



SANDERS COUNTY WASTEWATER TREATMENT REGULATIONS

SANDERS COUNTY BOARD OF HEALTH

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TABLE OF CONTENTS

ARTICLES	PAGE
<u>Article 1: General Provisions</u>	4
Section 1.1 Title	
Section 1.2 Enforcement	
Section 1.3 Purpose	
Section 1.4 Scope	
<u>Article 2: Definitions of Terms</u>	5
Sections 2.10—2.52 (terms listed alphabetically)	
<u>Article 3: General Provisions of Regulations</u>	10
Section 3.1 Prohibited Acts	
Section 3.2 Reference	
<u>Article 4: Administrative Provisions</u>	11
Section 4.1 General Permit Information	
Section 4.2 Required Permit Application Information	
Section 4.3 Optional Information for Permit Application	
Section 4.4 Systems Approved by the Environmental Health Office (repealed)	
Section 4.5 Approval of Alternate Systems	
Section 4.6 Emergency Installations	
Section 4.7 Permit Application Time Fram	
Section 4.8 Permit Fees	
Section 4.9 Permit Expiration	
Section 4.10 Non-transferability of Permits	
Section 4.11 Permit Approval	
Section 4.12 Permit Denial	
Section 4.13 Permit Denial Variance to Board of Health	
Section 4.14 Invalidation of Permit	
<u>Article 5: Licensed Installers' and Site Evaluators' Information</u>	16
Section 5.1 First Time Applicants	
Section 5.2 Renewal	
Section 5.3 Installers' Responsibility	
Section 5.4 Landowners' Exemption	

TABLE OF CONTENTS (continued)

ARTICLES	PAGE
<u>Article 5: Continued</u>	
Section 5.5 Site Evaluators' Responsibility	
Section 5.6 License Denial	
Section 5.7 License Revocation	
Section 5.8 License Revocation Hearing to Board of Health	
<u>Article 6: Regulations Governing Licensed Septic Tank Pumps</u>	16
Section 6.1 Land Application	
Section 6.2 Documentation Required	
<u>Article 7: General Technical Requirements for Systems</u>	18
Section 7.1 Reuse of an Existing System	
Section 7.2 Replacement of an Existing System	
Section 7.3 References	
Section 7.4 Non-degradation	
Section 7.5 Systems Located in the Floodplain	
<u>Article 8: Notification, Inspection, and Filing Documents</u>	19
Section 8.1 General Provisions	
Sections 8.2 Notification	
Section 8.3 Inspection	
Section 8.4 Non-compliant System	
Section 8.5 Final Documentation	
<u>Article 9: Design Specifications (repealed)</u>	
<u>Article 10: Variations of Standard Systems (all sections repealed, except Section 10.9)</u>	22
Section 10.9 Seepage Pits	
<u>Article 11 Notice of Violation</u>	23
Section 11.1 Notice of Violation	
Section 11.2 Cease and Desist Order	
Section 11.3 Refusal of Compliance	
Section 11.4 Penalties	
<u>Article 12 Severability and Conflict of Ordinances</u>	24
Section 12.1 Severability	
Section 12.2	

Article 1: General Provisions of Title

Section 1.1 Title

- 1) **These regulations shall be known as "The Sanders County Individual Wastewater Treatment Regulations" and shall govern the on-site subsurface treatment of wastewater from public and private buildings and the location, design, installation, use, alteration, and extension of on-site individual and multi-family wastewater treatment systems, within Sanders County. Enforcement of these regulations is by the Sanders County Board of Health.**

Section 1.2 Enforcement

- 1) **Enactment of these regulations by the Sanders County Board of Health is pursuant to the Montana Codes Annotated (MCA), Title 50, Chapter 2, Section 116 (1) (i) *Powers and Duties of Local Boards.***

Section 1.3 Purpose

- 1) **The purpose of these regulations is to protect the health, safety and welfare of the people of Sanders County by requiring that on-site wastewater treatment be accomplished in a manner that prevents the creation of health hazards, adverse environmental effects, the pollution of water, and promotes the environmentally responsible use and enjoyment of property. These regulations further this purpose by restricting and regulating the location, design, installation, use, alteration and/or extension of individual wastewater treatment systems.**

Section 1.4 Scope

- 1) **These regulations apply to all areas of Sanders County that are not serviced by a community, public or municipal sewage collection facility.**
- 2) **These regulations apply to any person installing or using a new on-site wastewater treatment system.**
- 3) **These regulations apply to any person using an existing system installed after October 1, 1991.**
- 4) **These regulations apply to any person extending or altering an existing system, regardless of construction date of the system.**
- 5) **In addition these regulations apply to wastewater volume load increases into existing systems, regardless of the construction date of the system.**

Article 2: Definition of Terms

For the purpose of these regulations, the following words and phrases shall have these meanings ascribed to them:

Section 2.1 Absorption system means a leaching field and adjacent soils or other system for the treatment of sewage in an individual sewage system by means of absorption into the ground. Terms which mean the same or nearly the same as used in these regulations are drainfield and soil absorption system.

