

ORDINANCE NO. 1-2026

AN ORDINANCE ADOPTING MADISON COUNTY WASTEWATER SYSTEM REGULATIONS

WHEREAS, Madison County regulates wastewater systems by its Madison County Wastewater System Regulations adopted in 2006; and,

WHEREAS, subsequent changes to wastewater system standards and state statute have made it necessary to update the County's wastewater system regulations; and,

WHEREAS, the proposed updates and revisions meet the requirements stated in Montana Code Annotated Title 50, chapter 2, part one and Title 75, chapter 3; and,

WHEREAS, the Madison County Board of Health recommended these revised regulations for adoption by the County Commission; and,

WHEREAS, the Madison County Board of Commissioners passed a resolution of intent to adopt these regulations on December 23, 2025; and,

WHEREAS, copies of the proposed Madison County Wastewater System Regulations (2026) were made available for public review at the Madison County Commissioner's Office and on the Madison County Website, [www.madisoncountymt.gov](http://www.madisoncountymt.gov); and,

WHEREAS, the Madison County Board of Commissioners held a hearing on the proposed regulations on January 13, 2026 which was publicly noticed by publication in the Madisonian for two weeks; and,

WHEREAS, the Madison County Board of Commissioners considered public comment up to and through the public hearing and finds the proposed regulations to be acceptable.

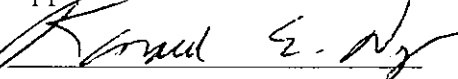
NOW, THEREFORE, BE IT ORDAINED, the Madison County Board of Commissioners adopts the attached Madison County Wastewater System Regulations (2026) which shall replace any and all existing or previous wastewater system regulations.

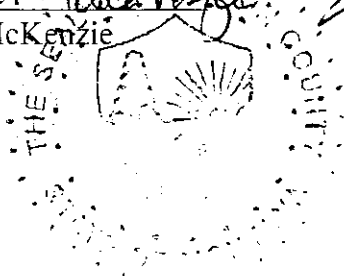
PASSED AT THE FIRST READING by the Madison County Board of Commissioners this 13<sup>th</sup> day of January, 2026.

Attest:

  
Paula McKenzie

Approved:

  
Ronald E. Nye, Chairman



Clerk and Recorder  
Madison County



Duke W. Gilman, Commissioner



William A. Todd, Commissioner

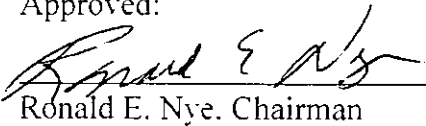
PASSED AT THE SECOND READING by the Madison County Board of Commissioners this 27<sup>th</sup> day of January, 2026.

Attest:

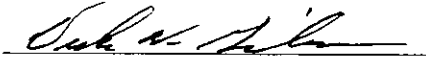


Paula McKenzie  
Clerk and Recorder  
Madison County

Approved:



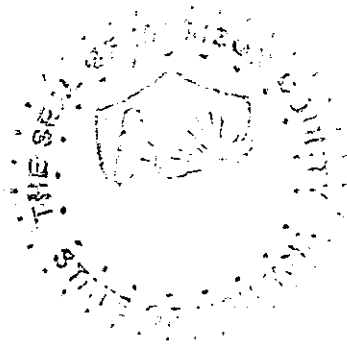
Ronald E. Nye, Chairman



Duke W. Gilman, Commissioner



William A. Todd, Commissioner



# **MADISON COUNTY WASTEWATER SYSTEM REGULATIONS**

Please refer to DEQ-4, 2023 Edition for additional information

Revised February 2026

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## Section 1

### Purpose of Regulations

- 1.1 The Madison County Board of Health and the Madison County Board of County Commissioners recognizes the importance of proper treatment and disposal of wastewater. Diseases such as dysentery, infectious hepatitis, typhoid, paratyphoid, and various types of diarrheal infections are transmitted from one person to another through fecal contamination of food and water. Improper treatment of wastewater plays an important role in the transmission of these diseases. For this reason, every effort should be made to prevent such hazards. Important to the prevention of disease is the proper treatment as well as the disposal of wastewater.
- 1.2 Safe treatment and disposal of all wastewater is necessary to protect public health and the environment, and to prevent the occurrences of public health nuisances. To insure satisfactory results, wastewater must be treated and disposed of so that:
  - 1.2.1 It will not contaminate any existing or future drinking water supply.
  - 1.2.2 It will not pollute or present the potential to contaminate any surface or ground water.
  - 1.2.3 It is not accessible to insects, rodents, or other possible carriers of disease, which may come into contact with food or drinking water.
  - 1.2.4 It is not a health hazard by being accessible to children.
  - 1.2.5 It will not give rise to a nuisance due to odor or unsightly appearance.
  - 1.2.6 It will not violate other laws or regulations governing water pollution or wastewater disposal.
- 1.3 It is with these criteria in mind that the Madison County Board of County Commissioners has adopted the following regulations. The basic principles and standards on the design, construction, installation and maintenance of wastewater treatment systems are adopted to insure the proper treatment and disposal of wastewater and to alleviate potential public health hazards.

