

# Ravalli County Waste Water Regs

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8.1.1 Only Conforming Existing Systems may continue to be used (without Alteration) unless public health and safety are directly endangered.

→ **So only homes that conform (match) these new waste water regs may continue to be used.**

8.1.2 Nonconforming Existing Systems may not be lawfully used or Altered, unless specifically granted a variance from the Board of Health or otherwise remedied under Section 8.2.2.

→ **So Any septic systems that do not match these NEW waste water regs are considered NON CONFORMING?**

“Nonconforming Existing System” means an Existing System that does not meet the definition of a Conforming Existing System—e.g. a Wastewater System installed on or after December 31, 1982, (1) without a Wastewater System Permit or (2) with a Wastewater System Permit but in violation of the permit or of any applicable law or regulation in effect at the time the permit was issued.

Page 5 (1.6.2) Under Definitions

1.6.2 “Bedroom” as defined in MDEQ-4 and ARM. (Note in the 2013 version of MDEQ4 an unfinished basement is considered an additional bedroom regardless of whether it is used for sleeping.)

→ **Therefore any home with a basement unfinished or finished counts as a bedroom. Which will change hundreds if not thousands of homes in the valley to have now have non compliant septic systems.**

→ **This would also be for older home that were built prior to 1980, with any additions or modifications.**

→ **Real estate markets definition of a bedroom: must have a closet and not be walked thru and have a separate door.**

Alter” (and “Alteration”) means changing any Wastewater System in any way that is determined by the Department to substantially change the Wastewater System beyond the parameters of the original Wastewater System Permit.

→ **Waste Water Dept has a history of not up keeping records on homes here in the Valley therefore Any Older homes prior to 1980’s could all fall in the “non-compliant” label.**

→ **It is not right to put the burden on the current home owner for bad construction from the past.**

Alter may include, but is not limited to the following: A. Increased Use as defined below.

B. Connecting a different structure to a Wastewater System other than the originally approved structure.

C. Reconnecting to a Wastewater System after a period of nonuse greater than five years.

D. Lengthening or shortening any Absorption System component.

E. → **Replacing the Septic Tank or any components of a Wastewater System, not exempt under 3.3.3.**



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→If home owner is replacing existing with like system and no design is changing then no new waste water system permit should be required.

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## 1.6.10 Increased Use

1.6.10 "Increased Use" means enlargement or change in use of any structure served by a Wastewater System where the enlargement or change in use would, as determined by the Department, increase effluent flow in excess of approved limits or standards.

Increased Use includes but is not limited to the following:

A. Adding one or more Bedrooms to a structure.

C. Adding a business that will have employees or customers, or enlarging a business that would increase effluent flow in excess of approved limits.

→So per page 5 (1.6.2) Under Definitions:

1.6.2 "Bedroom" as defined in MDEQ-4 and ARM. (Note in the 2013 version of MDEQ4 an unfinished basement is considered an additional bedroom regardless of whether it is used for sleeping.)

→So every house with a basement could be now non conforming

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### 3.3 Alteration Wastewater System Permit

3.3.1 An Alteration Wastewater System Permit is required to perform alterations as defined in 1.6.1. An Alteration Wastewater System Permit is not required for minor maintenance as noted in 3.3.3.

3.3.2 An Alteration Wastewater System Permit which would allow for Increased Use must meet all the requirements of a New Wastewater System Permit as described in 3.1.

3.3.3 Minor maintenance may be performed on a Wastewater System without a Wastewater System Permit. Minor maintenance is limited to the following: pumping the Septic Tank, cleaning or replacing the effluent filter, replacing the effluent pump with a pump of equal specifications, unplugging sewer pipes, adjusting the flow leveling devices in a distribution box, installing an access riser or lid, installing an effluent filter, or repairing broken pipes.

Other minor activities not listed above may be conducted without a Wastewater System Permit only if approved in advance in writing by the Department. Any maintenance and repair, not listed as "minor maintenance" above, may only be completed by a certified installer or the owner of record of the tract as allowed in Section 5.1. Septic pumpers may complete minor maintenance, as listed above, but must have certified installer certification for other work.

