

SWEET GRASS COUNTY WASTEWATER DISPOSAL AND TREATMENT REGULATIONS

ARTICLE 1. : GENERAL INFORMATION

SECTION 1.1 -- Title

These regulations shall be known as the Sweet Grass County Wastewater Disposal and Treatment Regulations.

SECTION 1.2 -- Applicability

These regulations shall be applicable throughout Sweet Grass County and shall be enforced by the Sweet Grass County Board of Health. These regulations shall govern the disposal of wastewater from private and public buildings and the design of all wastewater disposal and treatment systems within the jurisdiction of Sweet Grass County. These regulations apply to non-municipal systems designed in accordance with DEQ Circular DEQ-4. All occupied buildings, including dwellings and residences, must have an approved means of wastewater treatment in accordance with these regulations regardless of whether they currently have a piped water system.

SECTION 1.3 -- Authority

Under authority of Section 50-2-116 Montana Code Annotated (MCA) and Administrative Rules of Montana (ARM) 17.36.920, the Sweet Grass County Board of Health has authorized a permit system for the review, approval, or denial of design and inspection of all wastewater disposal and treatment systems identified in Section 1.2 to be installed within Sweet Grass County.

SECTION 1.4 -- Purpose

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

SECTION 1.5 -- Designation of Authority

The Sweet Grass County Board of Health designates the Sweet Grass County Environmental Health Department under the oversight of the Sweet Grass County Board of Health with the authority to administer and enforce these regulations. The Sweet Grass County Board of Health reserves the right to hear any variance request or appeal to actions of the County Sanitarian. The Board also retains the authority to amend these regulations as necessary.

SECTION 1.6 -- Definitions

The definition of terms are as defined in ARM 17.36.912, with the addition of the following terms:

- (1) "Alteration" means changing any wastewater treatment system by increasing the flow into the system by changing or adding dwelling units, structures, or a business, adding to the living capacity of the unit, connecting a different structure to the system than the originally approved structure, reconnecting to the system after a period of nonuse greater than one year, lengthening or shortening the drainfield, replacing or repairing the septic tank or any components of the system, building structures on top of the system or any change in the system determined by the Environmental Health Department to substantially change the intent of the original permit. For example, under this definition, adding a new bedroom to an existing dwelling would be an alteration and require a permit.
- (2) "Installation Permit" means a written permit issued by a registered sanitarian from the Environmental Health Department permitting the construction, alteration, repair, extension, or use of a wastewater treatment system under these regulations. An installation permit is different from, and shall not be confused with, a site evaluation.
- (3) "Replacement" means the act which a person performs when installing another wastewater treatment system to supplant a system that is currently in use, or has been used within the last year.

ARTICLE 2: GENERAL REQUIREMENTS

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

ARTICLE 3: ADMINISTRATIVE REQUIREMENTS

SECTION 3.1 -- Application for Installation Permit

- A. No person may install, alter, repair, extend or connect to a wastewater treatment system within Sweet Grass County unless the County Sanitarian has issued an Installation Permit. This permit shall be for the specific installation, alteration, repair, extension, or connection of a wastewater treatment system.
- B. Minor repairs and/or maintenance may be made to a wastewater treatment system without first obtaining an Installation Permit. These repairs are limited to: pumping the septic tank, cleaning the effluent filter, replacement of the effluent pump with a pump of equal specifications, and other minor activities as specified by the County Sanitarian.
- C. No person may install a wastewater treatment system that is different from specifications in the Installation Permit as issued by the County Sanitarian, unless the County Sanitarian has previously approved the change in writing.
- D. It is the responsibility of the wastewater treatment system installer to ensure all setback requirements are met. In the event the installer discovers a situation that will prevent

the system from being constructed as designed, it is the responsibility of the installer to halt further installation and contact the County Sanitarian.

