

Richland County Health Code  
Chapter 2



General Provision

2013-02

Originally Adopted: January 2014;  
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## **RICHLAND COUNTY HEALTH CODE**

### **CHAPTER 2 - WASTEWATER TREATMENT SYSTEMS**

- Section 1. Authority, Scope, and Revisions
- Section 2. General Regulations
- Section 3. Permits
- Section 4. Requirements for Non-Standard Systems
- Section 5. Installer Certification
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### **SECTION 1. AUTHORITY, SCOPE, AND REVISIONS**

#### **1.1 AUTHORITY AND FEES**

1. The Richland County Board of Health adopts these regulations pursuant to Sections 50-2-116(1)(k) and 50-2-116(2)(c)(iii), Montana Code Annotated (M.C.A.).
2. Fees, set by the Richland County Board of Health, will be charged for the administration of these regulations under the authority of Section 50-2-116(2)(b), M.C.A.
3. The authority, rules, and regulations set forth herein shall apply to all real property within Richland County.

#### **1.2 FINDINGS**

- I. The Richland County Board of Health finds that:
  - a. Regulating the treatment and disposal of wastewater and the location, design, construction, use, alteration, or repair of on-site wastewater treatment systems within Richland County leads to the control of environmental pollution and communicable diseases; and
  - b. These regulations, as provided for by Montana law, are necessary for the protection of the public health and the control of environmental pollution within Richland County.

### 1.3 SCOPE

1. These regulations apply to all areas of Richland County.
2. These regulations apply to any person constructing a new sewer system, replacing or altering an existing sewer system whether originally required to be permitted or not, or reactivating abandoned on-site wastewater treatment systems, including making load increases to existing systems.
3. If these regulations conflict with State of Montana or Federal regulations, the more stringent shall apply.

### 1.4 REVISION

1. Revisions to these regulations will be made to ensure proper administration and to allow for improved methods of on-site wastewater treatment. Richland County Board of Health will hold a public hearing before any significant revision of these regulations.

### 1.5 SEVERABILITY

1. Where any word, phrase, clause, sentence, paragraph, section, or other part of these regulations is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid.

## **SECTION 2. GENERAL REGULATIONS**

### 2.1 PUBLIC HEALTH THREATS

1. It is a violation to construct, alter, extend, or utilize an on-site wastewater treatment or disposal system that may:
  - a. contaminate any actual or potential drinking water supply;
  - b. cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans;
  - c. cause a public health hazard by being accessible to persons or animals;
  - d. violate any law or regulation governing water pollution or wastewater treatment and disposal, including the provisions contained in these rules;
  - e. pollute or contaminate state waters, in violation of Section 75-5-605, M.C.A.;
  - f. degrade state waters unless authorized pursuant to Section 75-5-303,

M.C.A.; or

- g. cause a nuisance due to odor, unsightly appearance or other aesthetic consideration.

## 2.2 GENERAL PROHIBITIONS

- I. It is a violation of this regulation to construct, alter or make load increases to any on-site wastewater treatment system without compliance with the provisions of these regulations and the possession of a valid permit issued under these regulations.

## 2.3 CONSTRUCTION PROHIBITION

- I. A person may not perform any construction on a parcel of land unless a valid on-site wastewater system permit has been issued when the construction is intended for occupancy by humans and will use a piped water supply. If the sewage will be disposed of to an approved public system, a permit is not required.

## 2.4 OCCUPANCY PROHIBITIONS

- I. Any dwelling unit, commercial structure, recreational development, or other structure where wastewater is generated must be connected to a piped water supply, unless the structure is connected to:
  - a. An on-site wastewater treatment system approved under the current regulations governing on-site wastewater treatment in Richland County;
  - b. An on-site wastewater treatment system approved by the Richland County Sanitarian (RCS) under earlier regulations, ordinances, or resolutions;
  - c. An on-site wastewater treatment system installed prior to the enactment of any Richland County regulations, ordinances, or resolutions governing the **same**;
  - d. An on-site wastewater treatment system approved through a variance granted by the Richland County Board of Health; or
  - e. A public sewer system approved by the Montana Department of Environmental Quality.