## Section 2

### Authority and Scope of Regulations

- 2.1 This Regulation has been written pursuant to Title 50-2-116-Powers and Duties of Local Boards – (1) (j) “propose for adoption by the local governing body necessary regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings and facilities that are not regulated by Title 75, chapter 6, or Title 76, chapter 4. The regulations must describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the department of environmental quality and must provide for appeal of variance decisions to the department of environmental quality as required by 75-5-305.” (2) (b) “propose for adoption by the local governing body necessary fees to administer regulations for the control and disposal of sewage from private and public buildings and facilities;” (fees must be deposited with the Madison County Treasurer).
- 2.2 This Regulation covers ALL types of “Individual Wastewater Treatment Systems” and a “Multi-user Wastewater Treatment System”, as defined herein, in Madison County.
- 2.3 All structures, regularly occupied by people producing wastewater, shall utilize either a permitted individual wastewater treatment system or multi-user wastewater treatment system with the following exceptions:
  - 2.3.1 The wastewater treatment system was installed before October 15, 1991, the effective date of the first county regulations governing septic systems. Such systems must meet the requirements in Section 1.2 of this Regulation.
  - 2.3.2 The wastewater treatment system installed was not governed by the septic system regulations in effect at the time of installation.
  - 2.3.3 The wastewater treatment system being utilized is a public sewage disposal system approved by the Montana Department of Environmental Quality.
- 2.4 The permit system established through this Regulation governs only the installation and operation of wastewater treatment systems. The permit is not to be construed as a building permit or any other permit that may be required by other agencies or offices to erect a structure in Madison County.
- 2.5 The permit establishes the minimum criteria for the wastewater treatment standards adopted in Madison County. The county does not design the wastewater treatment systems. The requirements set forth in the permit do not in any way bind or obligate the County to guarantee the operation of any system.
- 2.6 The Madison County Sanitarian’s Department may require the applicant, through the permitting process, to verify compliance or the ability to comply with other agencies’, districts’, or other governmental entities’, bylaws, ordinances, zoning laws, rules, or regulations, when deemed pertinent by the Department, to protect the applicants’ interest.

## Section 3

### Effective Date and Review Procedures

- 3.1 All provisions established under this Regulation shall replace any previously adopted wastewater regulations and shall be effective thirty (30) days after final adoption by the County Commission.
- 3.2 The Board may, as deemed necessary, conduct a detailed review of this Regulation. Revisions shall be made as needed to insure proper administration and to allow for improved methods of wastewater treatment.

