

LEWIS AND CLARK CITY-COUNTY BOARD OF HEALTH MEETING AGENDA
1930 9th Ave – Public Health Conference Room or Zoom
March 27, 2025
1:00-3:00pm

*Our **vision** is healthy people, community, and environment*
*Our **mission** is to improve and protect the health of all Lewis and Clark County Residents*
*Our **values** are leadership, collaboration, inclusiveness, effectiveness, and integrity*

TIME	CATEGORY	ITEM	PAGE
1:00	Call to Order		
1:00	Review of Agenda	1. Review and revision of agenda	1
1:05	Minutes	2. February 27, 2025	2
1:10	Action Item	3. Onsite Wastewater Regulation – Recommend for adoption	6
2:10	Alignment with LCPH 5 Strategic Initiatives * denotes alignment with the 2022 Community Health Improvement Plan	4. * Suicide Prevention and Safer Communities Montana Update (Rachel & Jakob)	56
		5. Air Quality Update (Jay)	57
		6. Measles Preparedness	61
		7. Call for Board Finance Committee members	68
		8. Legislative Update	69
	Board Training * select 1 function per offering *	Policy Development (combined with agenda item #3)	Governance Functions: - Policy Development - Resource Stewardship - Legal Authority - Partner Engagement - Continuous Improvement - Oversight
2:45	Announcements	9. Confluence Public Health Alliance Annual Conference Board of Health track: April 8 th starting at 10am – April 9 th ending at 12pm	70
2:50	Public Comment	10.	76
3:00	Adjourn		

ADA NOTICE

Lewis and Clark County is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The County will not exclude persons with disabilities from participation at its meetings or otherwise deny them County's services, programs, or activities. Persons with disabilities requiring accommodations to participate in the County's meetings, services, programs, or activities should contact Kari DesRosier, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: (406) 447- 8316 TTY Relay Service 1-800-253-4091 or 711 kgrose@lccountymt.gov 316 N Park, Room 303

LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana

BOARD AGENDA ITEM

Meeting Date

March 27, 2025

Agenda Item No.

1

☐ Minutes ☒ Board Member Discussion ☐ Staff & Other Reports ☐ Action ☐ Hearing of Delegation

AGENDA ITEMS: Review of Agenda

PERSONNEL INVOLVED: Board Members

BACKGROUND: Time is allowed for board members to review the agenda and to add any new agenda items.

HEALTH DIRECTOR'S RECOMMENDATION: Approval

☐ ADDITIONAL INFORMATION ATTACHED

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Brown						
Reed						
Harris						
Kaufman						
MacLaurin						
Ohs-Mosley						
Rolfe						
Weltz						

LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana

BOARD AGENDA ITEM

Meeting Date

March 27, 2025

Agenda Item No.

2

☒ Minutes ☐ Board Member Discussion ☐ Staff & Other Reports ☒ Action ☐ Hearing of Delegation

AGENDA ITEMS February 27, 2025 Minutes

PERSONNEL INVOLVED: Board Members

BACKGROUND: Upon approval, the minutes represent official actions of the Board of Health. Every effort is made to have these recommended minutes accurately portray the proceedings and procedures of the board.

HEALTH DIRECTOR'S RECOMMENDATION: Approval

☒ ADDITIONAL INFORMATION ATTACHED

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Brown						
Reed						
Harris						
Kaufman						
MacLaurin						
Ohs-Mosely						
Rolfe						
Weltz						

LEWIS AND CLARK CITY-COUNTY BOARD OF HEALTH

Board of Health Meeting Minutes for February 27, 2025

Board Members Present

Dr. Mikael Bedell, Vice Chair <i>Representing practicing physician</i>	Lisa Kaufman, Hearings Officer <i>Representing science, environmental health expertise</i>	Chanan Brown <i>Representing a resident living in the City of Helena</i>	Tom Rolfe <i>Representing the County Commission</i>	Sherri Ohs-Mosley <i>Representing a resident living in the county</i>
Melinda Reed <i>Representing the City Commission</i>	Mayor Kelly Harris <i>Representing East Helena City Council</i>			

Staff Present

Drenda Niemann	Beth Norberg	Laurel Riek	Shelly Maag	Val Stacey
Jay Plant	Jakob Miles	Rachel Jefferies		

Guests

Nicho Hash, Keegan Shea, Joe Nistler, Frank Kolar, Becky Dockter, Ryan Leland, Brian Holling, Chris Brink, Greg McNally