## 2.5 PROHIBITED SYSTEMS

- I. The construction or repair of cesspools or seepage pits for the disposal of wastewater is specifically prohibited.

## 2.6 MINIMUM STANDARDS

1. On-site wastewater treatment systems must be designed and constructed in accordance with the applicable requirements, as described in the Administrative Rules of Montana (ARM) 17.36.900 *et seq* and below:
  - a. Individual systems must be designed and installed in accordance with the requirements of Montana Department of Environmental Quality Circular DEQ4.
  - b. Multiple family systems must be designed and installed in accordance with the requirements of Montana Department of Environmental Quality Circular DEQ4.
  - c. Standard alternative systems must be designed and installed in accordance with the requirements of Montana Department of Environmental Quality Circular DEQ4.
  - d. Experimental alternative systems must be designed and installed in accordance with the requirements of Montana Department of Environmental Quality Circular DEQ4.

## 2.7 SYSTEMS REQUIRING CONNECTION TO PUBLIC WASTEWATER

1. Any dwelling unit, commercial structure, recreational development, or other structure where wastewater is generated must be connected to a public wastewater system when the public sewer system (PSS) comes within 500 feet of the property line of the unit and is accessible, the PSS has sufficient capacity to handle the additional load, and the governing authority that owns or operates the PSS will accept the additional load, and the present on-site sewer treatment system has failed or the sewer system was installed in violation of the Richland County On-Site Wastewater Treatment Regulations.
2. A Richland County Registered Environmental Health Specialist - Registered Sanitarian (REHS/RS) may waive this requirement for mobile vendors.

## 2.8 CONNECTION TO ABANDONED SYSTEMS

1. A person may not connect to or use an abandoned system unless:
  - a. The system meets current standards as determined by an inspection and the issuance of a permit by a REHS/RS.
  - b. The person has obtained a permit to alter the abandoned system to meet current regulations and has performed the permitted alterations prior to connection or use.

## 2.9 MALFUNCTIONING SYSTEMS

1. Failure of a currently used on-site wastewater treatment system may create a health hazard. Construction of a replacement system may begin after written authorization is obtained from a REHS/RS.
  - a. All required applications and fees shall be completed and submitted within two business days of the verbal authorization to a REHS/RS.
  - b. All construction shall meet current minimum standards for wastewater treatment systems in accordance with the current Montana Department of Environmental Quality Circular 4.
2. Upon discovery of the existence of a malfunctioning system, a REHS/RS will give written notice of violation to the owner and/or occupant of the premises.
3. The owner and/or occupant will be required to present an acceptable plan of correction to a REHS/RS within ten business days of the receipt of the notice of violation. A plan of correction must include acquiring a permit for the installation of a replacement sewer system and correction of the violation within 45 business days.
4. Upon the failure to adequately repair and restore the malfunctioning wastewater treatment system to proper working order within 45 business days of the owner/occupant's receipt of notice of violation, the premises must be vacated unless an extension is granted by a REHS/RS. Each day of failure to vacate the premises will constitute a separate violation of this regulation.
5. Repairs may be made to existing sewer systems without a permit. This includes replacing a collapsed or broken sewer line or removal of a blockage in the sewer line.

## 2.10 DESIGN AND OPERATION LIMITS

1. A REHS/RS does not design on-site wastewater treatment systems.
2. The requirements set forth in a permit do not guarantee the proper operation of any system.

## 2.11 MORATORIUM ON THE ISSUANCE OF PERMITS

1. A REHS/RS may declare a specific area of Richland County unsuitable for on-site wastewater treatment systems.
2. Richland County must hold a public hearing prior to the establishment of a

moratorium, in accordance with the procedures established by the Richland County Board of Health, and must make specific findings regarding the need for the moratorium.

3. Upon adoption of a moratorium, a REHSIRS will not issue permits for the affected area until the moratorium is lifted by the Richland County Board of Health.

#### 2.12 FEES AND INFORMATION REQUIREMENTS

- I. All fees and information required by Richland County in regard to any permit issued under these regulations must be submitted before work will begin on the permit application.

