

# McCONE COUNTY ON-SITE WASTEWATER TREATMENT REGULATIONS

## SECTION 1. AUTHORITY, SCOPE AND REVISIONS

### 1.1 AUTHORITY AND FEES

- 1) The Board of County Commissioners adopts these regulations pursuant to Section 7-5-2101 and 7-5-2102 Montana Code Annotated, and pursuant to Section 76-3-501, Montana Code Annotated.
- 2) Fees, set by the McCone County Board of Health, will be charged for the administration of these regulations under the authority of Section 50-2-116(2) (J), Montana Code Annotated (MCA).
- 3) The authority, rules, and regulations set forth herein shall not apply to those parcels created by subdivision when said parcels fall under the authority of a State of Montana Agency pursuant to the Montana Sanitation in Subdivision Act.

### 1.2 FINDINGS

- 1) The McCone 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 McCone 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 McCone County.

### 1.3 SCOPE

- 1) These regulations apply to all areas of McCone 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 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 would 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. The Board of County Commissioners 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 rules contained in this subchapter;
  - e) pollute or contaminate state waters, in violation of Section 75-5-605, MCA;
  - f) degrade state waters unless authorized pursuant to Section 75-5-303, MCA; or
  - g) cause a nuisance due to odor, unsightly appearance or other aesthetic consideration.

### **2.2 GENERAL PROHIBITIONS**

- 1) 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**

- 1) A person may not do 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**

- 1) It is a violation of this regulation to occupy or allow to be occupied any dwelling unit with 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 McCone County, or
  - b) An on-site wastewater treatment system approved under earlier regulations, ordinances or resolutions of the McCone County Sanitarian (MCS), or
  - c) An on-site wastewater treatment system installed prior to the enactment of any MCS regulations, ordinances or resolutions governing the same, or

- d) An on-site wastewater treatment system approved through a variance granted by the McCone County Board of Health, or
- e) A public sewer system approved by the Montana Department of Environmental Quality.

## 2.5 PROHIBITED SYSTEMS

- 1) 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) 17.36.913 and below:
  - a) Individual systems must be designed and installed in accordance with the requirements of Montana Department of Environmental Quality Circular DEQ 4.
  - b) Multiple family systems must be designed and installed in accordance with the requirements of Montana Department of Environmental Quality Circular DEQ 4.
  - c) Standard alternative systems must be designed and installed in accordance with the requirements of Montana Department of Environmental Quality Circular DEQ 4.
  - d) Experimental alternative systems must be designed and installed in accordance with the requirements of Montana Department of Environmental Quality Circular DEQ 4.

## 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 following conditions exist:
  - a) 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 McCone County On-Site Wastewater Treatment Regulations.

## 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 the MCS.
  - 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 with verbal authorization from an authorized representative of the MCS.
  - a) All required applications and fees shall be completed and submitted within two working days of the verbal authorization to the MCS.
  - b) All construction shall meet current minimum standards for wastewater treatment systems.
- 2) Upon discovery of the existence of a malfunctioning system, the MCS 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 the MCS within 10 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 30 days.
- 4) Upon the failure to adequately repair and restore the malfunctioning wastewater treatment system to proper working order within thirty days of the owner/occupant's receipt of notice of violation, the premises must be vacated. Each day of failure to vacate the premises will constitute a separate violation of this regulation.

## 2.10 DESIGN AND OPERATION LIMITS

- 1) The MCS 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) The MCS may declare a specific area of McCone County unsuitable for on-site wastewater treatment systems.
- 2) McCone County must hold a public hearing prior to the establishment of a moratorium, in accordance with the procedures established by the McCone County Board of Health, and must make specific findings regarding the need for the moratorium.
- 3) Upon adoption of a moratorium, the MCS will not issue permits for the affected area until the moratorium is lifted by the McCone County Board of Health.

## 2.12 FEES AND INFORMATION REQUIREMENTS

- 1) All fees and information required by McCone 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 the MCS and submitting all required fees.
- 2) The MCS will give written approval or denial within twenty working 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 McCone County unless that person holds a valid MCS sewage treatment system contractor's license. 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 a contractor's license. (NOTE: It is not intended to be construed by builders who may own several parcels of land and who build structures on these parcels for sale, rent or lease and is not for the purpose of their residing in said structures, that they be declared a homeowner and not subject to be licensed as a contractor by the MCS.)
- 4) If a sewer system site does not clearly meet all requirements of these regulations, a consultant approved by the MCS, 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, the MCS may request a non-significant 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 ft. of the 100-year flood plain, and the flood plain area is unmapped, the MCS 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 by the MCS upon approval of the site wastewater treatment system application and the payment of the required permit fees.
- 2) A permit that has been issued by the MCS is valid for a two-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, or
  - b) Provide information showing a sewer system design or location plan that will meet these regulations, or
  - c) Appeal to the McCone County Board of Health, or