## Section 4

### Definitions

- 4.1 **Abandoned** means any wastewater treatment system whose structure it serves has changed from the structure described with the permit. If a wastewater treatment system was installed before October 15, 1991, said system shall be deemed abandoned if the structure it serves is changed or substantially remodeled. Wastewater treatment systems serving mobile home parks shall not be deemed abandoned with a normal turnover of units.
- 4.2 **Absorption area** means that area determined by multiplying the length and width of the bottom area of the disposal trench.
- 4.3 **Absorption bed** means an absorption system that consists of excavations greater than 3 feet in width where the distribution system is laid for distributing pretreated waste effluent into the ground.
- 4.4 **Absorption system** shall mean any secondary treatment system including but not limited to absorption trenches, elevated sand mounds, and evapotranspiration absorption (ETA) systems used for subsurface disposal of pretreated waste effluent.
- 4.5 **Absorption trench** shall mean an absorption system that consists of excavations less than or equal to 3 feet in width where the distribution system is laid for distributing pretreated waste effluent into the ground.
- 4.6 **Advanced system** shall include any system listed in section 20.1 of this regulation.
- 4.7 **Aerobic wastewater treatment unit** shall mean a wastewater treatment plant that incorporates a means of introducing air and oxygen into the wastewater so as to provide aerobic biochemical stabilization during detention period. Aerobic wastewater treatment facilities may include anaerobic processes as part of the treatment system.
- 4.8 **Applicant** shall mean any person, institution, public or private corporation, partnership, or other entity that submits an application for a permit to construct, repair, replace, or alter a wastewater treatment system.
- 4.9 **Alter** shall mean physically changing a wastewater treatment system by adding to or subtracting from said system, increasing the flow into a system above said systems' design flow, or hooking into an abandoned system. Increasing flow shall include adding bedrooms to a residence.
- 4.10 **Bedrock** shall mean material that cannot be readily excavated by hand tools, or material that does not allow water to pass through or that has insufficient quantities of fines to provide for the adequate treatment and disposal of wastewater.
- 4.11 **Bedroom** shall mean any room that is or may be used for sleeping. An unfinished basement is considered as an additional bedroom.
- 4.12 **Board** shall mean the Madison County Board of Health.
- 4.13 **Certificate of Subdivision Plat Approval** shall mean the statement produced by the Montana Department of Environmental Quality approving a reviewed parcel for structures requiring a water supply and sewer.

- 4.14 **Chemical nutrient reduction** shall mean a wastewater treatment system that incorporates the systematic addition of one or more chemicals into the effluent in order to reduce the concentration of one or more chemical components (such as nitrate or phosphorus).
- 4.15 **Cleanout** shall mean access to a sewer line at least 4 inches in diameter, extending from the sewer line to the ground surface or inside the foundation, used for access to clean a sewer line.
- 4.16 **Construct** shall mean the installation of or excavation for any part of a wastewater treatment system.
- 4.17 **Conventional System** shall mean a wastewater treatment system composed of a septic tank and an absorption field consisting of those listed in section 19.1 of this regulation.
- 4.18 **Department** shall mean the Madison County Sanitarian's Department.
- 4.19 **Design Flow** shall mean the peak flow (daily or instantaneous, as appropriate) for sizing hydraulic facilities, such as pumps, piping, storage, and absorption systems and means the average daily flow for sizing other treatment systems.
- 4.20 **Distribution Box** shall mean a watertight receptacle, which collects effluent and distributes the effluent equally into two or more pipes leading to an absorption system.
- 4.21 **Dosing frequency** shall mean the number of times per day that effluent is applied to an absorption system, drainfield, sand filter, or sand mound, or to a section of an absorption system, drainfield, sand filter, or sand mound.
- 4.22 **Drain rock** shall mean the rock or coarse aggregate used in an absorption system, drainfield, sand mound, or sand filter. Drain rock must be washed, be a maximum of 2 ½ inches in diameter and larger than the orifice size unless shielding is provided to protect the orifice, and contain no more than 2 passing the No. 8 sieve. The material must be of sufficient competency to resist slaking or dissolution. Gravel's of shale, sandstone, or limestone may degrade and may not be used.
- 4.23 **Effluent** shall mean the discharge of liquid waste.
- 4.24 **Effluent Filter** means an effluent treatment device installed on the outlet of a septic tank designed to prevent the passage of suspended matter larger than 1/8 inch in size.
- 4.25 **Experimental System** shall include a system as described in Section 21 of this regulation.
- 4.26 **Fill** shall mean soil materials that have been displaced from their original location. Fill material that has set for five years or more shall be deemed natural soil.
- 4.27 **Floodplain** shall mean the area adjoining the watercourse or drainway which would be covered by the floodwater of a flood of 100-year frequency except for sheet flood areas that receive less than one (1) foot of water per occurrence and are considered "Zone B" by the Federal Emergency Management Agency.
- 4.28 **Flow** shall mean the actual volume in U. S. gallons of wastewater entering a system per day.