### SECTION 3. PERMITS

#### 3.1 PERMIT PROCEDURES AND REQUIREMENTS

1. Application for a permit to construct a new on-site wastewater treatment system is made by completing an on-site wastewater treatment system application available from a REHS/RS and submitting all required fees.
2. A REHS/RS will give written approval or denial within 20 business days from the filing of a complete on-site wastewater treatment system application.
3. It shall be unlawful for any person, except as delineated in this section, to construct or alter an individual sewage treatment system within Richland County unless that person is a Richland County Health Department certified installer of on-site wastewater treatment systems. A homeowner constructing or altering an individual sewage treatment system for his or her own residence upon his or her own property is not required to have an installer's license. (NOTE: This exception shall not be construed to apply to a developer who builds a structure or structures on a parcel of land for sale, rent, or lease.)
4. If a sewer system site does not clearly meet all requirements of these regulations, a professional engineer registered with the State will be required to provide further information showing a design of a sewer system that will meet all current regulations.
5. If the sewer system site does not meet one of the State of Montana's categorical exemptions for non-degradation, a REHS/RS may request a non-significance review by the State of Montana be completed before a permit will be issued.
6. If the sewer system location appears to be within 100 feet of the 100-year flood plain, as shown in FIRM maps, a REHS/RS will require the property



owner to provide information on the flood plain location, which may require a Montana licensed engineer or surveyor to obtain.

### 3.2 PERMITS TO CONSTRUCT NEW SYSTEMS

1. A permit to construct a new on-site wastewater treatment system will only be issued upon REHS/RS approval of the site wastewater treatment system application and the payment of the required permit fees.
2. A permit that has been issued by a REHS/RS is valid for a three-year period. If construction has not begun within this period, the applicant must reapply and meet all requirements of the current regulations.

### 3.3 DENIAL OF PERMITS TO CONSTRUCT

1. If an application for a new on-site wastewater treatment system permit is denied, the applicant may:
  - a. Seek a new site;
  - b. Provide information showing a sewer system design or location plan that will meet these regulations;
  - c. Appeal to the Richland County Board of Health; or
  - d. Request a variance from these regulations from the Richland County Board of Health.
2. If an application for an on-site wastewater treatment system permit is denied, a REHS/RS will provide a written statement to the applicant detailing the circumstances of the permit denial or condition imposition. The statement must include:
  - a. The reason for the denial or condition imposition;
  - b. The evidence that justifies the denial or condition imposition; and
  - c. Information regarding the appeal process for the denial or condition imposition.
3. A written request for a variance from these regulations must be made to the Richland County Board of Health. The Richland County Board of Health may grant a variance from the requirement only if it finds that:
  - a. The system that would be allowed by the variance is unlikely to cause pollution of State of Montana waters in violation of Section 75-5-605,

M.C.A.;

- b. The granting of the variance will protect the quality and potability of water for public water supplies and domestic uses, and will protect the quality of water for other beneficial uses, including those uses specified in Section 76-4-101, M.C.A.;
  - c. The granting of the variance will not adversely affect public health, safety, and welfare; and
  - d. The variance would not conflict with the requirements of ARM 17.36.914(3).
4. If a variance request is denied by the Board, the applicant may appeal the denial to the Montana Department of Environmental Quality pursuant to Section 75-5-305, M.C.A.

#### 3.4 REPLACE EXISTING SYSTEMS

- 1. Prior to the replacement of an existing system, a valid permit must be obtained following the procedures contained in Sections 3.1 and 3.2.
- 2. A variance must be obtained from the Richland County Board of Health following the procedures contained in Section 3.3 for any replacement of an existing system that does not meet the requirements of these regulations.
- 3. Replacement of an existing system must meet the requirements of these regulations and Montana Department of Environmental Quality Circular DEQ 4.
- 4. The abandoned septic tanks must be pumped and then removed or filled with solid material approved by a REHS/RS.

### **SECTION 4. REQUIREMENTS FOR NON-STANDARD SYSTEMS**

#### 4.1 GENERAL COMPLIANCE

- 1. Except as listed below, all non-standard on-site wastewater systems must comply with Montana Department of Environmental Quality Circular DEQ 4.

