profile greater than 25 feet complies with these regulations. The Department, a licensed engineer, or registered sanitarian may conduct a Site Evaluation, except only the Department may conduct Site Evaluations for systems that are not approved by the State under the sanitation in subdivisions regulations, and for systems required to be designed by an engineer or registered sanitarian in accordance with Sections 3.1.P and 3.1.T below, must be completed by the Department. The Department may require the applicant provide more than one Soil Profile depending upon the variability of the soils, the type of information necessary and/or the anticipated size of the Absorption System area.

J. The applicant shall provide a water sample analysis for contaminants of concern including nitrate (as nitrogen) to complete the non-degradation analysis. The Department may also require one or more of the following water tests: total coliform analysis for water supplies that may be influenced by surface contamination or other sources; specific conductance for tracts of record that are proposed for subdivision or may have water

quality concerns; and other tests or analysis the Department believes will be necessary or helpful to determine site suitability.

K. In the Department's reasonable discretion, the Department may also require: (a) a Percolation Test be completed within the area of the proposed Absorption System and replacement area if variable soil textures or Limiting Layers are evident or suspected, and the Percolation Test must be performed in accordance with Circular DEQ-4; (b) other tests or analysis the Department believes will be necessary or helpful to determine site suitability.

L. The Department may require groundwater monitoring in the area of the proposed Absorption System. Generally the Department will require groundwater monitoring if it has reason to believe groundwater will be within 7 feet of the surface at any time of the year within the boundaries of the Absorption System. Groundwater monitoring shall be achieved by installation of one or more Groundwater Observation Wells.

1. The top of any Groundwater Observation Wells shall be 2 feet above the ground surface or adequately marked. The Department shall record the coordinates of Groundwater Observation Wells using a global position system device. Unless the Department directs otherwise, Groundwater Observation Wells shall be installed to a depth of at least 8 feet.
2. The Department, or a designated representative shall monitor the Groundwater Observation Wells for a period sufficient to measure Seasonally High Groundwater after the applicant has completed the groundwater monitoring application form and paid the fee in accordance with the fee schedule available in the Department office. A determination based on Groundwater Observation Wells will be made only after the Department determines that sufficient data has been collected to detect Seasonally High Groundwater, and a peak and a sustained decline in the groundwater level.
3. The Department may require additional monitoring data if the Department has reason to believe that the data may be unreliable (for example if the data may be influenced by irrigation practices).
4. The Department may reject groundwater monitoring data for any one of the following reasons:
    a. during a drought year in accordance with Appendix C of Circular DEQ-4;
    b. if historic information indicates high groundwater occurances;
    c. if the Department believes that monitoring was conducted in a manner or at a time during which the monitoring would fail to detect the seasonally high groundwater level; or
    d. if the Department believes that site conditions exist that are not typical. An example of atypical site conditions would be a property where normal irrigation practices have been altered or suspended while groundwater monitoring is conducted.
5. Groundwater Observation Wells must remain in the ground until construction of the wastewater treatment system begins.

6. Any person (including property owner, excavator, or certified installer) who tampers with any Groundwater Observation Well shall be subject to the enforcement provisions of these regulations.
7. If the Department has reason to believe a Groundwater Observation Well has been tampered with, the Department may reject any groundwater monitoring data from that, or nearby wells, and require another season of data collection. If an applicant has been found to have tampered with a Groundwater Monitoring Well, or has been found to be responsible for tampering by a third party, the Department may reject the application and prohibit another application on the applicant's tract of record for 2 years. Any such future prohibition will be recorded in the records of the County Clerk and Recorder.
8. Any Installation Permit approval is dependent on data and calculations showing a specific level for seasonal high groundwater under the site. It is the responsibility of the property owner, and all future owners, to ensure that irrigation and water use practices that may affect the applicant tract of record do not cause groundwater level to rise above the level used for system approval. Any Groundwater Monitoring Well which has failed (i.e, groundwater was measured at less than 48 inches from the ground surface) cannot be monitored again unless the applicant documents that a permanent change has been made which might allow the Well to pass. (For example, a nearby irrigation ditch is filled in, removed or piped).
9. Unless approved by the Department in writing, any Groundwater Monitoring Well installed in subsequent years must be located at least 100 feet from the failed Groundwater Monitoring Well.