- 4.29 **Gravity Dose** shall mean a known volume (dose) of effluent that is delivered to an absorption system in a specific time interval. The effluent may be delivered either by a siphon or by a pump to a distribution box or manifold.
- 4.30 **Gray Water** shall mean any wastewater other than toilet wastes or chemicals, including, but not limited to, shower and bath wastes, kitchen wastewater, and laundry wastes.
- 4.31 **Health Officer** shall mean the legally established authority as designated by the Madison County Board of Health.
- 4.32 **High Groundwater** shall mean the vertical distance from the natural ground surface to the upper surface of groundwater as observed as a free water surface in an unlined hole during the time of year when the groundwater is the highest.
- 4.33 **Holding Tank** shall mean a watertight receptacle for the retention of wastewater where an effluent is not generated.
- 4.34 **Impervious layer** shall mean any layer of material in the soil profile that has a percolation rate slower than 120 minutes per inch.
- 4.35 **Individual Wastewater Treatment Systems** shall mean a system designed to serve one living unit or commercial structure. The total number of people served may not exceed 24.
- 4.36 **Inspection** shall mean the examination, observation, and evaluation of a wastewater treatment system.
- 4.37 **Licensed Installer** shall mean an individual that holds a current license, issued by the Department, to construct, repair, replace, or alter a wastewater treatment system under the terms of this regulation.
- 4.38 **Manifold** shall mean a solid (non-perforated) main wastewater line that distributes effluent to individual distribution pipes.
- 4.39 **Monitoring Well** shall mean a ten (10) foot piece of four (4) inch perforated PVC pipe installed vertically in a hole excavated to eight (8) feet. The excavation shall be back-filled around the pipe and slightly mounded to exclude surface runoff.
- 4.40 **Multiple-user wastewater system** shall mean a nonpublic wastewater system that serves, or is intended to serve, 3 through 14 living units or 3 through 14 commercial structures. The total population served may not exceed 24. In estimating the population served, the reviewing authority shall multiply the number of living units times the county average of persons per living unit based on the most recent census data.
- 4.41 **Nuisance** shall mean anything that is indecent or offensive to the senses.
- 4.42 **Owner** shall mean the person who is shown to be the legal titleholder of a particular parcel of land.
- 4.43 **Passive nutrient reduction** shall mean a wastewater treatment system, other than elevated sand mound, intermittent sand filter, or recirculating san filter, that reduces the effluent concentration of one or more components (such as nitrate or phosphorus) without the addition of chemicals and without mechanical aeration.

- 4.44 **Percolation test** shall mean a standardized test used to assess the infiltration rate of soils. The standard procedure shall be found in Appendix A of this Regulation.
- 4.45 **Permit** shall mean a written authorization issued by the Department allowing construction, repair, replacement, or alteration of a wastewater treatment system under this Regulation.
- 4.46 **Primary treatment** shall mean a treatment system that provides retention time to settle the solids in raw wastewater and that retains scum within the system. This is typically done with a septic tank.
- 4.47 **Public wastewater system** shall mean a system for collection, transportation, treatment, or disposal of wastewater that serves 15, more families, or 25 or more persons daily for a period of at least 60 days in a calendar year. In estimating the population served, the reviewing authority shall multiply the number of living units times the county average of persons per living unit based on the most recent census data.
- 4.48 **Repair** shall mean repairing or replacing any component of a wastewater treatment system due to a physical failure of that component. The Department shall determine if the repair is so minor as to not require a permit. The Department may require any component to be upgraded during the repair if said component is likely to fail or cause failure.
- 4.49 **Secondary Treatment** shall mean process by which the effluent is further treated to remove biological contaminants and reduce nutrient levels. This is typically done with an absorption system.
- 4.50 **Septic Tank** shall mean a storage-settling tank in which settled sludge is in immediate contact with the wastewater flowing through the tank while the organic solids are decomposed by anaerobic action.
- 4.51 **Sewer** shall mean the PVC pipe connecting the house sewer to the septic tank and connecting the septic tank to the secondary treatment system.
- 4.52 **Shared wastewater system** shall mean a wastewater system that serves or is intended to serve two living units or commercial structures. The total number of people served may not exceed 24. In estimating the population served, the reviewing authority shall multiply the number of living units times the county average of persons per living unit based on the most recent census data.
- 4.53 **Slope** shall mean the quotient of the vertical rise divided by the horizontal run and is expressed as a percentage.
- 4.54 **Soil profile** shall mean a detailed description of the soil strata to a depth of at least eight (8) feet. The description can be expressed using the U.S. Department of Agriculture's Soil Classification System or the United Soil Classification System. The description of the soil shall be provided by a person competent in soil analysis.
- 4.55 **Surface water** shall mean any body of water or watercourse, including lakes, ponds, rivers, creeks, streams, irrigation ditches, seeps, and swamps.
- 4.56 **Uniform distribution** is a means to distribute effluent into a sand filter, sand mound, or absorption system such that the difference in flow (measured in gallons per day per square foot) throughout the absorption system, sand filter, or sand mound is less than 10%.