→ Application for a Wastewater System Permit shall be submitted by the owner(s) of the tract of record or the owner's duly authorized agent on forms provided by the Department and shall, include the following required information:

A. Name, mailing address, and phone number of each and every owner of the tract of record.

B. If application is by owner(s): signature of each and every owner.



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- C. If application is by owner's agent: name, mailing address, and phone number, and signature of owner's agent.
- D. If application is by owner's agent, a form signed by each and every owner designating the authorized agent.
- E. For application by landowners other than a natural person (e.g. an LLC or a corporation), the person signing must provide proof of legal authority.
- F. A lot layout drawn to scale. The applicant is responsible for providing a layout, but the Department may assist if requested. The lot layout drawn to scale, must include the following:
  - a. Property lines;
  - b. Existing and proposed structures, including basements;
  - c. All existing and proposed wells showing adequate separation from the proposed Wastewater System, including but not limited to wells for domestic water or irrigation supply;
  - d. All streams, lakes, springs, ponds, irrigation ditches, and other surface water sources within 100 feet of the proposed Wastewater System.
  - e. Any part of the Delineated Floodplain located within 300 feet of the Wastewater System or within the distance of the length of mixing zone, if the mixing zone requested is greater than 300 feet;
  - f. Location of any area including driveways and parking areas;
  - g. All paved areas including driveways and parking areas;
  - h. Utility lines;
  - i. Any existing Wastewater or sewage disposal systems or facilities;
  - j. A scale (for example: 1 inch = 20 feet);
  - k. Direction and amount of slope on the property;
  - l. A north directional arrow;
  - m. A layout plan for the proposed Wastewater System and replacement area; n. Easements

**→THIS LONG LIST from A to N REQUIREMENTS make it almost impossible for the average home owner to accomplish the task their own. Hiring an engineer or surveyor is a cost increase that adds to the valley**

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### Site Evaluation

The applicant, at the applicant's expense, must have a Site Evaluation conducted, which includes a site visit and a Soil Profile. A Soil Profile shall be within 25 feet of the proposed Absorption System area unless the Department determines that a Soil Profile greater than 25 feet complies with these Regulations. The Department, a licensed engineer, or registered sanitarian may conduct a Site Evaluation, except (1) only the Department may conduct Site Evaluations for systems that are not approved by the State under the sanitation in subdivisions regulations, (2) for lots under review by the State under the sanitation in subdivision regulations, a Qualified Site Evaluator may conduct the site evaluation, but only after giving notification to the Department not less than 3 business days before the evaluation will occur. The Department may require the applicant to provide more than one Soil Profile depending upon the variability of the soils, the type of information necessary and/or the anticipated size of the Absorption System area.

**This process should YES be used for new construction, but for a property that has already had some form of system they should not have to go through this extensive process.**

**\*at applicants expense homeowner must use the Dept. (Which you state in : That if the Dept is too busy then tuff for homeowner must employ licensed engineer, registered sanitarian.**



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## **SITE EVALUATION: Consist of**

**SOIL Profile, percolation test, non degradation analysis also states homeowner may j]have to provide more than one soil profile, as well as ground water monitoring by way of installing one or More Ground wells!**

### 3.10.1

Until successful completion of system design and non-degradation analysis, there is no guarantee that a Wastewater System Permit may be issued. Fees and penalties for these items are non-refundable regardless of outcome.

→IF for any reason the application is denied all fees should be refundable.

3.11 Once written approval is received from the Department, the issuance of a Wastewater System Permit shall **Should get rid of this**→ be guaranteed for a minimum period of 12 months, provided the conditions of approval remain unchanged.