M. The applicant must provide evidence satisfactory to the Department that the proposed Wastewater System will comply with all adopted zoning, delineated floodplain, covenants, and land use requirements for the area. The Department may require the applicant to provide additional evidence if the Department deems necessary.

N. When any portion of the subject tract of record is in a delineated floodplain or is located within 300 horizontal feet of the delineated floodplain boundary the applicant must consult with the Ravalli County Planning Department, which may require the applicant to obtain a floodplain determination. The delineated floodplain boundary is defined as a floodplain adopted by the Ravalli County Floodplain Regulations, a floodplain delineated under subdivision or other site specific review process, or any other floodplain boundary as delineated by accepted professional standards and as reviewed and approved by the Ravalli County Floodplain Manager.

O. Additional information relating to the installation of an acceptable Wastewater System may be required by the Department, due to the unique characteristics of the proposed system location and/or site characteristics.

P. The proposed Wastewater System must be designed either by the Department, a licensed professional engineer, or a registered sanitarian.

Q. The Department or the Ravalli County Board of Health may require a property owner to retain the services of a professional engineer or registered sanitarian for one or more of the following reasons:

1. The system cannot be designed by the Department in a timely manner.
2. The system is beyond the abilities of the Department's professional staff.
3. It is an Experimental System under ARM 17.36.912.
4. It serves a commercial or industrial establishment.
5. It serves a multiple-user residence.
6. It is located in an area with challenging site conditions, including but not limited to slopes between 15%-25%, wetlands, flooding, Limiting Layers, or elevated nutrients.
7. It has a specific public or environmental health concern, including but not limited to non-residential strength Wastewater, existing contamination, or history of Failed Systems.
8. The design includes use of a pumping system, siphon system, or pressure-dosed distribution system.
9. It includes the use of specific grades of sand or gravel in different layers such as elevated sand mounds, or recirculating or intermittent sand filters, or trickling filters.

R. By signing the application for an Installation Permit, the owner of the tract of record gives permission for Department personnel to conduct such investigations, examinations, tests and site evaluations, as it deems necessary to determine site suitability and to verify information contained in an application.

S. A permit fee shall accompany the completed application when submitted to the Department for review. Checks are payable to the Ravalli County Environmental Health Department (RCEH). The fee schedule is available at the Ravalli County Environmental Health Office. If the applicant initiates a change in the Wastewater System design after it is approved by the Department, a fee may be required by the Department for review and inspection costs associated with the alteration of the design. Penalties for starting construction without an Installation Permit and the permit fee must be paid in accordance with the fee schedule before an Installation Permit is issued.

T. An applicant may appeal the approved Department design in accordance with Section 7.1. The applicant may employ a licensed professional engineer or registered sanitarian for an alternative design to be approved by the Department. Additional fees may be required according to the fee schedule.

SECTION 3.2 Denial of Installation Permit or Disapproval of Plans

A. The Ravalli County Board of Health or its authorized agents shall deny an application for an Installation Permit, if it is determined:
   1. That, due to physical limitations, the tract of record cannot support the proposed Wastewater System in conformance with these regulations; or

2. That the applicant has failed to supply all data necessary to make a determination as to whether the Wastewater System conforms to these regulations; or
3. That the proposed Wastewater System design, as proposed, will not conform to these regulations; or
4. That the proposed Wastewater System does not comply with covenants or other local or state regulations including without limitation, zoning, land use, delineated floodplain, subdivision regulations; or
5. That site conditions have changed since the time of DEQ approval or if the approval was based on incorrect or incomplete information.

B. Written notice of the denial of a Installation Permit with the reason for denial shall be given to the applicant.

C. Upon denial of a permit or a decision by the Department, the applicant may appeal this decision to the Ravalli County Board of Health.

SECTION 3.3 Expiration of Installation Permits

A. An Installation Permit is valid for 24 months from the date of issuance. If the Wastewater System is not completed within 24 months of issuance of the Installation Permit, it will expire. Installation Permits may be reissued after expiration upon payment of fees and after review and approval by the Department in accordance with the current regulations.