#### 4.2 PIT PRIVIES

- 1. Sealed pit privies may be approved only if the facility to be served does not have a piped water supply.

#### 4.3 HOLDING TANKS

1. Holding tank septic systems may be approved only if constructed in accordance with ARM 17.36.916 (5), except as provided in the immediately following paragraph.
2. Grey water holding tanks systems for mobile food service units must be constructed in accordance with the 2013 FDA Food Code Section 5-401.11, and are permitted for use year-round with the approval of the REHS/RS, which approval may be revoked for cause including, but not limited to, inability of the vendor to provide pumping receipts. Black water holding tanks on mobile food service units are prohibited.

#### 4.4 ABSORPTION BEDS

1. Absorption beds may be used for replacement systems only and may not be constructed in un-stabilized fill.

### SECTION 5. INSTALLER CERTIFICATION

#### 5.1 CERTIFICATION

1. To be certified, an installer must:
  - a. Pass the Richland County Subsurface Wastewater Treatment Certification Examination with a score of 80% or better, and
  - b. Pay the annual fee for a new REHS/RS certified contractor license.

#### 5.2 INSTALLER WORKSHOPS

1. The REHS/RS may require attendance at workshops for certified installers to update their knowledge of current REHS/RS regulations and most current technology for installing on-site wastewater treatment systems.

#### 5.3 REVOCATION OF AUTHORITY

1. The Richland County Board of Health Officer or authorized representative will recommend to the Richland County Board of Health at the next regular meeting revocation of an installer's certification upon finding that the certified installer has begun construction of an unpermitted system. The installer will be notified by certified mail of the violation and time and date of the next Richland County Board of Health meeting. The Richland County Attorney will be notified of the installer and homeowner's violation.
2. A REHS/RS will recommend to the Richland County Board of Health revocation of an installer's certification after repeated violations of these regulations. Except as provided in No. 1 above, the installer must be given two written warnings before such recommendation is made.

3. The Richland County Board of Health must take action on a recommendation to revoke an installer's certification at a public hearing held during its regular meeting. At this time, the Richland County Board of Health will make a decision as to the length of the revocation.
4. Upon revocation of an installer's license, a license may be reissued only after the following requirements have been met:
  - a. Upon authorization by the Richland County Board of Health, the installer must take the contractor's certification examination; and
  - b. The installer must pay the examination fee for the new contractor certification, even if the renewal fee has previously been paid for the calendar year.

## **SECTION 6. INSPECTIONS**

### **6.1 INSPECTION OF SYSTEMS INSTALLED BY CERTIFIED INSTALLERS**

1. The certified installer must notify a REHS/RS two business days in advance of the expected completion time to arrange for an inspection time, which must be completed within five business days. If a REHS/RS does not show up by the scheduled time, "as built" documents will be used. These documents must be submitted to a REHS/RS within ten business days. No further permits will be issued until the completed documentation has been received.
2. REHS *IRS* inspections will be conducted only during normal REHSIRS business hours.
3. Systems incomplete at the time of a REHS/RS inspection may be subject to a re-inspection at the convenience of REHS/RS.
4. If a system is not in compliance, an inspection form will be labeled NOT APPROVED with the problems listed. All necessary corrections must be completed and inspected before final approval of the system can be given.
5. A certified installer self inspection shall be approved at least two business days prior to anticipated completion and at the discretion of the REHS/RS.

### **6.2 INSPECTION OF OWNER INSTALLED SYSTEMS**

1. No backfilling of the sewer system may occur unless authorized in advance by a REHS/RS. The sewer system must be installed according to the permit issued. If authorized to be used, the self inspection forms and as built drawings must be returned to a REHS/RS within 10 business days to complete the permit process.
2. A REHS/RS will inspect completed systems no later than six business days after the day notice of completion is received. REHS/RS inspections will be

conducted only during normal REHS/RS business hours.