- d) Request a variance from these regulations from the McCone County Board of Health, or
  - e) Appeal the MCS variance denial to the Montana Department of Environmental Quality. ARM 17.36.924.
- 2) If an application for an on-site wastewater treatment system permit is denied, the MCS 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 McCone County Board of Health. The McCone 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, MCA;
  - 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, MCA;
  - 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.
- 4) Variance appeals to the Montana Department of Environmental Quality (MDEQ):
- a) Upon receiving an appeal of a local board of health's variance decision under Section 75-5-305, MCA, the MDEQ shall determine within 30 days whether the appeal meets the requirements of section b) below and notify the appellant in writing of its determination.
  - b) The appeal to the department must be in writing and must provide the following information:
    - 1) The name of the appellant;
    - 2) The local government entity or entities that made the decision on the application for variance at the local level;
    - 3) A summary explanation of the project or development for which the variance is requested;
    - 4) A summary explanation of the variance that is sought;
    - 5) A statement of the law or ordinance at issue in the matter; and
    - 6) Copies of all applications and supporting materials submitted to the local board of health, and of any written decisions issued by the local board of health.

- c) If the appeal does not fulfill the requirement of section b) above, the department shall state in its notice to the appellant the deficiencies that must be addressed in a re-submittal. The department shall also notify the appellant in writing when its submittal meets the requirements of section b).
- d) If the appeal fulfills the requirements of section b), the department shall conduct a hearing on the appeal.
- e) The hearing must be conducted under the provisions of the Montana Administrative Procedures Act, title 2, chapter 4, part 7, MCA. Except as provided in section g), the department must conduct the hearing within 90 days of the department's written notice to the appellant that the appeal meets the requirements of section b) above.
- f) The department shall review each application under ARM Title 16, chapter 2 to determine if the department's action may result in significant effects to the quality of the human environment, thereby requiring an environmental impact statement.
- g) If the department analysis indicates that an environmental impact statement is required, the department shall have 60 days from the date of issuance of the final environmental impact statement to conduct a hearing under this section.
- h) After conducting the hearing, the department may allow up to 14 days for written comments to be submitted concerning the appeal.
- i) The department shall apply the local government variance requirements at issue in the case, provided the requirements meet the minimum requirements stated in ARM 17.36.913 and 17.36.922.
- j) The department shall issue a formal decision, including findings of fact and conclusions of law, within 30 days after the hearing.

#### 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 McCone 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 approved solid material.
- 5) Repairs may be made to existing sewer systems without a permit. This includes replacing a septic tank, a collapsed or broken sewer line or removal of a blockage in the sewer line.

#### 3.5 PERMITS TO EXPAND EXISTING SYSTEMS

- 1) Any expansion of an existing system must meet the requirements of this regulation and Montana Department of Environmental Quality Circular DEQ 4.

## **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 only be approved if the facility to be served does not have a piped water supply.

### 4.3 HOLDING TANKS

- 1) Holding Tank systems may be approved if:
  - a) The facility to be served is for seasonal use only;
  - b) The holding tank system is located at least 50 feet horizontally from any lake, stream, irrigation ditch or surface water body, or the 100-year flood elevation of any watercourse;
  - c) The holding tank system is stabilized against flotation and waterproofed against infiltration or exfiltration; and
  - d) The owner agrees to testing of the holding tank system at least once per year for water tightness, periodic pumping by a licensed septic tank pumper, and disconnection or discontinuation from further use whenever the wastewater collection mains of a public system become available within 500 feet of the property and permission to connect is granted by the entity controlling the system.
- 2) A 4-inch plastic schedule 40 or ASTM 3034 pipe needs to be installed vertically beside the holding tank. The bottom 2 feet of this pipe must be perforated. This pipe should be installed on the down gradient side of the holding tank at least 6 inches below the bottom of the tank and within 2 feet horizontally of the tank. Washed gravel must be installed around a 1-foot circumference of the perforations on this pipe. This pipe must also extend above the surface and be capped. This pipe can be used by homeowners or MCS to check for holding tank failure.
- 3) Holding tanks must have an electronic level-indicating device to help prevent over filling of holding tanks. If no electricity is available, a mechanical device may be approved.