B. Any changes in plans, specifications, or details of construction after the Installation Permit has been issued will invalidate the Installation Permit, unless:
   1. The changes were approved in writing by the Department or by the supervising engineer (see 3.1.D), or
   2. The changes are allowed by Section 3.1.C and Section 3.1.D.

SECTION 3.4 Inspections

A. For systems designed by the Department, the following must be completed:
   1. A Department sanitarian, or as described further below, a certified installer shall inspect the installation prior to covering the completed Wastewater System. A certified installer may inspect and verify that the system was built according to the Installation Permit only when authorized and arranged in advance by the Department. In such cases, a drawing of the system with components labeled and located, with measurements shown, must be submitted to the Department within seven (7) days after completion of the system, with a signed statement by the installer that the completed system meets required specifications.
   2. If the Department determines that the installation is in compliance with the Installation Permit and these regulations, the installation is complete. Upon completion, the Department shall sign the inspection form and send a copy of the Installation Permit to the applicant owner of the tract of record. The completed Permit shall constitute the final approval of the installation.

3. If the Department determines that the installation is not in compliance with the Installation Permit and these regulations, the system must be modified as required by the Department and re-inspected. The fees for the modifications and inspection shall be according to the fee schedule available at the Department office.
4. If the system has been covered prior to the final inspection, or prior to Department approval of final inspection, the applicant may be required to remove the fill covering the system at the applicant's cost to complete the final inspection.

B. For systems designed by consultants, the following must be completed:
1. The system designer shall inspect the system and provide written verification to the Department that the system was installed in accordance with the approved design. If the system designer is not available to conduct the inspection, the Installation Permit must be amended in writing by the Department to designate another qualified inspector. The system designer or inspector must also submit a signed "as-built drawing" of the system to the Department within 60 days of completion of the project. If the inspector is not the designer, written permission must be given by the system designer and the inspector of the system shall certify that the system was installed in conformance with the submitted as-builts. The system inspector must be a professional engineer or registered sanitarian.
2. Any alteration of the Wastewater System after the final inspection and not approved in writing by the Department invalidates the Installation Permit.

SECTION 3.5 Wastewater Treatment System Certified Installers

A. Except as provided in Section 3.5.B., no person may install, Alter, repair, or connect a Wastewater System unless he/she holds a valid Ravalli County Wastewater Treatment System Installer Certification. Employees of a Ravalli County Wastewater Treatment Certified Installer shall not be required to be certified if the certified installer supervises the installation of the system and verifies that it is installed in accordance with the Installation Permit and these regulations.

B. Any landowner of record may install a Wastewater System on his/her own tract of record without obtaining an Installer Certification. However, the landowner is subject to all requirements given in Section 3.5(C) below with the exception of the exam fee.

C. Requirements for Certified Installer:
1. Application for a Certified Wastewater Treatment System Installer shall be made on forms provided by the Department and submitted to the Department. The application fee for the Certified Installer shall be the Installer Certification Exam Fee according to the fee schedule available at the Ravalli County Environmental Health Office. Certifications shall expire on December 31st of each year and must be renewed within sixty (60) days.
2. Certified Wastewater Treatment System Installers must renew their certifications within sixty (60) days of expiration. The renewal fee must accompany the renewal application. An expired certification shall be subject to the application fee and other requirements for new certifications.

3. Prior to the issuance of certification, the applicant shall demonstrate adequate knowledge of these regulations and the ability to properly install a Wastewater System in compliance with these regulations. Adequate knowledge could be demonstrated by a combination of the following: successfully passing a written exam; passing field inspection of work conducted by the applicant; and demonstrating understanding of and ability to use tools to set level and grade of a system, such as an optical transit or laser level. Prior to the renewal of certification, the Department may require that the applicant demonstrate knowledge of and compliance with these regulations. Prior to the renewal of a certification, the Department may require that the installer provide the Department all outstanding Installation Permit information and as-built drawings for completed work.
4. Certification requires the installer to complete all installations, Alterations, repairs, or connection of any Wastewater System in compliance with these regulations and with the conditions set out in the Installation Permit, including the requirement to provide a drawing of an installed system when required under Section 3.4.A.1.