Section 2.2 Absorption trench means one or more lineal excavations of varying length and depth and of fixed minimum horizontal separation between the trenches in which sewage effluent is percolated into the soil. Individual lines of absorption in the absorption trench are called perforated pipes, laterals, distribution pipes or drainfield pipes.

Section 2.3 Alteration means to have physically changed an individual sewage treatment system by lengthening, shortening, building structures over or changing volume of wastewater flow into the system. This shall not be construed to mean changing dwelling units in a campground or trailer court currently licensed by the Montana Department of Public Health and Human Services.

Section 2.4 Applicant means any person who submits an application for a permit to install, alter, extend, repair, or increase the load of an individual sewage treatment-system. The applicant is usually the owner, but if the application is completed by another, the owner of record must sign the application.

Section 2.5 Approval means official consent given in writing, or verbally in the case of an emergency, by the Sanders County Board of Health, the Sanders County Environmental Health Department or the Board of Health's designated representative.

Section 2.6 Bedrock means a consolidated rock formation of impervious material, cannot be excavated by power equipment, which may exhibit a joint, fractured or solution channel Depth to bedrock is measured from the surface of the soil to the closest surface of the bedrock.

Section 2.7 Black water refers to any liquid or solid human body waste and the carriage waters generated through toilet usage.

Section 2.8 Board of Health means the legally designated Board of Health for Sanders County, Montana.

Section 2.9 Building sewer means that part of the piping of a drainage system which extends from the exterior of the building and which receives the discharge of the

building drain and conveys it to a public sewer, a private sewer, an individual sewage treatment system or other point of disposal/treatment.

Section 2.10 Cesspool means a covered underground receptacle which receives untreated sewage from a building and permits the untreated sewage to seep into surrounding soil.

Section 2.11 Cistern means a water-tight receptacle of non-toxic material which is designed for storage of potable water.

Section 2.12 Conventional-subsurface sewage treatment system means the process of sewage treatment in which:

- a) Primary treatment settles out the solids from the raw wastewater, and,
- b) Secondary treatment treats the effluent below the soil surface by distribution through horizontal perforated pipes.

Section 2.13 Distribution Box means a water-tight receptacle which receives effluent from the septic tank and distributes such effluent equally into solid pipes which lead to individual treatment laterals.

Section 2.14 Effluent means the sewage, water or other liquid, in its natural state, partially treated or completely treated flowing OUT of a reservoir, basin or treatment-plant.

Section 2.15 Environmental Health Department of Environmental Health Office means the division of the Sanders County Health Department that deals with environmental issues. The Environmental Health Office is under the direction of the Sanders County Board of Health. This term is used interchangeably with Sanitarian.

Section 2.16 Floodplain means the area adjoining the watercourse or drainway which would be covered by the floodwater of a flood of 100-year frequency except for sheet flood areas that receive less than one foot of water per occurrence and are considered zone B areas by the Federal Emergency Management Agency. The floodplain consists of the floodway and the flood fringe, as defined in ARM 36.15.101.

Section 2.17 Grey water means any wastewater other than toilet wastes or industrial chemicals, and includes but is not limited to shower and bath wastewater, kitchen wastewater and laundry wastewater.

Section 2.18 Groundwater Table means the upper surfaces of groundwater in the zone of saturation of a geologic formation. The upper surface of a perched water table is included in this definition. Seasonally high groundwater means the closest point below the natural ground surface to which water rises at any time of the year.

Depth to groundwater is the distance from the surface of the ground to either the highest level of groundwater or evidence of past groundwater levels. Groundwater seeping in the wall of the soil profile hole is evidence of high groundwater. Evidence of past high groundwater levels is staining or mottling in the soil. Any questionable area must be tested with groundwater monitoring.

Section 2.19 High permeability soil means soil rate with a percolation rate faster than 3 minutes per inch (less than 3 mpi). Any soil layer which has a NRCS soil permeability rating of greater than 20 inches per hour also falls within the scope of this definition.

Section 2.20 Impervious material means a material with a percolation rate slower than 120 minutes per inch .

Section 2.21 Individual Sewage Treatment system and the term "system" means a sewage treatment system other than a community system, public system or municipal system, which receives either human excreta and/or liquid wastes from no more than two single living units.

Section 2.22 Influent means the sewage, water or other liquid, in its natural state, partially treated or completely treated flowing INTO a reservoir, basin or treatment plant.

Section 2.23 Licensed installer is the person holding a current license, issued by the Sanders County Board of Health, to install, construct, extend or alter wastewater treatment systems regulated by the Sanders County Board of Health.

Section 2.24 Licensed septic tank pumper means a person licensed under state law to pump and clean sewage treatment systems and to remove septic system residues and deposit them in an approved manner at a site approved by the Montana Department

Section 2.25 Licensed site evaluator is any person holding a current license, issued by the Sanders County Board of Health, to perform the necessary testing and to compile the necessary data to complete the environmental site evaluation for a parcel of land. The testing includes, but is not limited to the following: soil profiles, percolation testing, groundwater determination, slopes of land, well isolation zones, floodplains, lot layouts, non-degradation of water quality, and the rules, regulations and technical information regarding wastewater treatment systems.