### 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. CERTIFIED INSTALLER PROGRAM**

### **5.1 CERTIFICATION PROGRAM**

- 1) Installers of on-site wastewater treatment systems may be certified by the MCS. Certification is a privilege extended to an installer and not a right.
- 2) Certification means that the installer has demonstrated that he/she has sufficient knowledge of these regulations so as to be able to install systems in total compliance with these regulations.
- 3) Application for certification must be in writing and must contain the name, address, phone number and other information deemed necessary by the MCS.
- 4) To be certified, an installer must:
  - a) attend the MCS training course or pass the certification examination with a score of 80% or better, and
  - b) pay the annual fee for a new MCS certified contractor license.

### **5.2 RENEWAL OF CERTIFICATION**

- 1) Each certification will expire annually on December 31.
- 2) There will be an annual fee to renew certification. Every two years the Certified Installer must attend a MCS installer-training course or pass the certification exam. The Certified Installer must turn in self-inspection forms within the required time and have not violated these regulations within the last year. The installer then will be eligible for renewal of their MCS Certified Installer certification.
- 3) If the certification has been expired for more than one year, the installer must become recertified under 5.1.
- 4) The MCS may require attendance at workshops for Certified Installers in order to update their knowledge of current MCS regulations and most current technology for installing on-site wastewater treatment systems.

### **5.3 RECORDS**

- 1) Every Certified Installer must submit to the MCS such data and records as are required by the MCS to determine compliance with these regulations.

### **5.4 REVOCATION OF CERTIFICATION**

- 1) The McCone County Health Officer/or authorized representative, will recommend to the McCone 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 un-permitted system. The installer will be notified by certified mail of the violation and time and date of the next McCone County Board of Health meeting. The McCone County Attorney will be notified of the installer and homeowner's violation.

- 2) The MCS will recommend to the McCone County Board of Health revocation of an installer's certification after repeated violations of these regulations of the MCS. Except as noted in 1) above, the installer must be given two written warnings before such recommendation is issued.
- 3) The McCone 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 McCone 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 re-issued only after the following requirements have been met:
  - a) The installer must attend the next regularly scheduled MCS training course and meet all the requirements of Section 5.1 or retake the contractor's certification examination.
  - b) The installer must pay the annual fee for 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 MCS may allow self-inspection of systems installed by a Certified Installer.
- 2) The Certified Installer must notify the MCS forty-eight hours in advance of the expected completion time to arrange for an inspection time. Once notified by the installer, the MCS will determine whether a self-inspection or a MCS inspection will be conducted. If the MCS does not show up by the scheduled time, the sewer system may be backfilled and a self-inspection form used. This self-inspection form must be submitted to the MCS within 10 days. No further permits will be issued until the completed self-inspection form has been received.
- 3) MCS inspections will be conducted only during normal MCS working hours, excluding Saturdays, Sundays and holidays.
- 4) Systems incomplete at the time of the MCS inspection may be subject to a re-inspection at the convenience of MCS.
- 5) If a system is not in compliance, an inspection form will be labeled NOT APPROVED with the problems listed. This form will be posted at the work site. All necessary corrections must be completed and inspected before final approval of the system can be given.
- 6) A Certified Installer completing and submitting a Certified Installer's Self-Inspection form for a system must personally inspect the finished system and assume all liability for non-

compliance of the system.

- 7) Where site restrictions dictate, Certified Installers may backfill parts of a system when necessary to complete the rest of the system. When backfilling occurs, all corners, manifolds, distribution box and the inlets and outlets shall be left uncovered for inspection.

## 6.2 INSPECTION OF OWNER INSTALLED SYSTEMS

- 1) No backfilling of the sewer system may occur, with the exception of 5) below, until it has been inspected and approved or authorized for self-inspection by the MCS. The sewer system must be installed according to the permit issued or the permit issued will be void. If authorized to be used, the self-inspection checklist must be returned to the MCS within ten days to complete the permit process.
- 2) The MCS will inspect completed systems no later than 6 working days after the day notice of completion is given. MCS inspections will be conducted only during normal MCS working hours, excluding Saturdays, Sundays, and holidays.
- 3) If a system is not in compliance, an inspection form will be labeled NOT APPROVED with the problems listed on the back. This form will be posted at the work site. 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 the MCS constitutes a violation of this regulation.
- 5) Where site restrictions dictate, owner installers may backfill parts of a system when necessary in order to complete the rest of the system. When backfilling occurs, all corners, manifold, distribution box and the inlets and outlets shall be left uncovered for inspection.

## **SECTION 7. ENFORCEMENT**

### 7.1 ACCESS RIGHTS

- 1) The MCS 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 the MCS 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 the MCS 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 or subject to other penalties provided for here in.

### 7.2 PENALTIES

- 1) Violations of any of the provisions of these regulations, which are adopted as a county ordinance, are a misdemeanor and are punishable as provided for in Section 7-5-109, MCA,

with a fine up to \$500.00 or 6 months imprisonment or both the fine and imprisonment.