D. Denial of application or Revocation of an existing Certified Wastewater Treatment System Installer certification.
   1. The Department may deny an application or revoke an existing certification for any one or more of the following reasons:
      a. The applicant/certified installer was found to have violated these regulations, was found to have violated an order by the Board of Health, or the Board of Health issued a penalty for a violation as provided for under Section 7 within one year preceding the application.
      b. The applicant/certified installer had a Wastewater Treatment System Installer Certification revoked within one year preceding the application.
      c. The application for Certified Wastewater Treatment System Installer, or any permit application submitted to the Department contains false information.
      d. The applicant/certified installer failed to meet the requirements of the certification application including any required demonstration of knowledge, including but not limited to passing the written exam.
   2. Written notice of the Department's denial or revocation stating the reasons for denial or revocation shall be sent or personally delivered to the applicant.

E. Appeal to the Board of Health: The Department's decision regarding the denial or revocation of a certification may be appealed to the Board of Health. The request for an appeal must be submitted in accordance with Section 7.1.

SECTION 3.6 Licensed Septic Tank Pumpers

A. Septic Tank pumpers shall be licensed by the Montana Department of Environmental Quality in accordance with ARM 17.50.803.

B. Disposal sites for Septage shall be reviewed and approved in writing by the Ravalli County Board of Health or its designated representative in accordance with ARM 17.50.809. The inspection fee shall be submitted to the Department with the application for evaluation of each disposal site.

C. Septic Tank pumpers shall ensure that the owner of any disposal site shall allow the Department access to the site.

ARTICLE 4 TECHNICAL REQUIREMENTS

SECTION 4.1 Compliance

Wastewater Systems shall comply with the specifications set forth in ARM, Title 17, Chapter 36, Subchapter 9, and the current version of Circular DEQ-4, Montana Standards for Subsurface Wastewater Treatment Systems and Circular DEQ-2, Design Standards for Wastewater Facilities, except as noted in the following sections.

The minimum lot size for a Wastewater System shall be in accordance with state regulations for subdivisions, ARM 17.36.340, unless the Department determines that site-specific conditions require a larger area to comply with these Regulations.

SECTION 4.2 General Requirements

A. For all residential Wastewater Systems, the minimum design flow shall be 225 gallons of Wastewater flow per day.

B. The Department may require a fifty (50) foot or more minimum separation from all property boundaries to the proposed Absorption System if adjacent properties have limited space available for a water supply, for example, if adjacent lot sizes are less than one (1) acre.

C. As allowed under Section 76-4-112(1)(c), MCA, new Wastewater Systems must be located so that the mixing zones, approved by the Department under ARM 17.30.501 and ARM 17.30.715, do not extend onto adjacent private property unless the owner of the proposed Wastewater System obtains an easement from the neighboring property owner. This requirement does not apply to Wastewater Systems with mixing zones approved prior to the effective date of these regulations.

D. No component of any Wastewater System may be located under structures or driveways, parking areas or other areas subject to vehicular traffic, except for those components of the system designed to accommodate such conditions.

E. Absorption Systems must not be located in swales or depressions where runoff may flow or accumulate.

F. Unsealed pit privies are not allowed.

G. Except as allowed below, a Septic Tank shall be located within 50 feet of the structure to be served by the Septic Tank, and the sewer line feeding the Septic Tanks shall have no single bend greater than 45 degrees. A cleanout must be installed on any sewer line serving the Septic Tank, and a cleanout must be within 3 feet of the foundation wall unless approved by the department. The cleanout shall be located on the exterior side of the foundation wall to allow access from the outside. If site conditions prevent location of the Septic Tank within 50 feet of the structure to be served by the Septic Tank, or if there are any single bends in the sewer line serving the Septic Tank greater than 45 degrees, or if the cumulative bends are greater than 135 degrees, then the sewer lines between the foundation wall and the Septic Tank must be placed at a minimum uniform slope of ¼ inch per foot unless pressurized, and shall have additional cleanouts installed at every point where cumulative bends exceed 135 degrees or length exceeds 100 feet.

H. Standard distribution boxes with flow levelers or dipper distribution boxes must be provided as approved by the Department for all gravity distribution systems. A riser ring and access lid must be installed on the distribution box.

I. At-grade systems shall only be used if the depth to a Limiting Layer is at least 54 inches from the natural ground surface and the Absorption System Trenches are at least 6 inches in depth, and 48 inches of natural soil to the Limiting Layer is maintained.