- E. No person may install, alter, extend or repair a wastewater treatment system within Sweet Grass County unless that person holds a valid Sweet Grass County Wastewater Treatment System Installer License or is exempt as per Section 3.5.
- F. Application for a wastewater treatment system Installation Permit shall be submitted by the owner of the lot or the owner's duly authorized agent on forms provided by the County Sanitarian and shall include the following information:
 - 1. Name, address, and phone number of the property owner.
 - 2. Legal description of the property, , parcel identification, and physical address of the wastewater treatment system.
 - 3. Installer's name, , and phone number.
 - 4. Well logs from nearby wells.
 - 5. Nitrate sample results from the nearest accessible well.
 - 6. A DEQ approval including the approved lot layout if applicable.
 - 7. Lot layout consisting of:
 - a. property lines
 - b. existing and proposed structures
 - c. all existing or proposed wells, including but not limited to wells for domestic water or irrigation supply, within 100 feet of the wastewater treatment system and property line.
 - d. all streams, lakes, springs, ponds, irrigation ditches, and other surface water sources within 100 feet of the wastewater treatment system
 - e. driveways and parking areas
 - f. any existing wastewater or sewage disposal systems or facilities
 - g. direction of slope on the property
 - h. a north directional arrow
 - i. replacement area or plan for proposed wastewater treatment system
 - j. percolation test and test pit locations/ sites
 - 8. The applicant must have a site evaluation completed within 25 feet of the proposed wastewater treatment system absorption area (drainfield). A qualified person in accordance with Circular DEQ-4 and applicable state regulations must complete the site evaluation. The site evaluations for the county or a qualified person must complete systems not approved by the state under the sanitation in subdivision regulations authorized in writing by the county. The County Sanitarian may require the applicant provide more than one test hole depending upon the variability of the soils, the type of information necessary and/or the anticipated size of the absorption area.
 - 9. A percolation test must be conducted within the area of the proposed absorption area and replacement area if variable soil textures or limiting layers are evident or suspected. The percolation test must be performed in accordance with Circular DEQ-4.

10. The County Sanitarian may require groundwater monitoring in the area of the proposed absorption area if it has reason to believe groundwater will be within 7 feet of the surface at any time of the year within the boundaries of the wastewater treatment system absorption area. The applicant may be required to install groundwater observation wells to a depth of at least 8 feet to determine the seasonally high groundwater level. The applicant, or a representative, shall monitor the observation wells through the seasonally high groundwater period. Measurements will be taken weekly for a long enough period of time to detect a peak and a sustained decline in the groundwater level.

The County Sanitarian may reject groundwater monitoring information during a drought year in accordance with Appendix C of Circular DEQ-4; or if historic information is available that indicates a high groundwater situation; or if monitoring was not conducted during the time of year to detect the seasonally high groundwater level; or if site conditions exist that are not typical to the property. An example of site conditions being atypical would be a property where normal irrigation practices have been altered or suspended during the season when groundwater monitoring is conducted but irrigation will or does resume after monitoring is conducted.

Groundwater monitoring pipes must remain in the ground until the construction layout of the drainfield is completed, and the final inspection of wastewater treatment system unless the pipe must be removed to construct the system.

11. Evidence must be provided that the wastewater treatment system will comply with all adopted zoning, covenants, and land use planning requirements for the area when applicable.
 12. Additional information relating to the installation of an acceptable wastewater treatment system may be required by the County Sanitarian, due to the unique characteristics of the proposed system location and/or site characteristics. An example would be additional well logs.
- G. The wastewater treatment system must be designed either by the County Sanitarian, a licensed professional engineer, registered sanitarian or approved designer.