### 7.3 INJUNCTIONS

- 1) The McCone County Attorney may commence an action to restrain and enjoin acts in violation of these regulations. Violation of any such injunction is subject to punishment by the issuing court.

## **SECTION 8. LOT SIZES REFERENCED IN ARM 17.36.340**

### 8.1 LOT SIZES

- 1) Where subsurface wastewater treatment systems, as described in Montana Department of Environmental Quality Circular DEQ 4, are to be utilized, the minimum lot size shall be one acre of area, per living unit or one acre per 700 gpd of wastewater produced for campground or business. Requests for higher density development will be reviewed by the McCone County Board of Health, and will only be considered if the applicant or his representative provides information from qualified professional consultants indicating no sanitary problems or degradation of water quality will occur and that the proposal will provide environmental protection equivalent to that afforded by the above discussed density.
- 2) Relevant information for determining whether or not sanitary problems or degradation will occur includes site specific potential for viral or pathogen transport, depth to groundwater, aquifer characteristics, the presence or absence of confining layers and soil characterization, locations of mixing zones and protection of water supplies.
- 3) Lot sizes larger than those set forth in section 1) above may be required where the concentration of living units may cause pollution or degradation of State of Montana waters or where an adequate water supply cannot be developed for the proposed number of living units.

## **SECTION 9. DEFINITIONS**

- 9.1 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 connected for two years. Recreational cabins or dwellings used regularly, but infrequently, shall not be considered abandoned. Permitted sewer systems will not be 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.

- 9.2 Absorption Bed means an absorption system which consists of excavations greater than 3 feet in width together with distribution piping through which effluent may seep or leach into surrounding soils.

- 9.3 Approved means accepted by the MCS in writing.
- 9.3 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.
- 9.5 Black Water refers to any liquid or solid human body waste and the carriage waters generated through toilet usage.
- 9.6 Board of Health means the McCone County Board of Health.
- 9.7 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.
- 9.8 Cesspool means a covered underground receptacle that receives untreated wastewater and permits the wastewater to seep into surrounding soil.
- 9.9 MCS means the McCone County Sanitarian.
- 9.10 Consultant means an engineer licensed by the State of Montana or a registered sanitarian. Soil scientists or other qualified individuals that have demonstrated their knowledge of the MCS 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 McCone County Board of Health has approved them.
- 9.11 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.
- 9.12 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.
- 9.13 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.
- 9.14 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.
- 9.15 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: elevated sand mound, evapo-transpiration, aerobic package plant, artificially drained site, subsurface sand filter, nutrient removal and fill systems.

- 9.16 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.
- 9.17 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; Section 76-5-103 (10), MCA.
- 9.18 Grey Water is any wastewater other than toilet waste or industrial chemicals, and includes but is not limited to shower and bath wastewater, kitchen wastewater and laundry wastewater.
- 9.19 High Permeability Soil means soil with a percolation permeability rate greater than twenty inches per hour.
- 9.20 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.
- 9.21 Impervious Layer means a soil layer with a percolation rate slower than 60 minutes per inch.
- 9.22 Individual System means an on-site wastewater treatment system serving no more than two single-family residences.
- 9.23 Innovative Alternative System means a new device, not discussed in the Montana Department of Environmental Quality rules or circulars that provides primary and secondary treatment and ultimate disposal of the wastewater. Innovative alternative systems include corrugated chamber systems and gravelless corrugated pipe systems.
- 9.24 Multiple Family System means an on-site wastewater treatment system serving three to nine residential buildings.
- 9.25 On-site Wastewater Treatment System means a system for sanitary collection, transportation, treatment and disposal of wastewater.
- 9.26 Permit means the written authorization from the MCS 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.
- 9.27 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.
- 9.28 Replacement System means an on-site wastewater treatment system proposed to replace a failed, failing, or contaminating system or expand an existing sewer system.
- 9.29 Restrictive Layer means a soil layer that does not allow water entering from above to pass through as rapidly as it accumulates.
- 9.30 Sealed Pit Privy means an enclosed receptacle designed to receive non-water-carried toilet wastes into a lined watertight vault.

- 9.31 Seasonal High Groundwater means the closest point below the natural ground surface to which water rises at any time of the year.
- 9.32 Seepage Pit means a covered underground receptacle that receives wastewater after primary treatment and permits the wastewater to seep into surrounding soil.
- 9.33 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 drainfields, shallow capped drainfields, waste segregation, deep absorption trenches, and sand-lined drainfields.
- 9.34 System means an on-site wastewater treatment system.
- 9.35 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.