Section 2.26 Living unit means the area under one roof occupied by a family. For example, a duplex is considered two living units.

Section 2.27 Lot layout (or plot plan) means an accurate drawing or map indicating the dimensions, acreage and location of property lines, buildings, water supply

systems, all components of individual sewage treatment systems, water courses, geographical features and other pertinent information as required.

Section 2.28 Malfunction or Malfunctioning System means an individual Sewage treatment system which is not functioning in compliance with the requirements of these regulations and the design of the system and includes any one or more of the following:

- a. Absorption systems and treatment systems which seep or flow onto the surface of the ground or into surface water.
- b. Systems which have overflows from any of their components.
- c. Systems which due to failure to operate in accordance with their designed operation, cause back flow into any portion of a building plumbing system.
- d. Individual sewage disposal systems discharging effluent which does not comply with applicable effluent discharge standards.
- e. Systems which cause pollution of state waters as defined in the Montana Water Quality Act.

Section 2.29 Multiple family sewage system means a non-public sanitary sewage system which serves or is intended to serve three through nine living units. The total people served shall not exceed 24.

Section 2.30 Owner means the person who is the owner of record of the land on which an individual sewage treatment system is to be constructed, altered, extended or used of Environmental Quality.

Section 2.31 Percolation test means a soil test conducted on-site at the depth of a proposed absorption system, or other similar component of an individual sewage treatment system to determine the water absorption capability of the soil. The results of the percolation test are normally expressed at the rate at which one (1) inch of water is absorbed (minutes per inch). The percolation test is often called the "perc test".

Section 2.32 Permit means a written authorization issued by the Environmental Health Office or Board of Health permitting the construction, installation, alteration, extension, repair or use of an individual sewage treatment facility.

Section 2.33 Person is any individual, institution, public or private corporation, partnership, firm association or other legal entity.

Section 2.34 Pit privy means a structure allowing for disposal of human excreta into a pit or vault.

Section 2.35 Primary treatment is the initial process by which most suspended solids are settled out of wastewater, such as in a septic tank.

Section 2.36 Public sewage system means a system for collection, transportation, treatment and disposal of sewage designed to serve either fifteen or more living units for at least 60 days out of the calendar year, or 25 or more persons at least 60 days out of the calendar year.

Section 2.37 Registered Sanitarian is an individual licensed by the Montana Board of Sanitarians as per MCA Title 37, Subchapter 40. In Sanders County, the Registered Sanitarian works in the Environmental Health Department.

Section 2.38 Repairs means the restoration or renewal of any portion of an individual sewage disposal system which has become decayed or destroyed or which has malfunctioned for any reason. Repairs are considered only repair of piping and not repair of a drainfield.

Section 2.39 Replacement Area is an area for a second drainfield the same area size as the primary drainfield. The parcel or lot must have sufficient size for a suitable drainfield when the primary drainfield fails. This site is to be identified on the lot layout.

Section 2.40 Restrictive layer means a soil layer that:
Does not allow water entering from above to pass through as rapidly as it accumulates, or has temporarily perched groundwater above it during some part of the year, or has an NRCS soil permeability rating of 0.2 to 0.06 inches per hour (approximate percolation rate of 30-60 minutes per inch).

Section 2.41 Seasonally high groundwater level means the highest elevation to which the water rises in an unlined hole or perforated monitoring well during the time of the year when the water table is at the highest level. When observed, mottling (soil color patterns) must be reported as an indicator of previous saturation levels.

Section 2.42 Secondary treatment is the subsequent treatment of wastewater after primary treatment, such as in a subsurface drainfield.

Section 2.43 Seepage pit means a variation of secondary treatment in which a covered underground receptacle receives wastewater after primary treatment and permits the wastewater to seep into the pit floor and surrounding wall.

Section 2.44 Septic tank means a type of primary treatment in which a water-tight covered receptacle designed and constructed to receive the discharge of sewage from a building sewer separates solids from the liquid, digests organic matter, and stores digested solids through a period of retention allowing the clarified liquids to discharge to the secondary treatment for final treatment.

Section 2.45 Slope of the drainfield site is measured in feet and includes percentage of the slope in rise over run and a directional arrow of the slope.

Section 2.46 Soil Profile means a description of the soil strata to a depth of eight (8) feet. Descriptions shall be expressed using the Unified Soils Classification or other recognized classification systems.

Section 2.47 Spring means an opening in the earth's surface from which water issues or seeps.

Section 2.48 System is an on-site subsurface wastewater treatment system, such as a septic system, that provides primary and secondary treatment of wastewater.

Section 2.49 Vaulted (sealed) pit privy is a watertight, covered, enclosed receptacle designed to receive non-water-carried toilet wastes and store the sewage for a period of time. The vault must be accessible for the periodic removal of its contents by a licensed septic system pumper.