- H. The Sweet Grass County Board of Health reserves the right to require a property owner to retain the services of a professional engineer or registered sanitarian in the event the system cannot be designed by the County Sanitarian in a timely manner, is beyond the abilities of current professional staff, or if:
1. it is an experimental system.
 2. it serves a commercial or industrial establishment.
 3. it serves a multiple-user residence or commercial building.
 4. it is located in an area with challenging site conditions, including but not limited to slopes between 15%-25%, wetlands, flooding, limiting layers, elevated nutrients.
 5. it has a specific public or environmental health concern, including but not limited to non-residential strength wastewater, existing contamination, history of failed systems.
 6. The design includes use of a pumping system, siphon system, or pressure-dosed distribution system.
 7. If it includes the use of specific grades of sand or gravel in different layers such as elevated sand mounds, recirculating and intermittent sand filters, and trickling filters.
- I. The County Sanitarian may conduct such investigations, examinations, tests and site evaluations, as it deems necessary to verify information contained in an application. The filing of an application for a wastewater treatment system installation permit shall be deemed a granting of approval by the applicant to the County Sanitarian for necessary site visits and inspections during normal business hours for the life of the system.
- J. Permit Fees:
An application fee shall accompany the completed application when submitted to the County Sanitarian for review. Checks are payable to the Sweet Grass County. If the applicant alters an approved wastewater treatment system design or location, approval must be granted by the County Sanitarian.
- K. An applicant may appeal any decision by the County Sanitarian in accordance with Section 7.1. The applicant may employ a licensed professional engineer or registered sanitarian for an alternative design to be approved by the Sweet Grass County Board of Health

SECTION 3.2 -- Denial of Installation Permit or Disapproval of Plans

- A. The Sweet Grass County Board of Health or its authorized agents, the county sanitarian may deny an application for a wastewater treatment system Installation Permit, if it is determined:
1. That if any boundary of the property is within 500 feet of a public wastewater system a permit may be denied, or
 2. That, due to physical limitations, the property cannot support a wastewater treatment system in conformance with these regulations, or
 3. That the applicant has failed to supply all data necessary to make a determination as to whether or not the wastewater treatment system conforms to these regulations, or
 4. That the wastewater treatment system design, as proposed, will not conform to these regulations.
 5. That the wastewater treatment system will not comply with zoning, land use, covenants, or other local or state regulations.
- B. Written notice of the denial of a permit with the reason for denial shall be given to the applicant.
- C. Upon denial of a permit or a decision by the County Sanitarian, the applicant may appeal this decision to the Sweet Grass County Board of Health.
- D. Denial of a permit may occur on subdivision lots previously approved by the state if it is found site conditions have changed since the time of approval or if approval were based on incorrect or incomplete information.

SECTION 3.3 -- Expiration of Installation Permits

- a. An Installation Permit is valid for twenty four months from the date of issuance. If the wastewater treatment system is not completed within twenty four months of issuance of the permit, the Installation Permit will expire. The County Sanitarian may grant a twelve-month extension if contacted by the applicant prior to the end of the original twenty four month period. The extension may be denied if the Installation Permit is no longer in compliance with current regulations.
- b. Any changes in plans, specifications, or details of construction not approved by the County Sanitarian in writing after the Installation Permit has been issued, invalidates the permit.

SECTION 3.4 -- Inspections

- A. For systems approved by the County Sanitarian, the following items must be completed:
1. A final inspection of the installation by the sanitarian is required prior to covering the completed wastewater treatment system. It shall be the responsibility of the installer to notify the County Sanitarian at least twenty-four (24) hours in advance to schedule a final inspection. A

- licensed installer may verify that the system was built according to the permit, only when authorized by the County Sanitarian. In such cases, a drawing of the system with components labeled and located, with measurements shown, must be submitted to the County Sanitarian within seven (7) days after completion of the system, with a signed statement by the installer that the completed system meets approved specifications.
2. If it is determined that the installation is in compliance with the construction details and distance requirements set forth in the Installation Permit and these regulations, the County Sanitarian shall sign the inspection form and retain of record in the office of county sanitarian. The completed inspection form shall constitute the final approval of the installation.
 3. If the system has been covered prior to the final inspection without County Sanitarian approval, uncovering it may be required to complete the final inspection.
- B. For systems designed by consultants, the following items must be completed:
1. The County Sanitarian shall require the system designer or county sanitarian to inspect the system and provide written verification that the system was installed in accordance with the approved design. The County Sanitarian may also require that an “as-built drawing” of the system be completed and signed by the designer and submitted to the County Sanitarian within 30 days of completion of the project.
 2. Any alteration of the wastewater treatment system not approved in writing by the County Sanitarian after the final inspection invalidates the permit.