- 4.57 **Wastewater** shall mean water-carried waste that is discharged from a dwelling, building, or other facility, including household, commercial, or industrial wastes; chemicals; human excreta; or animal and vegetable matter in suspension or solution.
- 4.58 **Wastewater Treatment System** shall mean a system for sanitary collection, transportation, treatment and disposal of wastewater operated in accordance with State and Local Board of Health Regulations.

## Section 5

### Application for Permit

- 5.1 It shall be unlawful for any person to construct a new wastewater treatment system or to repair, replace or alter an existing system within Madison County unless that person holds a valid permit issued by the Department for specific construction, repair, replacement and alteration proposed. Systems installed before October 15, 1991, the effective date of the first county regulations governing septic systems, must meet the requirements in Section 1.2 of this Regulation.
- 5.2 Application for permits shall be made to the Department. Permits shall be issued upon compliance by the applicant with the provisions of this Regulation. Application for permits shall be made in writing on forms supplied by the Department, shall be signed by the applicant, and shall include, but not be limited to, the following:
- 5.2.1 Name and address of property owner.
- 5.2.2 Name and address of Applicant.
- 5.2.3 Name of Madison County licensed installer installing the wastewater treatment system.
- 5.2.4 Authorized road address:
- 5.2.5 Legal description (1/4 sections or Section, Township, Range, acres), including subdivision (phase, block, lot) or COS for which the permit is being applied for
- 5.2.6 The number, location, type and size of structures, both existing and proposed, to be connected to the system.
- a. Number of bedrooms to be served by the system for residences, OR
- b. Estimated volume of wastewater produced and how this volume was determined for non-residences.
- 5.2.7 A site plan showing the following:
- a. Shape and size of the entire parcel.
- b. Proximity to all water supplied, other septic system(s), open bodies of water and floodplain within the property and within 100 feet of the property boundary.
- c. Design of the wastewater treatment system.
- d. Area of 100% replacement absorption system.
- e. Location of any drainage ways, if present.
- f. Location of all house site(s), driveways, outbuildings, etc. within the property boundary.
- g. North point.
- \*All efforts should be made to keep the site plan contained within one sheet of paper. A two-page site plan can be accepted if scaling/sizing restricts resolution.
- 5.2.8 Attach copy of the current DEQ approval (COSA) or a Non-Degradation Analysis in accordance with MT MCA 75-5-303
- 5.2.9 A fee in accordance with the Schedule of Fees found in Appendix B of this Regulation. The fee is nonrefundable.
- 5.2.10 To protect the applicant's interest, proof of compliance or the ability to comply with other agencies', districts', or other governmental entities' bylaws, ordinances, zoning laws, rules or regulations, when deemed pertinent by the Department.

## Section 6

### Review of Application

- 6.1 The completed application form shall be submitted to the Department with **ALL** required information and fees, including:
  - 6.1.1 Construction/ Demolition Application with applicable fees.
  - 6.1.2 An Authorized address(es).
  - 6.1.3 Shared well user agreement, if applicable. Recorded in the Madison County Clerk and Records Office.
  - 6.1.4 Easement or deed restriction, if crossing properties, even if owned by the same entity. Recorded at the Madison County Clerk and Records Office.
- 6.2 The Department shall review the application for completeness and to determine compliance with the site requirements as set forth in this Regulation.
  - 6.2.1 The Department shall respond within ten (10) working days from the date the completed application was filed.
  - 6.2.2 The Department shall respond within thirty (30) calendar days for multi-user wastewater treatment systems, public subsurface wastewater treatment systems, or those systems requiring engineering review.
- 6.3 Response from the Department shall be in the form of a valid permit for an approved application or a written denial detailing the deficiencies of an unapproved application.

