

## Ravalli County Wastewater Rules – FAQs

**What is the reason for these new regulations?** The Board of Health has seen an increasing number of non-conforming system over the last 5 to 6 years, along with other administrative changes noted since the 2011 version.

**What is the definition of a non-conforming system?** “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.

Example - The number of bedrooms in the house exceeds the number listed on the septic permit. (ie. permit for 3 bedrooms, house has 5).

**What is the definition of bedrooms?** Any room that is or maybe used for sleeping. An unfinished basement is considered an additional bedroom ([MDEQ-4](#) and [ARM 17.36.101](#))

**What triggers a review of existing septic systems?** A majority of these reviews are triggered by request of the owner, request of potential buyer of a property, a complaint received on a property, if the property is advertised for sale, tax assessor’s office shows changes made to a property, notice that the property has been sold, information sent to new owner.

**How does an owner determine the status of their septic system?** Request a review from the Department. The Department will review permit records (after December 31, 1982) to determine compliance. A Certificate of Compliance or a notice of non-compliance with steps to correct will be issued.

**What is the response timeframe for a review?** Typically, no longer than 2 business days from time of submittal.

**What happens if the system is non-conforming?** The system may not be lawfully used or altered, unless specifically granted a variance from the Board of Health or otherwise remedied (Section 8.2.2)

**What is the procedure to bring a property into compliance?** The Department will complete an assessment and provide options for correction (includes option to request variance). These options may include permit the existing system as installed, modify or enlarge the existing system, replace the existing system, modify the structure to conform to the existing system, or the Board of Health may grant a variance to allow continued use with or without alterations.

**Who is responsible for correcting a non-conforming system?** The current owner.

**How long does the owner have to correct a non-conforming system?** Generally, the Board will allow 12 months to bring system into compliance **provided that there is no imminent public or environmental health risk.**

**How does the owner apply for a variance?** Submit application with fee to the Department at least 21 days prior to the desired Board of Health meeting date to allow the Department to meet statutory public notice requirements. A public hearing will be scheduled with the Board of Health in accordance with Section 10.2.

**Does the variance transfer with the property?** No, the subsequent owner must either bring the system into compliance or submit for their own variance. The potential owner may apply for the variance prior to ownership, with permission from the current owner.

**Is there an emergency variance process?** Not at this time, the Board meets monthly to review variance request.

**Is the certificate of compliance filed with the Clerk & Records office?** All new certificates will be filed.

**Is the real estate agent required to secure a certificate of compliance prior to closing escrow?**

No, the county does not require a certificate of compliance to be issued in order to record the sale. Discuss your office policy's regarding disclosure with your broker.

**What is the cost for the Certificate of Compliance?** There is no charge at this time.

**Do these rules apply only to residential structures?** No, they apply to all wastewater septic systems; residential and commercial. (check with Sanitarian for specific rules)

Commercial properties may be just as prone to non-compliance as residential buildings because there are a variety of different commercial uses with different gallons per day per person sizing. For example, a commercial building permitted for 2 employees and 22 customers per day (total 92 gallons per day) is different if changing to 24 employees per day (312 gallons per day).

**How long are site evaluations good for?** As long as conditions on the property have not changed, they do not expire.

For any other questions or clarification of any of the items above, please contact the Ravalli County Environmental Health Department at (406) 375-6565, or [rceh@rc.mt.gov](mailto:rceh@rc.mt.gov).