SECTION 3.5 -- Wastewater Treatment System Installers

- A. Except as provided in Section 3.5(B), no person may install, alter, repair, or extend a wastewater treatment system unless he/she holds a valid Sweet Grass County Wastewater Treatment System Installer License. Employees of a licensed Sweet Grass County Wastewater Treatment Installer shall not be required to be licensed if the licensed installer supervises the installation of the system and verifies that it is installed in accordance with the permit and these regulations.
- B. Any landowner of record may install a wastewater treatment system on his/her own property without obtaining an Installer License. However, the landowner is subject to all requirements given in Section 3.5(C) below with the exception of the license fee.
- C. Requirements for Installer License:
 1. Application for a Wastewater Treatment System Installer License shall be made on forms provided by the County Sanitarian and is valid for one year. The application fee for a license shall be according to the fee schedule available at the Sweet Grass County Environmental Health Office. Licenses shall expire on December 31st of each year and must be renewed

within sixty (60) days. The license renewal fee must accompany the renewal application. An expired license shall be subject to the application fee and other requirements for new licenses.

2. Prior to the issuance of a license, the County Sanitarian will require that the applicant demonstrate adequate knowledge of these regulations and the ability to properly install a wastewater treatment system in compliance with these regulations. This would include, but not be limited to, successfully passing a written exam, passing field inspection of work conducted by the applicant, and demonstrating understanding of and ability to use tools to set level and grade of a system, such as an optical transect or laser level. Prior to the renewal of a license, the County Sanitarian may require that the applicant demonstrate compliance with these regulations. Prior to the renewal of a license, the County Sanitarian may require that all outstanding permit information and as-built drawings for completed work be submitted to the County Sanitarian.
3. Sweet Grass County may accept licensure from neighboring counties as demonstration of knowledge.
4. Installation, alteration, repair or extension of any wastewater treatment system shall be completed in compliance with these regulations and with the conditions set out in the Installation Permit.
5. The Installer shall request a final inspection by the County Sanitarian not less than twenty-four (24) hours before the inspection is to be made.

D. Denial or Revocation of a Wastewater Treatment System Installer License

1. A license may be denied or revoked by the Sweet Grass County Board of Health for any of the following reasons:
 - a. The applicant/licensee was found guilty of a violation of these regulations or an order by the Board of Health or a penalty issued for a violation as provided for under Section 7 within one year preceding the application.
 - b. The applicant/licensee had a Wastewater Treatment System Installer license revoked within one year preceding the application.
 - c. The applicant/licensee offered false information in order to obtain a License or any permit issued in accordance with these regulations within one year preceding the application.
 - d. The applicant/licensee failed to meet the requirements of the license application including any required demonstration of knowledge, including but not limited to passing the written exam.
2. Written notice of denial or revocation signed by the Sweet Grass County Board of Health stating the reasons for denial or revocation shall be delivered to the applicant by certified mail or personal delivery.

- E. Appeal to the Board of Health: Any person whose license is suspended or revoked by the Sweet Grass Board of Health may within 30 days after given notice request a hearing in writing before the Board of Health and the Board of Health shall hold a hearing within 30 days of the receipt of the request. And within 30 days of the hearing either confirm suspension or revocation of the license or grant continuance of the license under such modification as the Sweet Grass County Board of Health may prescribe. **(Ref. 75-5-401 MCA)(as amended.)** The request for an appeal must be submitted in accordance with Section 7.1

ARTICLE 4: TECHNICAL REQUIREMENTS

SECTION 4.1 -- Compliance

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

The minimum lot size for wastewater treatment systems shall be in accordance with state regulations for subdivisions, ARM 17.36.340.