Section 2.50 Wastewater (or sewage) is a combination of liquids and solids that may include household wastes, chemicals, wash water, human excreta, animal and vegetable matter in suspension or solution, and other solids in suspension or solution, and which is discharged from a dwelling, building or other establishment and that is not otherwise regulated by State or Federal law.

Section 2.51 Watercourse or surface water is defined but not limited to any stream, intermittent stream drainageway, unlined irrigation ditch, river, pond, lake, swamp, or reservoir.

Section 2.52 Well means an artificial excavation that derives water from the interstices of rocks or soil which it penetrates.

Article 3: General Provisions of Regulations

Section 3.1 Prohibited acts:

- 1) It shall be unlawful:
 - a) To violate any provision of these regulations.
 - b) For any person to install, construct, alter, extend, repair, or utilize a wastewater treatment system that is in violation of these regulations.
 - c) To own or utilize a malfunctioning system, or to remove wastewater from a system and dispose of it in an unauthorized location.
 - d) To allow the wastes from the sewage treatment system to:
 - i) Pollute or contaminate an Actual or potential drinking water supply.
 - ii) Give rise to a public health hazard by.
 - iii) Being accessible to insects, rodents, or other possible carriers which may come into contact with food or potable water or by being accessible to human beings.

- iv) Be discharged into, or to pollute or contaminate any surface water or groundwater, or to be discharged upon the surface of the ground.
- v) Give rise to a nuisance due to odors or unsightly appearance.

Section 3.2 Reference

- 1) As provided by Montana Codes Annotated (M.C.A.) 50-2-116 (1) (i), the Sanders County Board of Health hereby adopts by reference ARM Title 17, Chapter 36, Subchapters 1-8, *Subdivision Rules* and Title 17, Chapter 36, Subchapter 9, *On-site Subsurface wastewater Treatment* and as part of the *Sanders County Wastewater Treatment Regulations*, and Montana Department Environmental Quality Circular DEQ 4, 2002 ed, which is included in ARM Title 17, Chapter 36, Subchapter 1, by reference. Copies of the MCAs, ARMS and Circulars can be obtained from the Environmental Health Office.

Article 4: Administrative Provisions

Section 4.1 General Permit Information

- 1) It shall be unlawful:

- a) For any person to install, construct, alter, extend, or use an individual sewage treatment system within Sanders County unless a valid permit has been issued by the Environmental Health Office or Board of Health in Sanders County before the construction is started, except that use of a system without a permit is lawful for any system installed before October 2, 1991
- b) For the installer or landowner to alter the details of the permit without written approval of the Environmental Health Office or Board of Health.
- c) For any person to install, construct, alter, extend individual sewage treatment system within Sanders County unless that person holds a valid Sanders County Sewage Treatment System Installer's License. The land owner may construct, alter, or extend their own system as long they construct, alter or extend on their own property with a valid permit to perform such a construction, alteration or extension. The land owner shall have the system inspected by the Sanders County Environmental Health Department before the system is covered.

- 2) A landowner is required to pass a written examination on the installation of the septic system before they may install the system. The examination will be written and administered by the sanitarian and Environmental Health staff.

Section 4.2 Required Permit Application Information

- 1) The most recent wastewater treatment system permit form is to be used, and before the permit application packet is considered complete, the following information shall be included:

- a) **In the permit application:**
 - i) **The complete name, complete mailing address and telephone number of the owner.**
 - ii) **Total fees applicable**
 - iii) **If the permit is to be mailed to someone other than the owner, include the name and complete mailing address.**
 - iv) **The original owner's signature**
 - v) **Legal description (Section, Township and Range)**
 - vi) **Physical location address**
 - vii) **Size or dimensions of parcel**
 - viii) **Proposed use of parcel**
 - ix) **Residential: Number of bedrooms**
 - x) **Unfinished basements must be counted as a bedroom in accordance with DEQ 4 and state law.**
 - xi) **Commercial: anticipated wastewater volume**
 - xii) **Proposed work (new or replacement system)**
 - xiii) **If the parcel has been reviewed either through the Montana Department of Environmental Quality (or the former Department of Health and Environmental Sciences) or Sanders County, any applicable documents that were reviewed and/or filed with the Certificate of Survey or Plat. For state review, the Certificate of Plat Approval Statement and approved lot layout must accompany submittal.**
- b) **Information from the site evaluator:**
 - i) **Soil Profile: Horizons description and depth**
 - ii) **Depth to groundwater**
 - iii) **Depth to bedrock or other restrictive layers**
 - iv) **Stabilized percolation rate must be documented on a signed approved worksheet.**
 - v) **HUD Floodplain map with parcel delineated**
 - vi) **Physical location**
 - vii) **Non-degradation calculations on the forms provided in the Environmental Health office**
 - viii) **Site evaluators' checklist (included in permit application)**
 - ix) **The physical address of the site.**
 - x) **The pump specifications and pressure dose calculations, if applicable.**
- c) **Lot layouts to include:**
 - i) **All lot boundaries**
 - ii) **North arrow**
 - iii) **Scale in feet**
 - iv) **All buildings (including barns, sheds, out buildings)**
 - v) **Building Sewer: Location, size, and depth**
 - vi) **Roads, driveways, parking lots**