## Section 7

### Issuance of Permit

- 7.1 A permit to construct, repair, replace or alter a wastewater treatment system shall be issued by the Department upon finding an application complete and in compliance with the site requirements set forth in this Regulation.
- 7.2 The Department may place specific conditions on the permit to facilitate compliance with any provision of this Regulation.
- 7.3 Unapproved changes in plans or specifications after the permit has been issued or any falsification or significant error in data or information submitted by an applicant shall invalidate the permit.
- 7.4 Construction, repair, replacement, or alteration of a wastewater treatment system may begin upon issuance of a permit for the specified construction, repair, replacement, or alteration.
- 7.5 If a wastewater treatment system, for which a permit has been issued, has not been installed, inspected and approved within 12 months for an individual system or 24 months for multi-user systems after issuance of the permit, the permit shall be voided by the Department.
- 7.6 A permit may be extended for an additional 12 months if the Department is notified of the request for the continuation prior to expiration of the permit, and all requirements that exist at the time of continuation can be met. A continuation fee in accordance with the Schedule of Fees found in Appendix B of this Regulation shall be remitted.
- 7.7 There will be no reimbursement of fees received the permit if said permit is voided or invalidated.
- 7.8 All information submitted with the application becomes the property of the Department and will not be returned.
- 7.9 A permit will not be issued until all applicable facilities within the property have been properly assigned an addressed by relevant authority.

## Section 8

### Denial of Permit

- 8.1 The Department may disapprove an application for the construction, repair, replacement or alteration of a wastewater treatment system if the Department determines that:
  - 8.1.1 The proposed wastewater treatment system will not comply with the requirements or specifications of this regulation or.
  - 8.1.2 The applicant has failed to supply all data necessary to make a determination as to whether or not the proposed wastewater treatment system complies with the requirements or specifications of this Regulation, and has failed to provide such information within 180 calendar days after a written notice for such additional information has been made by the Department.
- 8.2 A permit may be denied if it is found that such installation is in conflict with the requirements of the Montana Sanitation in Subdivision Act or its regulations.
- 8.3 A permit may be denied if it is found that any provision of a Certificate of Subdivision Plat Approval has been violated, or there is departure from any criteria set forth in the approved plans and specifications of said subdivision.

## Section 9

### Variance and Appeal

- 9.1 An applicant or any affected person may request a variance from any particular requirement of this Regulation by filing a petition with the Board of Health through the Department. The petition shall contain the following information:
  - 9.1.1 Evidence that the system that would be allowed by the variance is unlikely to cause pollution of state waters.
  - 9.1.2 Evidence that 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.
  - 9.1.3 Evidence that granting of the variance will not adversely affect public health, safety, and welfare.
  - 9.1.4 A summary explanation of the project, or development, and the reason a variance is being sought.
- 9.2 The Madison County Board of Public Health shall review the petition and relevant information at their next regularly scheduled meeting and either grant, grant with conditions, or deny the requested variance. Reasons for any decision will be provided in writing to the person seeking the variance.
- 9.3 The Madison County Board of Public Health decision may be appealed to the Madison County Commissioners. The appeal will be presented at the next regularly scheduled meeting of the Board provided that such request is received ten (10) working days prior to the scheduled meeting date. At this meeting, the appellant may appear in person, be represented by another person, or may appeal to the Board in writing. The Board shall respond to the appellant in writing stating its decision and the reasons therefore, within thirty (30) days after hearing and/or reviewing the appeal. The decision shall be to grant, grant with conditions, or deny the variance.
- 9.4 The appellant, upon exhausting the appeals process listed in this Section may, under Section 75-5-305, MCA, take the appeal to the Montana Department of Environmental Quality.

## Section 10

### Inspection of Wastewater Treatment System

- 10.1 All wastewater treatment systems governed by these regulations shall be inspected by the Department before back-filling all or any portion of said system, unless the Department has granted specific permission. An as-built drawing of the system shall be submitted by the Madison County licensed installer or approved homeowner upon completion of the system.
- 10.2 The applicant or installer shall request an inspection from the Department no less than twenty-four (24) working hours prior to completion. Inspections shall be conducted by the Department during normal working hours.
- 10.3 The issuance of a permit to construct, repair, replace, or alter a wastewater treatment system establishes landowner consent, which allows the Department to enter the property for the purpose of making inspections to determine compliance with this Regulation and the specification of the permit.
- 10.4 Final approval to backfill or complete a system will be given to the Madison County licensed installer and/or permit holder only after an inspection is completed by this department. Approval may be written or verbal.
- 10.5 Final approval for engineered systems can be issued after the design engineer furnishes an as-built drawing of the system and written certification that the system was installed in accordance with the approved design.
- 10.6 If, upon final inspection of the wastewater treatment system, the Department finds the system deviates significantly from the plans and specifications filed with the permit or is not in full compliance with this Regulation, the Department shall withhold final approval to back fill the system. The Department shall notify the applicant or owner immediately of the deficiencies and require that corrective action be taken. The deficiencies shall be corrected within fifteen (15) working days of notification, unless a longer compliance schedule is approved by the Department.
- 10.7 A re-inspection shall be made upon the request of the applicant or installer, as specified in this Section, to ensure the deficiencies have been corrected and the system is in compliance with the plans and specifications filed with the permit and this Regulation. A re-inspection fee in accordance with the Schedule of Fees found in Appendix B of this Regulation shall be submitted before the Department issues approval to backfill.
- 10.8 Inspections of wastewater treatment systems by the Department, as required by this Regulation, are performed strictly for determining compliance with this Regulation. Inspections are not conducted for the purpose of analyzing or insuring workmanship. Final approval of the wastewater treatment system shall not be construed as a guarantee to the life expectancy or operation of the system.