J. A Septic Tank may not be located within 50 feet of any area subject to flood irrigation or of any existing or future pond, Drainage Way, or excavation that contains or conveys surface water (including ditches).

K. An Absorption System may not be located within 100 feet of any area subject to flood irrigation or of any existing or future pond, Drainage Way or excavation that contains or conveys surface water (including ditches).

L. All Wastewater Treatment System and their components must meet the specifications in ARM 17.36.911 through 17.36.924.

M. For any Septic Tank that will be located in groundwater for any time of the year, the applicant must demonstrate to the Department's satisfaction that the Septic Tank will be properly sealed and anchored to prevent flotation and inundation.

N. Risers shall be installed on Septic Tanks for all new Wastewater Systems to provide adequate access for maintenance.

O. For systems in which effluent pumping is required for any reason, the receiving Absorption System shall be dosed with pressure distribution piping, designed according to circular DEQ 4 standards. This applies to any type system in which effluent is pumped, including standard Absorption System, gravel-less chambers, sand beds, mounds. Distribution boxes feeding gravity dosed pipes shall not be used for any of these systems with pumped effluent.

P. Soils that require pressure dosing under DEQ 4. under these regulations shall include those soils described in DEQ 4 that have percolation rates faster than six (6) minutes per inch.

Q. Public and multiple-user Wastewater Systems with a design Wastewater flow greater than or equal to 2500 gallons per day must be designed by a professional engineer. Operation and management of these systems must comply with Montana Circular DEQ-4, EPA/625/R-00/008, and the manufacturer's and designer's recommendations, and a management entity must be established to ensure that the system remains in compliance with the operation and management plan. Assistance in establishing a management entity, may be found in the Voluntary National Guidelines for Management of Onsite and Clustered (Decentralized) Wastewater Treatment Systems - (EPA 832-B-03-001), Date Published: 03/01/2003.

SECTION 4.3 Variances

A. The Board of Health may grant a variance from the requirements of these regulations if all the criteria in ARM 17.36.922 are met. The Board of Health may grant a variance from a requirement only if it determines that granting a variance will not violate Article 2 of these regulations, except for the rule from which the variance is requested.

B. Any person wishing to apply for a variance shall prepare an application on forms provided by the Department and shall supply such additional information as the Board of Health or its authorized agent deems necessary to properly evaluate the proposed variance. An application fee shall accompany the application.

C. Upon receipt of the completed application and fee, the Department shall schedule a public hearing by the Board of Health in accordance with Section 7.2 of these regulations.

D. The Board of Health may impose reasonable conditions to the granting of a variance to further the purposes of these regulations.

E. The Board of Health's decision on a variance may be appealed to the Montana Department of Environmental Quality pursuant to ARM 17.36.924.

F. Designs that lack sufficient technical data or background for inclusion in the state regulations, Montana Department of Environmental Quality, ARM 17.36.320, and Circular DEQ-4 must be approved by a variance from the Board of Health for an Experimental System Permit in accordance with ARM 17.36.922.

1. The Board of Health, in accordance with the standards and procedures set forth in this article, shall review any proposal for an Experimental System.
2. An Experimental System shall be considered only if the system has been designed by a Licensed Professional Engineer or a Registered Sanitarian and only if the application provides an acceptable plan for the installation of a back-up system.

3. Any person wishing to apply for a variance to install an Experimental System shall make application on forms provided by the Department, and shall supply such information as the Board of Health or its authorized agents deems necessary to properly evaluate the proposal. An application fee shall accompany the application for an Experimental System Permit, which shall contain the following, unless the Board of Health agrees to alternative arrangements:
   a. The required permit fee.
   b. The design specifications and any previous laboratory or field test results.
   c. The results of necessary or requested field tests that will produce adequate data for the Board of Health to make a determination.
   d. An approved design for a backup system shall be provided.
4. An approved or conditionally approved Experimental System must be installed and inspected as stated in the permit.
5. Any field tests not completed when the application is submitted shall be completed and the results of the tests submitted to the Department. All test costs shall be borne by the applicant.
6. The Board of Health shall determine the parameters of any required testing, and the applicant shall pay the Department in advance for all costs associated with testing.