### 3.11.1 Expiration of Wastewater System Permits

A Wastewater System Permit is valid for 24 months from its issue date. If the Wastewater System is not completed within 24 months of the issue date, the

Wastewater System Permit shall expire. In the Department's discretion, an expired Wastewater System Permit may be reissued upon payment of fees and after review and approval by the Department in accordance with the current

### **Why would it expire?**

### 3.13 Invalidation of Wastewater System Permits

- 3.13.1 The Department may revoke and/or revise a previously issued Wastewater System Permit (even if a Wastewater System is under construction) if it determines any of the following:
- A. Ground water or a Limiting Layer becomes evident during installation;
  - B. Substantial difference in site conditions from the initial Site Evaluation is encountered during installation;
  - C. The Wastewater System cannot be constructed as designed on the Wastewater System Permit;
  - D. If there is evidence of tampering with a Groundwater Monitoring Well;
  - E. The Department determines that information reported to the Department in the application and in the application process was not accurate, and that the given information was material to the application;
  - F. The Wastewater System does not comply with all adopted zoning, Delineated Floodplain, covenants, and land use requirements for the area at the time of the application;
  - G. The design, including plans, specifications, or details of construction as built do not comply with the Wastewater System Permit and the application process, unless:
    - a. The changes were approved in writing by the Department or by the supervising engineer (see Section 4.2), or
    - b. The changes are allowed by Section 3.3.3 and Section 4.2; or,
  - H. The proposed or constructed structure does not match the proposed use on the Wastewater System Permit.

→EVEN IF SYSTEM IS UNDER CONSTRUCTION!!



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Page 26 (8.1.3) → **They have the right to periodically check for compliance**

The Ravalli County Environmental Health Department **retains the right to periodically review the permitting for any Existing System and check it for compliance under Article 8.**

This review may occur if requested by the owner of a property at any time, and may be requested by a potential buyer of a property.

**Other events that might trigger compliance review include, but are not limited to:**

- a) if a complaint is received on a property,**
- b) if property is advertised for sale,**
- c) a review by the tax assessor's office shows changes made to a property, or**
- d) in order to inform the new owner, after property has been sold.**

**In order to ensure that all Existing Systems are legally permitted with system capacity that matches existing structures, the Department shall:**

- A. Create and implement a public education process targeted toward home owners, builders, realtors, remodelers, installers, septic pumpers, inspectors, bankers, lender/mortgage companies and title companies.
- B. Create and implement a review process in which instructions and forms for review will be made available to all parties. The review shall compare the existing structures described on the submittal form to the septic permit on file. The review process will typically take no longer than 2 business days from the time of submittal.
- C. Upon completion of review, make a determination of either Conforming or Non-Conforming.
- D. Depending on the results of c) above, either:
  - a. Issue a certificate of Compliance, or
  - b. Issue a certificate of Non-compliance with an itemized list to specify reasoning of why the system is not in compliance.

## 8.2 Nonconforming Existing Systems

**8.2.1 When an application is made for an additional Wastewater System on a tract of record that has a Nonconforming Existing System, the Nonconforming Existing System must be brought into compliance with these Regulations before an application for another Wastewater System will be considered.**

**Example: Homeowner wishes to put a trailer on his back 40 for his older grand mother. He does everything by the book and in doing so he gets a new septic tank permit. However, they send an inspector who then inspects his homes septic system and find fault with it, So this makes the new septic system permit to be stopped, even though he has started construction and paid the contractor to do the work, because now he must divert funds to completely replace his personal septic tank acres away from the new site! But because its all on parcel**

**→ This has occurred to several citizens in the county!**

**→ One was a business owner and the cost almost put them out of business!**



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## 10.3 Right to Inspect Private Property

10.3.1 By submitting an application for a Wastewater System, the owner of the tract of record consents to the Board of Health or authorized agent to inspect any proposed or existing Wastewater System on the subject property from the date of application until six months past the date of final inspection, to determine if the Wastewater System is in compliance with these Regulations.

**→ I see no protections for Ravalli County Citizens.**

**→ No Grandfather Protections For Existing Systems**

**→ Furthermore this puts the highest and hardest burden on the existing ravalli county citizen**

**→ Countless times it mentions property owners needing to retain services of professionals engineers or registered sanitarians**

**→ These Waste Water Regs hurt the existing Valley Citizen, they do not hurt new construction but put the burden squarely on the citizens shoulders.**

**→ The older your home the more chance you are now out of compliance**

**→ This is a huge new financial burden lumped on to the already burdened Valley citizen.**

**→ No to mention the rights and freedoms they expect us to give up**