## Section 11

### Operation of Wastewater Treatment System

- 11.1 The property owner shall be responsible for the proper operation, maintenance, and cleaning of the system and/or abatement of any nuisance arising from its failure.
- 11.2 The Department may require the owner of a wastewater treatment system to maintain and submit records of inspection, maintenance, cleaning and testing performed on the system to the Department.
- 11.3 It shall be unlawful for any person utilizing a wastewater treatment system to dispose of hazardous chemicals such as, but not limited to, gasoline, oil, paint, paint thinner, antifreeze, pesticides, solvents, and oven cleaners into the system.
- 11.4 The Department is hereby empowered and authorized to enter upon private property for the purpose of inspecting a wastewater treatment system, or to determine compliance with this Regulation. The owner or occupant of property having a wastewater treatment system shall give the Department free access to the property for such inspection, including the taking of effluent samples. This Section does not, however, authorize the Department to enter any private residence without otherwise complying with the law.

## Section 12

### Installer Licensure

- 12.1 It shall be unlawful for any person, except as delineated in this Section, to construct, repair, replace, or alter a wastewater treatment system within Madison County unless that person holds a valid Madison County Wastewater Treatment System Installer's License. The licensed installer must be present at the site for the duration of the work being performed on the system. A homeowner constructing, repairing, replacing or altering a wastewater treatment system for his/her own property must first pass the Madison County Licensed Installers Exam. Homeowners are not required to take the Madison County Licensed Installers Course, although it is recommended. Builders who may own several parcels of land and who build structures on these parcels for sale, rent, or lease and not for the purpose of their residing in said structures, shall not be considered a "homeowner" and are not exempt from this requirement.
- 12.2 All first-time applications for installer licenses shall be made to the Department who may grant the license upon completion of the following:
- 12.2.1 Submitting a completed license application, which contains the name, address, and telephone number of the applicant.
  - 12.2.2 Successful completion of the licensing examination which will be administered by the Department.
  - 12.2.3 Receipt of the license fee in accordance with the Schedule of Fees found in Appendix B of this Regulation.
- 12.3 All applications for license renewal shall contain all the elements of a first-time application, except the examination requirement may be waived if the applicant has demonstrated knowledge of good wastewater system design and installation in the year immediately preceding the application.
- 12.3.1 Receipt of the license fee in accordance with the Schedule of Fees found in Appendix A of this Regulation.
  - 12.3.2 Madison County will require a Licensed Installer Class to be attended once every 3 years.
- 12.4 Installer licenses shall be valid from March 1 through February 28, for the year stated on the license unless revoked, and shall be renewable by March 1 of the following year. Licenses are not transferable.
- 12.5 Installer licenses may be denied for any of the following reasons:
- 12.5.1 Having constructed, repaired, replaced, or altered a wastewater treatment system without a valid permit, and/or,
  - 12.5.2 Having his/her installer license revoked within twelve (12) months preceding the application, and/or,
  - 12.5.3 Failure to meet the terms of License Application.
- 12.6 The Department shall notify the licensed installer of the revocation and the grounds of the decision by personal service or certified mail.

- 12.7 Installer licenses are the property of the Department and may be revoked by the Health Officer at any time for the following reasons:
  - 12.7.1 Construction, repair, replacement, or alteration of a wastewater treatment system prior to the issuance of a permit. and/or.
  - 12.7.2 Failure to gain approval for a wastewater treatment system construction, repair, replacement, or alteration, and/or.
  - 12.7.3 Having provided false evidence or information to obtain a permit or gain approval of a wastewater treatment system construction, repair, replacement or alteration.
- 12.8 The licensed installer may appeal the revocation to the Madison County Board of Health under the procedures specified in Section 9.3. The decision of the Board shall be determined as final.
- 12.9 The term of revocation will be for one calendar year from the date of the revocation. Re-licensure shall be permitted only after completion of the requirements set forth in Section 12.2.