ARTICLE 5 EXISTING SYSTEMS

SECTION 5.1 Continuation of Use of Existing Systems

A. Existing Systems installed before January 1, 1972 may be used unless public health and safety are directly endangered. The applicant shall provide sufficient evidence for the Department to determine when the Existing system was installed.

If the applicant is unable to provide sufficient evidence for the Department to determine that the Existing System was installed before January 1, 1972, or if sufficient evidence indicates that the Existing System was installed on or after January 1, 1972 and no permit was issued for installation, the owner of the Existing System must obtain a new Installation Permit or the system must be abandoned. A new Installation Permit for an unpermitted Existing System will either

1. allow the system's continued use;
2. allow the system's continued use provided that specified modifications or upgrading are completed; or
3. (require a new Wastewater System to be installed. If the Department's evidence indicates that the system was installed without a permit for the purpose of avoiding Ravalli County's rules and regulations, the Board of Health will determine whether the Existing System may be used.

B. The use or maintenance of a permitted, properly functioning Existing System may be continued, provided the Existing System is not Altered, or repaired without an Installation Permit. This article shall not be construed to permit a use or connection to a structure when the Existing System were not incompliance with wastewater regulations in effect at the time of installation, or were not in compliance with any applicable laws or regulations in place at the time of installation.

C. It is strongly recommended that any Existing System on a tract of record being sold or otherwise changing ownership be reviewed by the Department at the time of sale for compliance under this Article 5 so that any future Alterations may be properly planned.

D. It is strongly recommended the applicant and all subsequent owners of the subject tract of record maintain the Wastewater Systems in accordance with the following: (1) Montana Circular DEQ-4; (2) the manufacturer's and designer's recommendations; or (3) another operation and maintenance plan approved by the Department. Maintenance includes but is not limited to pumping the Septic Tank when sludge and scum accumulations exceed 30 percent of the tank volume or are encroaching on the inlet and outlet baffle entrances, cleaning the effluent filter, and checking for ponding in the Absorption System area. If systems are not inspected, Septic Tanks should be pumped every 3 to 5 years. Operation, maintenance, and monitoring activities are listed in Table 4-9, page 4-36, and pages 4-44 and 4-45, Onsite Wastewater Treatment Systems Manual, EPA/625/R-00/008, February 2002.

SECTION 5.2 Alteration of Existing System

A. No person may repair, alter, enlarge, or extend an Existing System without a valid permit.

In order to assess the condition of the Existing System the Department may:

1. review and inspect the Existing System or as-built plans, and
2. require the owner to pump the Septic Tank and submit a pumper's report, and
3. require the excavation of portions of the Existing System at the owner's or applicant's expense, to determine its type and specifications if it cannot be determined by other means.

The Department may require that the Existing System, or any part of the Existing System, be replaced or upgraded when Alteration of the Existing System may cause the Existing System to fail. In all cases the Department has discretion on issuing a permit for Alteration of an Existing System to ensure that any Wastewater System is installed and operating properly for each specific site.

Existing Systems that were installed with a permit but not connected or used for five years or more must be reviewed and approved by the Department to ensure that they function properly and that they meet the standards in effect at the time they were installed. If the system was permitted and properly installed and complied with the standards and regulations in effect at the time it was installed, this review will not jeopardize its continued use for the approved purpose, but may require cleaning or upgrading to make the system operate in accordance with these standards.

Systems or system components that were installed without a permit, or were not installed in accordance with the approved specifications or regulations, may have to be abandoned if they cannot be brought into compliance with current standards. The components or system must be properly abandoned in accordance with Section 5.2.C.

B. When a repair to an Existing System requires a permit, that system shall be brought into compliance with these regulations except when specifically exempted by the Department.

C. When the application is made for an additional Wastewater System on a tract of record on which an un- or improperly permitted Wastewater System presently exists, the Existing System must be brought into compliance with these regulations before another application will be considered. Un- or improperly permitted systems that cannot be brought into compliance with current regulations must be properly abandoned including pumping the septic tank and completely filling the tank with clean fill.

D. Any new construction on a structure that has a Piped Water Supply or any other plumbing may require an Installation Permit. The applicant must contact the Department for a determination if a permit is necessary and, if necessary, obtain the permit.