3. If a system *is* not in compliance, an inspection form will be labeled NOT APPROVED with the problems listed on the back. All necessary corrections must be completed and inspected before final approval of the system can be given.
4. Use of a new system prior to final inspection and approval by a REHS/RS constitutes a violation of this regulation.
5. Where site restrictions dictate and with permission from a REHS/RS, owner installers may backfill parts of a system when necessary in order to complete the rest of the system. When backfilling occurs, all comers, manifold, distribution box, and the inlets and outlets shall be left uncovered for inspection.

## **SECTION 7. ENFORCEMENT**

### **7.1 ACCESS RIGHTS**

1. A REHS/RS is authorized and directed to make such inspections as are necessary to determine compliance with these regulations.
2. It is the responsibility of the owner or occupant of a property to give a REHS/RS free access to the property at reasonable times for the purpose of making such inspections as are necessary for determining compliance with these regulations.
3. No person may molest, harass, or deny access, or resist inspection by an employee of a REHS/RS in the discharge of their duty, including inspections made before, during, and after the installation and final approval of a sewer system. Any resistance or denying access to the sewer system location will result in the automatic forfeiture of any sewer system permit and fees and subject to the violator other penalties provided for herein.

### **7.2 PENALTIES**

1. Violations of any of the provisions of these regulations are a misdemeanor and are punishable as provided for in Section 50-2-124, M.C.A., with a fine of not less than \$10 or more than \$200. Each day of violation constitutes a separate offense.

### **7.3 INJUNCTIONS**

1. The Richland County Attorney may commence an action to restrain and enjoin acts in violation of these regulations. Violations of any such injunction are subject to punishment by the issuing court.

## SECTION 8. DEFINITIONS

- 8.1 Abandoned System means a system shall be considered to be abandoned when it meets one of the following criteria:
1. The system has not been used for two years. Recreational cabins or dwellings used regularly, but infrequently, shall not be considered abandoned. Permitted sewer systems will not considered abandoned systems.
  2. The use of the system has been discontinued because of connection to an improved, on-site system or a public sewer system.
- 8.2 Absorption Bed means an absorption system which consists of excavations greater than three feet in width together with distribution piping through which effluent may seep or leach into surrounding soils.
- 8.3 Approved means accepted by a REHS/RS in writing.
- 8.4 Bedrock means material that cannot be excavated by power equipment, is so slowly permeable that it will not transmit effluent, or has open fractures or solution channels.
- 8.5 Black Water refers to any liquid or solid human body waste and the carriage waters generated through toilet usage.
- 8.6 Board of Health means the Richland County Board of Health.
- 8.7 Certified Installer is any individual who has attended required training and demonstrated an adequate knowledge of the regulation governing on-site wastewater treatment by passing all required examinations and paid the required certification fees.
- 8.8 Cesspool means a covered underground receptacle that receives untreated wastewater and permits the wastewater to seep into surrounding soil.
- 8.9 REHS/RS means a Richland County Registered Environmental Health Specialist – Registered Sanitarian.
- 8.10 Consultant means an engineer licensed by the State of Montana or a registered sanitation. Soil scientists or other qualified individuals that have demonstrated their knowledge of the REHSIRS on-site sewer system regulations and design standards and knowledge of the State of Montana non-degradation rules and regulations may also be included once the Richland County Board of Health has approved them.
- 8.11 Construction means the building of any dwelling intended for human occupancy,

extensive remodeling of any dwelling for human occupancy or use, or work on to the installation of any part of an on-site wastewater treatment system.