- vii) All water supplies: wells, springs, and cisterns
- viii) All water lines
- ix) All watercourses: irrigation ditches, lakes, all water impoundments on the parcel
- x) Septic tank location
- xi) Location of cleanouts
- xii) Distribution box location
- xiii) Location of drain field primary and replacement
- xiv) Mixing zone
- xv) Slope (both percentage and direction) of drainfield area
- xvi) Existing wells, surface water or septic systems on adjacent lots within 100 feet of parcel boundaries

d) Other features:

- i) Easements
- ii) Right-of-ways
- iii) Underground pipes, cables or wires
- iv) Steep slopes
- v) Any other features that may restrict wastewater treatment

Section 4.3 Optional Information for Permit Application

1) In certain circumstances, there may be additional information and/or testing that is required for a specific parcel. If there are questions, any or all of the following may be required:

- a) Groundwater monitoring
- b) Any other testing deemed necessary to assure an environmentally responsible system.

Section 4.4 Systems Approved by the Environmental Health Office (Repealed)

Section 4.5 Approval of Alternate Systems

- 1) If a Standard Absorption Trench System is not indicated by site data, the Environmental Health Office will recommend an alternate system.
- 2) If an alternate system is recommended, the applicant must submit design specifications for the alternate system.
- 3) Alternate systems shall be reviewed and approved by the Environmental Health Office.
- 4) The Environmental Health Office reserves the right to require alternate systems to be designed and installed under the seal of a professional engineer.

Section 4.6 Emergency Installations

- 1) Emergency installations may be approved verbally by the Sanders County Environmental Health office or designated representative when the existing system has malfunctioned and/or:
 - a) There is an imminent threat to public health and/or a nuisance is created due to the malfunctioning system.
 - b) Emergency situations may dictate immediate action to alleviate a threat to public health and/or safety. In these urgent situations, verbal permission may be granted for installation of a septic tank only. Fees are to be received within three (3) working days after verbal permission is granted, and the permit will be processed as quickly as possible.

Section 4.7 Permit Application Time Frame

- 1) The Sanitarian will grant or deny a permit within a thirty (30) day period after receipt of a completed application. After the permit fee and application are submitted, the Environmental Health Department may require additional information, and the application will not be considered complete until the requested information has been provided.

Section 4.8 Permit fees

- 1) Sanders County Board of Health adopts permit fees as set forth on permit application according to .MCA 50-2-116 (2) (j). Checks shall be payable to Sanders County Treasurer. The permit will not be reviewed until the full amount of fees has been paid. This fee is non-refundable.

Section 4.9 Permit Expiration

- 1) If a permit has not been used for its intended purpose, and the system has not been installed within twelve (12) months of the date the permit was issued, the permit will expire. In cases where the owner has not changed from the original permit application, a up to six (6) month extension may be granted by the Environmental Health/Sanitarian's office.

Section 4.10 Non-transferability of Permits

- 1) This permit is not transferable for site locations. A valid permit is not transferable between property owners. If the permit was issued to one owner, then the new owner is to complete the form available in Environmental Health office before construction of the system. This is applicable only with a valid permit. There is no fee for the change of ownership.

Section 4.11 Permit Approval

The permit is approved as per information submitted. The specifications in the approved permit do not warrant against defects in workmanship and unforeseen wastewater flow not predicted or disclosed in the permit application. The specifications in the approved permit also do not warrant against false information provided by the applicant.

Section 4.12 Permit Denial

1. The Environmental Health office shall disapprove an application for a permit if it is determined that any of the following conditions exist:

- 1) The system will not comply with these regulations.
- 2) The application is incomplete.
- 3) The permit fee has not been paid in full.
- 4) The tract of land on which the system is proposed is in the process of being reviewed under the Sanitation and Subdivisions Act.
- 5) The system is not within substantial compliance with the provision of a Certificate of Subdivision Plat Approval Statement and approved lot layout from the DEQ.

Section 4.13 Permit Denial Variance to Board of Health

A permit denial may be appealed to the Sanders County Board of Health as provided in ARM 17.36.910 LOCAL VARIANCES. The appeal must be made in writing and submitted to the Sanders County Board of Health within thirty (30) days of the denial. The Board of Health shall act on the appeal within sixty (60) days. The applicant shall be notified, in writing, of the Board of Health's approval or denial of a variance. The Sanders County Board of Health's letter of decision will be sent by registered mail. If a request for variance is denied by the Sanders County Board of Health, the appellant may seek variance from the State, according to the provisions in ARM 17.36.909 VARIANCE APPEALS TO THE DEPARTMENT.