SECTION 4.2 -- General Requirements

- A. Minimum separation from property boundaries to absorption systems shall be 10 feet. Additionally, the minimum separation from property boundaries to water wells shall be 10 feet.
- B. If there is reason to believe that groundwater will be within 7 feet of the natural ground surface at anytime of the year, a monitoring pipe shall be installed at least eight (8) feet deep and located within twenty-five (25) feet of the final effluent discharge.
- C. No component of any wastewater treatment system may be located under structures or driveways, parking areas or other areas subject to vehicular traffic, except for those components of the system designed to accommodate such conditions. Drainfields must not be located in swales or depressions where runoff may flow or accumulate.
- D. Absorption beds may be used **only** for replacement systems if they meet the requirements in ARM 17.36.916.
- E. Holding tanks must meet the requirements in ARM 17.36.916 and may be allowed only in facilities owned and operated by the local, state, or federal government or in facilities licensed by the County Sanitarian of public health and human services and inspected by the local government. **Approved by variance only.**
- F. Unsealed pit privies are not allowed.
- G. **Elevated Sand Mound** allowed on lots or tracts where no sanitary restrictions are imposed and the seasonal high water table is greater than or equal to 4 feet. The system must be designed by an engineer or equivalent.
- H. **Fill System** may be allowed and installed in accordance with Circular DEQ – 4, Chapter 4.3. Fill Systems can only be used for replacement systems.
- I. **Sealed Pit Privy** - allowed for dwelling with no piped water supply.
- J. Septic tanks must be at least ten feet but no greater than 50 feet from the building foundation unless specifically designed by a professional engineer or approved by the County Sanitarian.
- K. Distribution boxes with flow levelers and access risers must be used for all gravity distribution systems. All distribution boxes must be marked for future locates.

- L. No ponds or irrigation ditches may be constructed within 50 feet of the septic tank and within 100 feet or greater of the drainfield at any time after the drainfield is installed.

SECTION 4.3 -- Variances

- A. The Board of Health may grant a variance from the requirements of these regulations if all the criteria in ARM 17.36.922 are met. The Board of Health may grant a variance from a requirement only if it determines that granting a variance will not violate Article 2 of these regulations except for the rule which the variance is requested.
- B. Any person wishing to apply for a variance shall make application on forms provided by the County Sanitarian and shall supply such information as the Board of Health or its authorized agents deem necessary to properly evaluate the proposal. An application fee shall accompany the application.
- C. Upon receipt of the completed application and fee, the County Sanitarian shall schedule and hold a public hearing in accordance with Section 7.2 of these regulations.
- D. A variance may be approved only in the event that all of the following circumstances are found to exist:
 - 1. The situation is unique and worthy of a variance from the minimum standards set by the State of Montana and Sweet Grass County (The strict application of the regulations would result in extreme difficulty or undue hardship for the applicant).
 - 2. That special conditions or circumstances exist through no fault or prior knowledge of the applicant, or that no amount of testing would have provided evidence of said conditions that render the applicant's property unusable.
 - 3. That through currently acceptable scientific practices and sound engineering principles, the applicant can demonstrate that the obstacles preventing the applicant from obtaining a legal permittable wastewater treatment system can be overcome by the new system. (The applicant provides evidence demonstrating, beyond a reasonable doubt, that the proposal for a variance would not be detrimental to the purposes of these regulations).
 - 4. That no illegal actions on the part of the applicant previous owners are the cause for this variance request.
 - 5. Misrepresentation is not grounds for a variance (The variance proposed is the minimum variation which would alleviate the specified practical difficulty as found by the Board of Health).
- E. The Board of Health's decision on the variance may be appealed to the Montana Department of Environmental Quality pursuant to ARM 17.36.924.
- F. The Board of Health acknowledges the need for progress in wastewater treatment and encourages the development of technology and design that will further the development of wastewater treatment and its efficient disposal. Manufacturers

whose design lacks sufficient technical data or background for inclusion in the state regulations, Montana Department of Environmental Quality, ARM 17.36.320, and Circular DEQ-4 must request a variance from the Board of Health for an Experimental System Permit in accordance with ARM 17.36.922.