E. Replacement Septic Tanks, sealed components, the Absorption System, and other Wastewater treatment components must meet the requirements in Section 4.2.L. unless the tract of record does not include area outside the delineated floodplain that would meet these requirements. In all other properties, the Wastewater System, including the Septic Tank, sealed components, other components, and Absorption System must meet the requirements in ARM 17.36.918 and the Ravalli County Floodplain Regulations. An increase in the permitted Wastewater or effluent flow from an Existing System located in the delineated floodplain is prohibited.

F. The Department shall not approve an application for an Installation Permit for increase in the permitted wastewater or effluent flow of an Existing System where groundwater or other Limiting Layer is present higher than 48 inches from the ground surface.

ARTICLE 6 ENFORCEMENT AND PENALTY

SECTION 6.1 Department Investigation

Prior to commencing any judicial enforcement, alleged violations of these regulations shall be investigated by the Department. The Department shall provide written notice to the individual(s) involved in the alleged violations by letter, and include within that letter a description of the alleged violation. The landowner(s) must also be notified, if different from the individuals involved. If the Department determines that a violation occurred, the Department will provide written notice to the violator setting forth a time within which the violator may cure the violation by complying with these regulations, if possible. If the violation is not cured via this administrative procedure or is incapable of being cured, the Department will notify the Ravalli County Attorney's Office, which may commence judicial enforcement action.

In any judicial enforcement action that results in a determination that the alleged violator violated these regulations, all costs of the action shall be imposed against the violator.

SECTION 6.2 Misrepresentation

Any permit, certification, or approval granted under these regulations based upon missing, incorrect, or misrepresented information shall be void. Failure to disclose any materially relevant information shall be considered misrepresentation.

SECTION 6.3 Penalties

Any violation of these regulations or order of the Ravalli County Board of Health is subject to criminal prosecution in accordance with Sections 50-2-123 and 50-2-124, MCA.

In addition, a violation of these regulations shall subject the violator to any other action or penalty under the law.

ARTICLE 7 GENERAL PROVISIONS

SECTION 7.1 Appeals to the Department or Board of Health

All decisions regarding permits, certifications, or other matters made by the Department may be presented to the Department director for review.
Upon denial of a permit or certification or a decision by the Department, an individual may make appeal to the Board of Health. The appeal to the Board of Health must be received within sixty (60) days of the denial of a permit, certification or other decision by the Department. If requested by the applicant or if deemed necessary by the Board of Health, a public hearing shall be held at the next regularly scheduled Board of Health meeting.

SECTION 7.2 Public Hearings

When the Board of Health is required or determines it necessary to hold a public hearing, as provided for by the terms of these regulations, notice of the hearing shall be given according to Section 7-1-2121, MCA, Publication and Content Notice.

SECTION 7.3 Right to Inspect

By submitting an application for a Wastewater System, the owner of the tract of record consents to the Board of Health or authorized agent to inspect any proposed or existing Wastewater System *on the subject property* to determine if the Wastewater System is in compliance with these regulations. Further an applicant authorizes the Board of Health or authorized agent to inspect any existing Wastewater System in Ravalli County if there is reason to believe that the System may pose an imminent public health threat and to ensure that it is being maintained in proper working order and in compliance with these regulations. The owner or occupant of the property shall allow the Board of Health or authorized agent access to the property at reasonable times for the purpose of making such inspections as are necessary. Inspections shall be made after reasonable notice is given to the owner or occupant.

SECTION 7.4 Conflicts

Any case where a provision of these regulations conflicts with, or establishes a higher or more stringent regulation, or code of the county, or different provision than these regulations, the provision which, in the judgment of the Director, establishes the higher or more stringent standard for the promotion and protection of the health and safety of the people shall prevail.

These regulations supersede all prior regulations or amendments thereof established by the Board of Health pertaining to Wastewater Systems in Ravalli County, Montana.

SECTION 7.5 Effect of Partial Invalidity

If any section, subsection, paragraph, sentence, clause or phrase of these regulations should be declared invalid for any reason, such decision shall not affect the remaining portions of these regulations, which shall remain in full force and effect; and to this end, the provisions of these regulations are hereby declared to be severable.

SECTION 7.6 Effective Date

The effective date of these regulations shall be January 1, 2011.