Section 4.14 Invalidation of permit

Any changes in plans, details or specification of construction not approved by the Environmental Health office or Board of Health, after the permit is issued, shall invalidate the permit, and may jeopardize the installer's license.

Article 5 Licensed Installer's and Site Evaluator's Information

Section 5.1 First time applicants

- 1) **first time applicants for licenses shall be made on the provided application forms to the Board of Health who may grant the license upon the applicant's completion of all of the following:**
 - a) **Attending the Sanders County Wastewater Treatment Installer's or Site Evaluator's Class.**
 - b) **Passing the Installer's or Site Evaluator's examination.**
 - c) **Receipt of the license fee payment which shall be in the amount on the most recent FEE SCHEDULE payable to Sanders County Treasurer. The fee is non-refundable. The license fee includes the class, the exam, and the Sanders County Wastewater Treatment book.**

Section 5.2 Renewal

- 1) **All applications for license renewal shall contain all the elements of a first time application. The examination requirement may be waived if the applicant has demonstrated to the Sanders County Environmental Health Department knowledge of good installation or site evaluation in the year immediately preceding the application. The renewal fee is the amount listed on the most recent FEE SCHEDULE for each license per calendar year payable to the Sanders County Treasurer.**
- 2) **All license holders must complete four (4) hours of approved continuing education by March 1 of each even numbered year. Documentation of successful completion must be submitted with the license renewal application. Environmental Health staff must pre-approve the class or workshop for the credits to be valid .**
- 3) **Dates of validity: Licenses shall be valid from the date obtained through the last day of February of the following year. The license shall be renewed by March 1 of the year of expiration. Late renewal application will be required to retake the exam and pay the fees as though a first time applicant. Licenses are not transferable.**

Section 5.3 Installers' Responsibility

- 1) **It shall be unlawful for any person to construct, alter, or extend a wastewater treatment system within Sanders County unless that person holds a valid Sanders County Wastewater Treatment System Installer's License.**

Section 5.4 Land Owners' Exemption

A land owner constructing, extending, repairing or altering an individual system for his/her own property is exempt from the requirement of obtaining an installer's

license for the construction or alteration, or extension. There will be a mandatory inspection of the Environmental Health/Sanitarian's office before the system is covered. This exemption does NOT apply to landowners who are building spec homes for sale after completion. A licensed installer should install systems for homes that are being built for sale.

Section 5.5 Site Evaluator's Responsibility

- 1) It shall be the responsibility of the site evaluator to perform the testing, collect, the data, and compute calculations completely, accurately, and according to the referred state rules, these regulations, and the most recent instructions from state references.

Section 5.6 License denial

- 1) An installer's licensee may be denied for any of the following reasons:
 - a) Having a license revoked within twelve (12) months preceding the application and/or
 - b) Failure to meet the requirements of the license application and/or
 - c) Having constructed or altered a wastewater treatment system without a valid permit within the preceding twelve (12) months and/or
 - d) Not following the specifications of the permit for a system.

Section 5.7 License Revocation

- 1) Licenses are the property of the Board of Health, are not a property right of the license holder, and may be revoked by the Board of Health at any time for the following reasons:
 - a) Having provided false evidence or information to obtain approval of a site or installation and/or
 - b) Installation of a wastewater treatment system prior to the issuance of a permit and/or
 - c) Failure to gain approval for a wastewater treatment and disposal system installation and/or
 - d) Failure to follow the specifications of the permit or a system.
 - e) Failure to turn in required As Built drawings or other required documentation.
 - f) Failure to give proper notice for inspection.
- 2) The term of revocation will be for one calendar year from the date of violation. Reapplication after revocation will be as a first-time applicant.

Section 5.8 License Revocation Hearing to Board of Health

- 1) In the event that a revocation of the license is deemed appropriate, the Board of Health shall notify the licensee in writing that there has been a recommendation

that the license be revoked. Reasons for the revocation shall be specified in the letter, and it shall be sent to the licensee by registered mail. Within thirty (30) days of the revocation notice, the installer may request a hearing before the Board of Health to discuss any issues regarding the revocation. The hearing shall be conducted within thirty (30) days from the installer's request. Both parties may agree, in writing, to additional time. The final decision will be made by the Board of Health within thirty (30) days of the hearing, and the decision will be mailed by registered mail to the installer.

Article 6 Regulations Governing Licensed Septic tank pumpers

Section 6.1 Land Application

- 1) Disposal sites for sewage effluent shall be approved by the Sanders County Environmental Health Department. This license is issued through the Montana Department of Environmental Quality with local inspection by the Sanders County Environmental Health Department.

Section 6.2 Documentation required

- 1) If the application site is not owned by the licensed pumper, the pumper will present to the Sanders County Environmental Health Department a document signed by the landowner giving permission for the pumper to utilize the land for application. The document shall contain:
 - a) The legal description of the land, and
 - b) Permission to inspect the land, and
 - c) Signature of the landowner, and
 - d) Any other documentation required by the Montana Department of Environmental Quality (MCA Title 37 Chapter 41).