1. The Board of Health, in accordance with the standards and procedures set forth in this article, shall review any proposal for an experimental wastewater treatment system. In approving such systems, the Board of Health may impose reasonable conditions to further the purposes of these regulations.
2. Any person wishing to apply for permission to install an experimental wastewater system shall make application on forms provided by the County Sanitarian and shall supply such information as the Board of Health or its authorized agents deems necessary to properly evaluate the proposal. An application fee shall accompany the permit.
3. The Board of Health may approve an application for an experimental type system only if a Licensed Professional Engineer has designed the system and only if the application provides an acceptable plan for the installation of a back-up system.
4. Experimental systems cannot be used to overcome a rule or standard for which a variance or waiver cannot be granted.
5. Requirements for an Experimental Installation Permit:
 - a. The design specifications and any previous laboratory or field test results must be submitted with the application.
 - b. The installation permit fee must be submitted with the application.
 - c. The necessary field tests that will produce adequate data shall be agreed upon between the manufacturer and the Board of Health.
 - d. The system must be installed and inspected as stipulated in the permit.
 - e. The field tests shall be completed and the results of the tests shall be submitted to the County Sanitarian. All test costs shall be borne by the manufacturer or the applicant.
 - f. The Board of Health shall determine the duration of the testing period and shall collect a fee for administrative costs associated with the testing period.
 - g. A backup system of an approved design shall be provided.

ARTICLE 5: EXISTING WASTEWATER TREATMENT SYSTEMS

SECTION 5.1 -- Continuation of Use of Existing Systems

- A. The use or maintenance of a properly functioning existing wastewater treatment system may be continued. The existing system may not be altered, enlarged, repaired or extended without a permit. This article shall not be construed to permit a use or a structure when the existing system violates these regulations, or any applicable laws or regulations in place at the time of installation of the system.
- B. It is strongly recommended that any property being sold or otherwise changing ownership with an existing wastewater system be reviewed at the time of sale for compliance under Article 5 so that any future repairs or alterations may be properly planned.

SECTION 5.2 --Repair, Alteration, Enlargement or Extension of Existing System

- A. No person may repair, alter, enlarge, or extend an existing wastewater treatment system without a valid permit. An existing system is a system that was installed prior to 1972 or was installed with a valid permit in 1972 or after 1972. The County Sanitarian may require the existing system be replaced when the repair, alteration, enlargement, or extension of the system may cause the existing system to fail. For example, when the system is more than 15 years old, the septic tank is leaking, the site conditions warrant improved treatment, minimum setbacks are not met, or other conditions exist that may interfere with the proper functioning of the system. Connection to an existing system that has not been in use or connected to an occupied structure for a period of one year shall not be allowed unless it meets the current standards and it is approved by the County Sanitarian. Before any change is made to any existing systems, the septic tank must be pumped and a pumper's report submitted to the County Sanitarian. Access risers must be installed if not currently installed, an effluent filter must be installed, and other requirements in the current regulations must be fulfilled before final approval of the system. If any component cannot meet the current requirements or was installed without a permit, it must be properly abandoned (e.g., septic tanks, cesspools, and pit privies must be pumped and filled with clean soil fill) and replaced with permitted components.
- B. All existing systems for which repairs are required shall be brought into compliance with these regulations.
- C. When the application is made for an additional wastewater treatment system on a lot upon which an unapproved wastewater treatment system presently exists, the unapproved system must be brought into compliance with these regulations before further systems will be reviewed and approved. All unapproved systems must be properly abandoned, including pumping the septic tank and completely filling the tank with clean fill.
- D. Any new construction on a structure that has plumbing may require an alteration permit as determined by the County Sanitarian. The property owner, building owner, building contractor, and system installer must make sure the permit is obtained.

ARTICLE 6: ENFORCEMENT AND PENALTY

SECTION 6.1 -- MISREPRESENTATION

Any permit, license, or approval granted under these regulations which is based upon or granted in reliance upon any material misrepresentation or failure to make a material fact or circumstances known by or on behalf of an applicant, shall be void.

SECTION 6.2 -- PENALTIES

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

As per MCA 50-2-123: Compliance order authorized.