- 8.12 Distribution Box is a watertight structure, which receives effluent from the septic tank or other treatment facility and distributes it equally into two or more solid pipes leading to the individual treatment field laterals. There must be a minimum of five feet of solid pipe leading from each outlet to prevent settling of the box.
- 8.13 Dwelling refers to any structure, building, or portion thereof, which is intended or designed for human occupancy and supplied with water by a piped water system.
- 8.14 Emergency is any situation that poses a threat to the health of the public or the environment by allowing untreated wastewater to be exposed to the ground surface or discharged to the aquifer.
- 8.15 Experimental Alternative System means a new device on which further testing is required in order to provide sufficient information regarding the ability of the system to adequately treat and dispose of wastewater. These systems are described in Montana Department of Environmental Quality Circular DEQ 4 and include, but are not limited to: elevated sand mound, evapo-transpiration, aerobic package plant, artificially drained site, subsurface sand filter, nutrient removal, and fill systems.
- 8.16 Failed System means an on-site wastewater treatment system that no longer provides the treatment and/or disposal for which it was intended, or violates any of the requirements of ARM 17.36.913(1).
- 8.17 Flood Plain means the area adjoining the watercourse or drainage way 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 defined Zone B areas by the Federal Emergency Management Agency (FEMA). The flood plain consists of the flood way fringe (Zone A) and the flood way, as defined in ARM 36.15.101 and Section 76-5-103(10), M.C.A.
- 8.18 Grey Water is any wastewater other than toilet waste or industrial chemicals, and includes but not limited to shower and bath wastewater, kitchen wastewater, and laundry wastewater.
- 8.19 High Permeability Soil means soil with a percolation permeability rate greater than twenty inches per hour.
- 8.20 Holding Tank means a watertight receptacle that receives wastewater for retention and does not as part of its normal operation dispose or treat the wastewater.
- 8.21 Impervious Layer means a soil layer with a percolation rate slower than 60 minutes per inch.

- 8.22 Individual System means an on-site wastewater treatment system serving no more than two single-family residences.
- 8.23 Innovative Alternative System means a new device, not discussed in the Montana Department of Environmental Quality rules or circulars that provide primary and secondary treatment and ultimate disposal of the wastewater. Innovative alternative systems include corrugated chamber systems and gravelless corrugated pipe systems.
- 8.24 Multiple Family System means an on-site wastewater treatment system serving three to nine residential buildings.
- 8.25 On-site Wastewater Treatment System means a system for sanitary collection, transportation, treatment, and disposal of wastewater.
- 8.26 Permit means the written authorization from a REHS/RS to install a new on-site wastewater treatment system or repair, replace, expand, alter, or improve an existing on-site wastewater treatment system or any part thereof.
- 8.27 Piped Water Supply is a plumbing system that conveys water from a source, which may include but is not limited to wells, cisterns, springs, or surface water into a structure.
- 8.28 Replacement System means an on-site wastewater treatment system proposed to replace a failed, failing, or contaminating system or expand an existing sewer system.
- 8.29 Restrictive Layer means a soil layer that does not allow water entering from above to pass through as rapidly as it accumulates.
- 8.30 Sealed Pit Privy means an enclosed receptacle designed to receive non-water-carried toilet wastes into a lined watertight vault.
- 8.31 Seasonal High Groundwater means the closest point below the natural ground surface to which water rises at any time of the year.
- 8.32 Seepage Pit means a covered underground receptacle that receives wastewater after primary treatment and permits the wastewater to seep into surrounding soil.
- 8.33 Standard Alternative System means an on-site wastewater treatment system that is not considered standard, but available information indicates that adequate treatment and disposal are achieved when designed and constructed properly. Standard alternative systems are described in Montana Department of Environmental Quality Circular DEQ 4 and include alternating drain fields, shallow capped drain fields, waste segregation, deep absorption trenches, and




sand-lined drain fields.

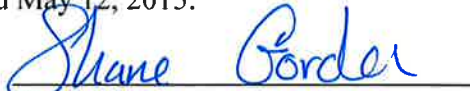
8.34 System means an on-site wastewater treatment system.

8.35 Wastewater means a combination of liquid wastes that may include chemicals, house wastes, wash water, human excreta, and animal or vegetable matter in suspension or solution, and solids in suspension or solution.

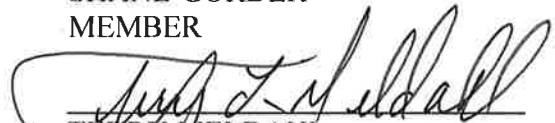
APPROVED and ADOPTED <sup>the</sup> ~~this~~ 14th day of January, 2014, by the following Chair and

Members of the Richland County Board of Health. Revised May 12, 2015.

  
LOREN H. YOUNG  
CHAIR

  
SHANE GORDER  
MEMBER

  
DUANE MITCHELL  
MEMBER

  
TERRY MELDAHL  
MEMBER

  
RAY TRUMPOWER  
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