LINCOLN COUNTY

WASTEWATER TREATMENT

AND

DISPOSAL REGULATION

LINCOLN COUNTY BOARD OF HEALTH
Regulation No. 3
Revised March 1993

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Board of Health Regulation No. 3

A Regulation Governing Wastewater Treatment and

Disposal in Lincoln County, Montana

Effective Date: January 20, 1982

Revised Date: June 1, 1993

SECTION 1: AUTHORITY AND PURPOSE

A. Title and Enforcement

This regulation shall be known as "THE LINCOLN COUNTY WASTEWATER TREATMENT and DISPOSAL REGULATION" and shall govern the on-site subsurface treatment and disposal of wastewater and the design and construction of on-site wastewater treatment and disposal systems, other than municipal systems, within Lincoln County. Enforcement of this regulation is by the Lincoln County Board of Health.

Enactment of this regulation by the Lincoln County Board of Health is pursuant to the Revised Codes of Montana, Title 50, Chapter 2, Sub-Chapter 116. Powers and Duties of Local Boards.

B. Purpose

The purpose of this regulation is to protect the health, safety and welfare of the people of Lincoln County by requiring that on-site wastewater treatment and disposal be accomplished in a manner that prevents the creation of health hazards, adverse environmental effects, the pollution of water, and the use and enjoyment of property.

SECTION 2: DEFINITION OF TERMS

For the purpose of this regulation the following words and phrases shall have the meaning ascribed to them in this section:

ALTERED means to have physically changed a wastewater treatment and disposal system.

COUNTY SANITARIAN is the Supervising Sanitarian and Director of the Department, or his designated representative.

DEPARTMENT is the Lincoln County Department of Environmental Health.

LICENSED INSTALLER is a contractor holding a current license, issued by the Department, to install, alter or repair wastewater treatment and disposal systems regulated by the Lincoln County Board of Health.

PERSON is any individual, institution, corporation, association, or other private or governmental entity.

PRIMARY TREATMENT is the initial process by which most suspended solids are settled out of the wastewater, such as in a septic tank.

SECONDARY TREATMENT is the further treatment of wastewater after primary treatment, such as in a subsurface drainfield.

SYSTEM is an on-site subsurface wastewater treatment and disposal system, such as a septic system, that provides primary and secondary treatment.

WASTEWATER is a combination of liquids and solids including household wastes, washwater, human excreta, animal and vegetable matter, such as sewage and sewage effluent, that is not otherwise regulated by State or Federal law.

SECTION 3: GENERAL PROVISION

A. Prohibited Acts

It shall be unlawful to violate any provision of this regulation. It shall be unlawful for any person to install, construct, alter, extend, repair, or use a wastewater treatment and disposal system that is in violation of this regulation. It shall be unlawful to own or use a malfunctioning system, or to remove wastewater from a system and dispose of it in an unauthorized location.

B. Adoption of A.R.M. Chapter 17, Subchapter 1, On-Site Subsurface Wastewater Treatment

As required by M.C.A. 50-2-116 (1)(i), the Lincoln County Board of Health hereby adopts by reference A.R.M. Chapter 17, Subchapter 1, On-Site Subsurface Wastewater Treatment as a part of the Lincoln County Wastewater Treatment and Disposal Regulation.

SECTION 4: PERMIT AND LICENSE

A. PERMIT

A valid permit issued by the County Sanitarian is required before a wastewater treatment and disposal system can be installed, constructed, altered, or extended.

1. Permit Application. An application for a permit shall be made to the Department. The application shall be made by the owner of the property, or his authorized agent, on a form provided by the Department; signed and dated by the applicant and shall include the following information:

   a. The name, address and telephone number of the applicant.

   b. A legal description, size and address of the property on which the system is located or proposed.

   c. A site plan. A site evaluation shall be made as required by A.R.M. 16-17-102(3). The evaluation and site plan shall be made by the property owner or a licensed installer on forms provided by the Department, and shall include the information necessary to complete the forms and any additional information deemed necessary by the County Sanitarian to ensure compliance with this regulation.

   d. The name, address and signature of the system installer.

2. A permit shall be issued upon approval of the application by the County Sanitarian, and the payment of the permit fee. Once a permit has been issued by the Department, construction may begin.

3. Permit Fee. The permit fee shall be in the amount of Fifty Dollars ($50.00) for a new system. The permit fee shall be in the amount of Twenty Dollars ($20.00) for an existing system. Checks shall be payable to Lincoln County. This fee is non-refundable.

4. Reuse of an existing system. A new home or structure may be connected into an existing system provided the system meets the following criteria:

   a. The system has been described as to its location, composition, capacity and soundness.
   b. The system has adequate capacity to treat anticipated maximum daily wastewater discharges.
   c. The system provides primary and secondary treatment.
   d. The system generally complies with this regulation.

5. Replacement of an existing system. A permit shall be issued to replace a system provided the following conditions are met:

   a. The existing system cannot be effectively repaired.
   b. The replacement system complies with this regulation.
   c. A variance has been granted by the County Board of Health in accordance with A.R.M. 16.17.106, if one is needed.

6. Permit Expiration. If a permit has not been used for its intended purpose, and the system has not been approved within twelve (12) months of the date the permit was issued, the permit shall expire and will be invalid.

7. Any changes in plans, details or specifications of construction not approved by the County Sanitarian, after the permit is issued, shall invalidate the permit.

8. Permit Denial. The County Sanitarian shall disapprove an application for a permit if he determines that any of the following conditions exist:

   a. The system will not comply with this regulation.
   b. The application is incomplete.
   c. The permit fee has not been paid in full.
   d. The tract of land on which the system is proposed is being reviewed under the Sanitation in Subdivision Act.
   e. The system would violate the provision of a Certificate of Survey (COS) plat approval.