If a person refuses or neglects to comply with a written order of a state or local health officer within a reasonable time specified in the order, the state or local health officer may cause the order to be complied with and initiate an action to recover any expenses incurred from the person who refused or neglected to comply with the order. The action to recover expenses shall be brought in the name of the county.

As per MCA 50-2-124: Penalties for Violations

- (1) A person who does not comply with rules adopted by the local board is guilty of a misdemeanor. On conviction, he shall be fined not less than \$10 or more than \$200.
- (2) Except as provided in subsection (1) of section and MCA 50-2-123, a person who violates the provisions of this chapter or rules adopted by the Montana Department of Environmental Quality under the provisions of this chapter is guilty of a misdemeanor. On conviction, he shall be fined not less than \$10 or more than \$500, imprisoned for not more than 90 days, or both.
- (3) Each day of violation constitutes a separate offense.
- (4) Fines, except justice court fines, shall be paid to the county treasurer of the county in which the violation occurs.

ARTICLE 7: GENERAL PROVISIONS

SECTION 7.1 -- Appeals to the Board of Health

Upon denial of a permit or license or a decision by the County Sanitarian, an individual may make appeal to the Board of Health. The appeal to the Board of Health must be received within sixty (60) days of the denial of a permit, license or other decision by the County Sanitarian. If requested by the applicant or if deemed necessary by the Board of Health, a public hearing shall be held at the next regularly scheduled Board of Health meeting.

SECTION 7.2 -- Public Hearings

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

SECTION 7.3 -- Right to Inspect

The Board of Health or authorized agent may inspect any wastewater treatment system in Sweet Grass County to ensure that it is being maintained in proper working order and in compliance with these regulations. It shall be unlawful for the owner or occupant of the property to deny such officials access to the property for the purpose of making such inspections as are necessary. Where practical, inspections shall be made only after reasonable notice to the owner or occupant.

SECTION 7.4 -- Conflict of Ordinances

- A. Any case where a provision of these regulations is found to be in conflict with a provision of any zoning, building, fire, safety or health regulation, or code of the county existing on the effective date of these regulations, the provision which, in the judgment of the Board of Health or authorized agents, establishes the higher or more stringent standard for the promotion and protection of the health and safety of the people shall prevail.
- B. In any case where a provision of any other ordinance or code of the county existing on the effective date of this regulation, which establishes a lower or less stringent standard for the promotion and protection of the health and safety of the people, the provisions of these regulations shall be deemed to prevail.
- C. These regulations supersede all prior regulations or amendments thereof established by the Board of Health pertaining to wastewater treatment systems in Sweet Grass County, Montana.

| SECTION 7.5 -- Effect of Partial Invalidity

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

SECTION 7.6 -- Effective Date

The effective date of these regulations shall be upon approval by the Board of Health.

APPENDICES

TABLE II
DESIGN AREAS FOR SOIL ABSORPTION FIELDS

Soil Texture	Perc Rate Min/Inch	Absorption Field Length (linear feet of 2' trench per bedroom)	Absorption Area (in sq. ft. of trench bottom per bedroom)
Gravelly sand or very Coarse sand	3	Not suitable for standard absorption system	
Loamy sand coarse Sand	3-5	65	130
Fine Sand, Loamy Sand	6-7	70	140
Fine Sand, Loamy Sand	8-10	80	160
Fine Sand, Loamy Sand	11-15	95	190
Sandy Loam, Loam	16-20	110	220
Sandy Loam, Loam	21-25	125	250
Sandy Loam, Loam	26-30	140	280
Loam, Porous Silt Loam	46-60	170	340
Silty Clay Loam, clay loam, clay	Over 60	Not suitable for standard subsurface Absorption System	

The following minimum distances shall be maintained for the septic tank and drainfield, as shown in Table No. 1

TABLE NO. 1		
MINIMUM DISTANCES IN FEET		
FROM	TO SEPTIC TANK	TO ABSORPTION FIELD
Well	50'	100' Property Line
or property line	10'	10'
Foundation Wall	10'	10'
Water Lines	10'	10'
Stream or lake, pond or state water or 100 year floodplain	50'	> or =100'
25% Slopes	10'	25'