Article 7 General Technical Requirements for Systems

Section 7.1 Reuse of an existing system

- 1) A new home or structure may be connected into an existing system provided the system meets all of the following criteria:
 - a) The system meets current design standards, evidenced by partial excavation or previous documentation, and,
 - b) The system has adequate capacity to treat anticipated maximum daily wastewater discharges, demonstrated by a percolation test and soil profile, and,
 - c) A permit application and applicable fees must have been submitted and approved before installation if installed after March 14, 1995, and,
 - d) There is no evidence of failure, and,

- e) A person desiring to re-use an existing system must submit his request to the Environmental Health Department on the standard application, along with a review fee and supporting documentation as described above.

Section 7.2 Replacement of an existing system

- a) A permit shall be issued to replace a system in accordance with current DEQ and local standards. All components of the system must be upgraded to current standards.

Section 7.3 References

- 1) On-site wastewater treatment systems shall be designed and constructed in accordance with the requirements described in ARM Title 17, Chapter 36, Subchapters 1 through 8, Subdivision Rules, and ARM Title 17, Chapter 36, Subchapter 9, On-site Subsurface Wastewater Treatment, and Montana Department Environmental Quality Circular DEQ 4, 2002 ed. Copies of the ARMS and Circulars can be obtained from the Environmental Health Office.

Section 7.4 Non-degradation

- 1) Non-degradation of water quality, including but not limited to, phosphorous breakout and nitrate sensitivity, will be addressed by the site evaluator. The Environmental Health office will determine if non-degradation studies meet the most current standards set by the state statutes and administrative rules in effect at the time of application.

Section 7.5 Systems Located in the Floodplain

- 1) No new systems will be approved within 100 horizontal feet of the 100-year flood plain as determined by the HUD maps or more recent studies if available. Any questions about the floodplain determination will be referred to the Floodplain Administrator for Sanders County. Variance requests will also be addressed by the Floodplain administrator.

Article, 8. Notification, inspection and Filing documents

Section 8.1 General Provisions

- 1) All systems may be inspected by the Environmental Health Office and/or the Board of Health member(s) during or after the site evaluation, during installation and/or prior to backfilling of the installed system. Neither the Sanitarian nor the Boards of Health member(s) have a duty to conduct such an inspection.

Section 8.2 Notification

- 1) **The licensed installer shall notify the Environmental Health Office during County business hours at least three (3) working days prior to backfilling, so that arrangements for an inspection can be made**
 - a) **Working days are defined as Monday through Friday except for legal holidays.**
- 2) **Notification is mandatory, and failure to do so is a violation of these regulations and may jeopardize the installer's license.**
- 3) **Notification shall be by either telephoning or appearing in person to the Sanders County Environmental Health Department. Notification shall include all of the following information:**
 - a) **Name of installer**
 - b) **Name of property owner**
 - c) **General location of system (for example, Grove Street of Thompson Falls, 5 mile 8 East of Plains, Lot 5 of Do-It-Right Subdivision)**
 - d) **The permit number**
 - e) **A phone number and time of day at which the installer can be notified. (For example, 826-1212 after 3 PM)**
 - f) **Site evaluators must notify the Environmental Health office of any site evaluation at least 24 hours before hand to give the sanitarian an opportunity to be present.**

Section 8.3 Inspection

- 1) **The Environmental Health office will return a phone call within 24 hours of the installer's or site evaluator's notification if specific arrangements are to be made for an inspection.**

If the installer has not been notified by the Sanitarian within 24 hours of the installer's notification, then the installer may proceed with backfilling the system.
- 2) **The Environmental Health Office or the Boards of Health member(s) are hereby empowered and authorized to enter upon private property for the purpose of inspecting a system that treats, discharges, or disposes of wastewater to determine compliance with these regulations.**

Section 8.4 Noncompliant system

- 1) **If the inspection shows that the system is not in compliance with the permit, the system cannot be backfilled until it is brought into compliance.**

- 2) If the installer backfills the system without first notifying the Environmental Health Department as outlined in Section 8.2, the Sanitarian may require the installer to uncover the system for inspection.
- 3) A re-inspection fee will be charged for inspecting the corrections.

Section 8.5 Final documentation

- 1) The licensed installer shall provide one (1) copy of the signed "as built" drawings and "statement of accuracy" endorsement attesting that the system has been installed in compliance with the permit and approved-lot layout.
- 2) Copies of information regarding the system for the owner and installer's records are the responsibility of the installer.
- 3) The certified installer shall submit the completed "as built" drawings to the Environmental Health Department office within ten (10) working days of completion of the system. Failure to do so may be grounds to invalidate the permit and jeopardize the installer's license.
- 4) The process is not completed until the final documentation is filed in the Environmental Health office. The file of the system is public record.
- 5) The "as built" drawings shall include:
 - a) All parcel boundaries
 - b) Distances between the system and at least two parcel boundaries are to be noted
 - c) North arrow
 - d) Triangular measurements from two corners of the house to the tank access. If the house is not yet constructed either use:
 - i) the distances to other features (Well head or garage)
 - ii) A riser over the tank access installed to be flush with the natural ground surface or above until the construction of the house is complete.
 - e) Measurement of pipe from the tank to the D-box
 - f) The length of the drainfield laterals
 - g) The number of drainfield laterals
 - h) The volume of the septic tank
 - i) The area of the as-built sketch shall be really big.
 - j) Pump specifications if a pressurized system is installed.