A permit denial may be appealed to the Board of Health as provided in A.R.M. 16.17.106 Local Variances. The appeal must be made in writing and submitted to the 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 Board of Health letter of decision will be delivered by registered mail. If a request for variance is denied by the Board of Health, the appellant may seek a variance from the State, according to the provisions in A.R.M. 16.17.105 Variance Appeals to the Department.

B. INSTALLER LICENSE

1. It shall be unlawful for any person, except as delineated in this section, to construct or alter a wastewater treatment and disposal system within Lincoln County unless that person holds a valid Lincoln County Wastewater Treatment and Disposal System Installer's License. A homeowner constructing, or altering an individual system for his/her own residence upon his/her own property is exempt from this requirement. Builders who may own several parcels of land and who build structures on these parcels for sale, rent or lease and not for the purpose of their residing in said structures, shall not be considered a "homeowner" and are not exempt from this requirement.

2. All first time applications for installer licenses shall be made to the County Sanitarian who may grant the license upon completion of the following:

   a. Name, address and telephone numbers of the applicant.
   b. Passing the required examination.
   c. Receipt of the license fee payment which shall be in the amount of One Hundred Dollars ($100.00), payable to Lincoln County. This fee is non-refundable.

   All applications for license renewal shall contain all the elements of a first time application except that the examination requirement may be waived if the applicant has demonstrated knowledge of good wastewater treatment and disposal system design and/or installation in the year immediately preceding the application.

3. Installer licenses shall be valid from January 1 of the first year through December 31 of the second year for the two years stated on the license unless revoked, and shall be renewable by March 1 of the year following expiration. Licenses are not transferable.

4. Installer licenses may be denied for any of the following reasons:

   a. Having constructed or altered a wastewater treatment and disposal system without a valid permit, and/or,

b. Having a license revoked within twelve (12) months preceding the application, and/or,
c. Failure to meet the terms of the License Application.

5. Installer licenses are the property of the Department and may be revoked by the County Sanitarian at any time for the following reasons:

   a. Installation of a wastewater treatment and disposal system prior to the issuance of a permit, and/or,
   b. Failure to gain approval for a wastewater treatment and disposal system installation, and/or,
   c. Having provided false evidence or information to obtain a permit or gain approval of an installation.

6. In the event that a revocation of the license is deemed appropriate, the Department shall notify the licensee in writing that the license has been revoked. Reasons for the revocation shall be specified in the letter and it shall be given to the licensee by registered mail.

7. The term of revocation will be for one calendar year from the date of violation.

C. INSPECTION and OPERATION

All systems shall be inspected by the Department, or by a Department licensed installer, prior to backfilling, unless the County Sanitarian has determined that an inspection is not necessary.

The applicant shall notify the Department at least forty-eight (48) hours prior to backfilling, so that arrangements for an inspection can be made.

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.

The Department inspector, or licensed installer, shall provide the Department with a signed endorsement attesting that the system has been installed in compliance with the permit.

The County Sanitarian is 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 this regulation.

SECTION 5: DESIGN and CONSTRUCTION STANDARDS

On-site wastewater treatment and disposal systems shall be designed and constructed in accordance with the requirements described in A.R.M. Chapter 17, Subchapter 1 and Montana Department of Health and Environmental Sciences Circulars WQB 4, WQB 5, and WQB 6 which are included in A.R.M. Chapter 17, Subchapter 1 by reference. Copies of the Regulation and Circulars can be obtained from the Department.

SECTION 6: VIOLATIONS, PENALTIES, and ENFORCEMENT

A. NOTICE OF VIOLATION

If the Department verifies that a violation of this regulation has been committed, the County Sanitarian shall present a written Notice of Violation to the owner of the property. The Notice of Violation shall include an Order for Corrective Action and shall specify the violation and a time for correction. The Notice shall be sent to the owner by registered mail.

If the property owner refuses or neglects to comply with the Order for Corrective Action in the Notice of Violation, the Department shall request that legal action be taken against the owner by the County Attorney.

B. FINES

Any person found violating the provisions of this regulation shall, upon conviction, be punished by a fine of not less that Ten Dollars ($10.00) nor more than Two Hundred Dollars ($200.00). Each day of violation will constitute a separate offense. The first day of violation shall be the date of the Notice of Violation.

SECTION 7: <u>SEVERABILITY and CONFLICT OF ORDINANCE</u>

In any case where a provision of this regulation is found to be in conflict with a provision of any zoning, building, fire, safety or health regulation of Lincoln County, existing on the effective date of this regulation, the provision, which in the judgement of the County Sanitarian, establishes the higher standard for the protection of the health and safety of the people, shall prevail.

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

APPENDICES

Appendix 1. A.R.M. Chapter 17, On-Site Subsurface Wastewater Treatment

Appendix 2. Circular WQB 6, Montana D.H.E.S. Standards for Individual Sewage Systems.
- Appendix A. - Percolation Test Procedure
- Appendix B. - Septic Tank Maintenance

Appendix 3. Circular WQB 5, Montana D.H.E.S. Minimum Design Standards for On-Site Alternative Sewage Treatment and Disposal Systems.

Appendix 4. Circular WQB 4, Montana D.H.E.S. Standards for Multi-family Sewage Systems and Public Subsurface Sewage Treatment Systems.

Appendix 5. Design Standards for Seepage Pits

Appendix 6. Design Standards for Seepage Beds

Appendix 7. Design Standards for Pump Systems

Appendix 8. Excessive Slope Requirements

Appendix 9. Groundwater Monitoring

Appendix 10. On-Site Sewage Treatment Systems in a 100 Year Floodplain.

Appendix 11. Diagrams of Septic System Components