## Section 13

### Enforcement Provision

- 13.1 Cease and Desist Order – The Department may issue a written order to any person or persons to cease and desist from the use of any system which is found by the Department not to be functioning in compliance with this Regulation. The order shall require that the owner or occupant bring the system into compliance or eliminate the violation within a reasonable period of time not to exceed thirty (30) days, or thereafter cease and desist from the use of the system. Service of such notice shall be by certified mail, return receipt requested, and shall be considered complete on receipt by the Department of the return receipt. The Department shall give the person, or persons to whom the order is directed, an opportunity for a hearing before the Board of Health within thirty days (30) of receipt of the order. Following said hearing, the Board of Health shall affirm, modify or revoke the Cease and Desist Order.
- 13.2 Any person who violates any provision of this Regulation shall, upon conviction, be punished by a fine not less than ten (\$10) dollars and not more than two hundred (\$200) dollars, for each offense. Each day of violation constitutes a separate offense. The first day of violation shall be the date of the notice of violation.
- 13.3 Failure to comply with a Cease and Desist Order may result in the Board of Health seeking enforcement of the Order through legal action.

## Section 14

### Severability and Conflict

- 14.1 Conflict of Ordinances, Effect on Partial Invalidity: In any case where a provision of this Regulation is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, regulation or code of Madison County, or any municipality with Madison County existing on the effective date of this regulation, the provision which, in the opinion of the Department, establishes the higher standard for the protection of the health and safety of the people, shall prevail.
- 14.2 If any section, subsection, paragraph, sentence, clause, or phrase of the Regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this Regulation which shall remain in full force and effect: and to this end, the provisions of this regulation are hereby declared to be severable.

## Section 15

### Minimum Requirements for Wastewater Treatment Systems

#### 15.1 General:

- 15.1.1 Wastewater treatment systems shall not violate the requirements of Section 1.2.
- 15.1.2 All proposed systems must meet the minimum standards of the most current MT DEQ Circular 4 and MT ARM 17.36, incorporated by reference in these regulations as updated from time to time.
- 15.1.3 The wastewater treatment system shall consist of a sewer line from a point two (2) feet outside the foundation wall to the primary treatment device (septic tank) and a sewer line from the primary treatment device to the secondary treatment system (absorption system).
- 15.1.4 The wastewater treatment system shall be designed to accept domestic wastes including gray water. Water from roof drains, groundwater, surface runoff, sump pumps, etc., shall not be discharged into a wastewater treatment system and should be purposely diverted away.
- 15.1.5 Madison County requires a minimum of 1500 gallon septic tank, unless previous approval has been granted.
- 15.1.6 Madison County requires a minimum trench length of 50' and a minimum of 2 trench laterals for all gravity systems.

#### 15.2 Location:

- 15.2.1 Location of wastewater treatment systems shall be based on size and shape of the lot, soil types, slope of the land, depth to groundwater, depth to bedrock and other limiting layer, proximity to existing and future water supplies, proximity to existing wastewater treatment systems, proximity to surface water and floodplain, and replacement.

**APPENDIX A**

**Schedule of Fees**

<b>Septic Permit Fees</b>	<b>Fee Amt.</b>	<b>Add Fee</b>
Standard Conventional System	\$ 300.00	-
Advanced Alternative System	\$ 400.00	-
Experimental System	\$ 600.00	-
Replacement System	\$ 200.00	-
Parcel has DEQ Approval	-	\$ -
Parcel does not have DEQ Approval	-	\$ 100.00
Licensed Installer	-	\$ -
Homeowner Install	-	\$ 300.00
<b>Installer Fees</b>		
New Installer	\$ 200.00	-
Licensed Installer Renewal	\$ 100.00	-
<b>Other Fees</b>		
Permit Continuation	\$ 100.00	-
Variance Request Application	\$ 300.00	-
Septic System Re-Inspection	\$ 100.00	-

Please make checks payable to: **Madison County Sanitarian**

You may pay over the phone by calling the Madison County Treasurer at:

**(406) 898-4381**

Tell them you are a making a payment and give them code: **1000-341032**



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Paula McKenzie, 311 PK W RECORDER      REC

Fee: \$ 0.00

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*Paula McKenzie*