Article 9 Design specifications (All sections repealed)

Article 10 Variations of Standard Systems (All sections repealed except Section 10.9)

Section 10.9 Seepage Pits

1) Seepage pits may be used as a replacement only, and only in those areas where space and/or geographic features (boulders) will not allow a subsurface drainfield to be installed. The following conditions must be met:

- a) Groundwater must be at least 25 feet below the bottom of the pit.
- b) Seepage pits are secondary treatment only. There must be a primary treatment system installed before the effluent is directed, into the seepage pit.
- c) Seepage pits shall not be installed in soils with high permeability.
- d) Seepage pits shall be composed of washed rock surrounding drywell rings.
- e) The dry well rings shall be surrounded by at least 24" of washed gravel on the walls of the excavation.
- f) The bottom of the excavation shall have at least 12" of washed gravel below the drywell rings.
- g) The washed rock surrounding drywell rings shall be covered with porous, untreated paper or fabric prior to backfilling.
- h) Backfilled material over the rock and paper/fabric shall be native soil and be at least 18" deep. Native soils of high clay content may not be used for back fill material. Loam or sandy loam soils will need to be brought in to cover the system.
- i) Drywell rings shall be at least 30 inches in diameter, uniformly perforated, and constructed of a durable, non-corrosive material, such as concrete.
- j) Drywell rings shall be accessible for inspection through an access cover.
- k) A manifold shall be installed when there are two seepage pits utilized to obtain required square footage for the volume of wastewater produced. For more than two seepage pits, a D-box must be installed.
- l) The minimum area for a single dwelling of 150 square feet is needed.

2) Seepage pit sizing is determined by the following:

Seepage pit sizing:

Soil type	Perc rates	Square foot wall area per bedroom
Coarse sand or gravel	3-5 mpi	50
Fine sand	6-15 mpi	75
Sandy loam or sandy clay	16-30 mpi	125
Clay with considerable sand or gravel	31-45 mpi	200
Clay with small amount of gravel	46-6- mpi	400

The seepage pit absorption areas (in square feet) are to be calculated as follows:

Diameters of Drywell rings	1	2	3	4	DEPTH 5	6	7	8	9	10
3	9	19	28	38	47	57	66	75	85	94
4	13	25	38	50	63	75	88	101	113	126
5	16	31	47	63	79	94	110	126	141	157
6	19	38	57	75	94	113	132	151	170	188
7	22	44	66	88	110	132	154	176	198	220
8	15	50	75	101	126	151	176	201	226	251
9	28	57	85	113	141	170	198	226	254	283
10	31	63	94	126	157	188	220	251	283	314
11	35	69	104	138	173	207	242	276	311	346
12	38	75	113	151	188	226	264	302	339	377

Article 11 Violations and Penalties

Section 11.1 Notice of Violation

- 1) If the Sanitarian verifies that a violation of these regulations has been committed, the Board of Health will send a written Notice of Violation to the owner of the property.
 - a) The Notice of violation shall include an Order for Corrective Action and shall specify the violation and a time frame for correction.
 - b) The Notice shall be sent to the owner by registered mail.

Section 11.2 Cease and Desist Order

- 1) The Board of Health may issue an order to cease and desist from the use, any further construction, alteration, extension of any sewage treatment for which a valid permit has not been issued under the provisions of these regulations.

Section 11.3 Refusal of Compliance

- 1) If the property owner refuses or neglects to comply with the Order for Corrective Action in the Notice of Violation, the Board of Health shall request that legal action be taken against the owner or violator.

Section 11.4 Penalties

- 1) According to MCA 50-2-124 (civil and criminal penalties) any person found violating the provisions of these regulations shall, upon conviction, be punished by a fine of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00). Each day of violation will constitute a separate offense. No action for civil

or criminal penalties shall be commenced until the tenth (10th) calendar day following the postmark of the registered Notice of Violation. In addition, the Board of Health shall have all civil remedies provided by law to enforce these regulations.

Article 12 Severability and Conflict of Ordinances

Section 12.1 Severability

- 1) If any section, paragraph, sentence, clause or phrase of these regulations should be declared invalid for any reason, such invalidity 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 12.2 Conflict of ordinances

- 1) In any case where a provision of these regulations is found to be in conflict with a provision of any building, fire, safety or health regulations of Sanders County existing on the effective date of these regulations, the provision, which in the judgment of the Board of Health, establishes the higher standard for the protection of the health and safety of the people, shall prevail.