Members Absent

Chair, Brie MacLaurin <i>Representing a consumer of health services</i>	Rex Weltz <i>Representing Helena Public Schools Superintendent</i>			
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Category	Agenda Item
Call to order	Dr. Bedell, the Board Vice Chair, called the meeting to order at 1:00 p.m., and a quorum was established.
Review of Agenda	Director Drenda Niemann suggested that the Board add a legislative update after the Air Quality presentation. All were in favor of the addition timing permitting.
Minutes	The Board approved the January 23, 2025 meeting minutes with a spelling change to the section listing guests attending.
Action Items	#1 –Beth Norberg, Sanitarian for LCPH, presented findings regarding the variance request for 1380 Joslyn Street in Helena (Kolar Tire), property owner Frank Kolar. She explained that the property's location within the City-County urban interface boundary required board discussion specifically related to the request meeting the financial burden criteria. Legal interpretation cited Department of Environmental Quality's (DEQ) Administrative Rules that state only the cost of the connection to city sewer can be considered when

Category	Agenda Item
	<p>deliberating the variance request. Norberg found no evidence supporting the variance based on Economic Impracticality since the cost to connect to city sewer did not exceed three-times the amount to put in a septic system.</p> <p>Vice Chair Dr. Bedell opened public comment. City Attorney Becky Dockter urged the Board to deny the request as it did not meet the criteria. Developer Joe Nistler raised concerns about annexation costs, including the absence of sewer stubs and potential installation delays. Public Works Director Ryan Leland highlighted the importance of adhering to the MOU between the City and County for urban growth standards.</p> <p>Sherri Ohs-Mosley asked about connecting solely to sewer lines, and Kolar admitted he was unaware of the annexation guidelines. Mayor Harris inquired about annexation costs, and Leland explained the "latecomers" fee structure, emphasizing financial implications for developers and property owners. Val Stacey, LCPH Epidemiology, questioned if annexation rules could exclude curbs and trees.</p> <p>After public comments, County Commissioner Tom Rolfe sought a breakdown of annexation costs, which Kolar estimated at nearly \$300,000. A discussion ensued about supporting small local businesses, with Commissioner Rolfe asserting that more assistance from the city should be provided to Kolar. The City Attorney reminded the Board to focus on the established criteria for variances. Lisa Kaufman warned against approving the variance due to the unsustainability of septic systems which would lead to the future need for annexation anyway.</p> <p>Mr. Rolfe made a motion to approve the variance with language requesting the city work with Mr. Kolar on annexation costs. Sherri Ohs-Mosley seconded the motion. Mayor Harris asked the county legal representatives Nicho Hash and Keegan Shea if the Board could make recommendations to the city as a stipulation of granting the variance. Nicho Hash emphasized adherence to regulations as it's not in the scope of the Board to enforce collaboration between the city and property owners.</p> <p>City Commissioner Reed requested no recommendations in the motion to avoid conflicts, while Sherri noted the deceptive nature of the rules for property owners regarding the need for annexation. The 1st motion to approve the variance vote failed 2-5, Rolfe- Yes, Ohs-Mosley-Yes, Reed-No, Brown-No, Bedell-No, Kaufman-No, Harris-No, the 2nd motion to deny the variance passed with a vote 5-2, Reed-Yes, Ohs-Mosley-No, Rolfe-No, Harris-Yes, Brown-Yes, Kaufman-Yes, Bedell-Yes.</p>
Action Items	<p>#2- Beth Norberg presented the proposed changes to the On-Site Wastewater Treatment Regulations document. The changes were primarily grammatical and formatting, updating section 2.1 to align with the Administrative Rules of Montana (ARM), revising subsection 2.8, 7C to provide language that offers greater flexibility for replacing septic system parts instead of entire functioning systems and updating section 3.4 to reflect personnel changes within LCPH while removing outdated definitions no longer present in the document. Sherri Ohs-Mosley inquired how the public would be informed of the proposed changes. Beth mentioned notifications would be made through a newspaper legal ad, the county website, distributed to libraries, social media announcements, and other methods. A motion was made to open the public comment period for the proposed regulation</p>

Category	Agenda Item
	amendments. The vote was unanimous for the period from February 27 to March 27. Drenda gave an overview of the process for updating the regulations.
Alignment with LCPH Strategic Initiatives- <i>Improve health across the lifespan</i>	#4- Drenda suggested to the Board that the Suicide Prevention and Air Quality presentations be postponed to a future meeting due to the limited time remaining in the meeting. Laurel Riek then presented the recently updated Lewis & Clark County Communicable Disease Response Plan. Her overview for the Board covered topics such as active and passive surveillance, the investigation of both lab-confirmed and unconfirmed illnesses, restrictive disease control measures, education on current outbreaks, and the use of Health Alert Network (HAN) messaging system. Laurel also highlighted recent updates, including refreshed links to ARMs and the separation of the Emergency Preparedness Plans into individual plans for ease of use by the staff. Val Stacey, LCPH Epidemiology gave a summary of current epidemics such as bird flu, the increase in Pertussis, and Syphilis, in which the Board engaged with questions regarding the spread of the avian flu to mammals. Val gave the good news that Montana is good at keeping communicable diseases at very low levels.
Announcements	No announcements
Public Comment	No further public comment on items not listed on the agenda.
Adjourn	The meeting was adjourned at 3:13 pm.

LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana

BOARD AGENDA ITEM

Meeting Date

March 27, 2025

Agenda Item No.

3

☐ Minutes ☒ Board Member Discussion ☒ Staff & Other Reports ☒ Action ☐ Hearing of Delegation

AGENDA ITEMS: Action Item

PERSONNEL INVOLVED: Board Members and Staff

BACKGROUND: Board Training-Governance Functions - Policy Development and Onsite Wastewater Regulations recommend for adoption

HEALTH DIRECTOR'S RECOMMENDATION: N/A

☒ ADDITIONAL INFORMATION

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Brown						
Reed						
Harris						
Kaufman						
MacLaurin						
Ohs-Mosley						
Rolfe						
Weltz						

The Governance Functions

NALBOH is the national voice for the boards that govern health departments and shape public health policy. Since its inception, NALBOH has connected with board of health members and elected officials from across the country to inform, guide, and help them fulfill their public health responsibilities in their states and communities. Driven by a mission to strengthen and **improve public health governance**, NALBOH worked with CDC and other national partners to identify, review, and develop the following model of **six functions of public health governance**.

Policy development: Lead and contribute to the development of policies that protect, promote, and improve public health while ensuring that the agency and its components remain consistent with the laws and rules (local, state, and federal) to which it is subject. These may include, but are not limited to:

- Developing internal and external policies that support public health agency goals and utilize the best available evidence;
- Adopting and ensuring enforcement of regulations that protect the health of the community;
- Developing and regularly updating vision, mission, goals, measurable outcomes, and values statements;
- Setting short- and long-term priorities and strategic plans;
- Ensuring that necessary policies exist, new policies are proposed/implemented where needed, and existing policies reflect evidence-based public health practices; and
- Evaluating existing policies on a regular basis to ensure that they are based on the best available evidence for public health practice.

Resource stewardship: Assure the availability of adequate resources (legal, financial, human, technological, and material) to perform essential public health services. These may include, but are not limited to:

- Ensuring adequate facilities and legal resources;
- Developing agreements to streamline cross-jurisdictional sharing of resources with neighboring governing entities;
- Developing or approving a budget that is aligned with identified agency needs;
- Engaging in sound long-range fiscal planning as part of strategic planning efforts;
- Exercising fiduciary care of the funds entrusted to the agency for its use; and
- Advocating for necessary funding to sustain public health agency activities, when appropriate, from approving/appropriating authorities.

Legal authority: Exercise legal authority as applicable by law and understand the roles, responsibilities, obligations, and functions of the governing body, health officer, and agency staff. These may include, but are not limited to:

- Ensuring that the governing body and its agency act ethically within the laws and rules (local, state, and federal) to which it is subject;
- Providing or arranging for the provision of quality core services to the population as mandated by law, through the public health agency or other implementing body; and
- Engaging legal counsel when appropriate.

Partner engagement: Build and strengthen community partnerships through education and engagement to ensure the collaboration of all relevant stakeholders in promoting and protecting the community's health. These may include, but are not limited to:

- Representing a broad cross-section of the community;
- Leading and fully participating in open, constructive dialogue with a broad cross-section of members of the community regarding public health issues;
- Serving as a strong link between the public health agency, the community, and other stakeholder organizations; and
- Building linkages between the public and partners that can mitigate negative impacts and emphasize positive impacts of current health trends.

Continuous improvement: Routinely evaluate, monitor, and set measurable outcomes for improving community health status and the public health agency's/governing body's own ability to meet its responsibilities. These may include, but are not limited to:

- Assessing the health status of the community and achievement of the public health agency's mission, including setting targets for quality and performance improvement;
- Supporting a culture of quality improvement within the governing body and at the public health agency;
- Holding governing body members and the health director/health officer to high performance standards and evaluating their effectiveness;
- Examining structure, compensation, and core functions and roles of the governing body and the public health agency on a regular basis; and
- Providing orientation and ongoing professional development for governing body members.

Oversight: Assume ultimate responsibility for public health performance in the community by providing necessary leadership and guidance in order to support the public health agency in achieving measurable outcomes. These may include, but are not limited to:

- Assuming individual responsibility, as members of the governing body, for actively participating in governing entity activities to fulfill the core functions;
- Evaluating professional competencies and job descriptions of the health director/health officer to ensure that mandates are being met and quality services are being provided for fair compensation;
- Maintaining a good relationship with health director/health officer in a culture of mutual trust to ensure that public health rules are administered/enforced appropriately;
- Hiring and regularly evaluating the performance of the health director; and
- Acting as a go-between for the public health agency and elected officials when appropriate.

All public health governing entities are responsible for some aspects of each function. No one function is more important than another. For more information about the six governance functions, please visit www.nalboh.org.

Approved by the NALBOH Board of Directors – November 2012





Summary of Changes

2025 Rewrite of the Lewis and Clark County Onsite Wastewater Treatment Regulations

The Lewis and Clark County Onsite Wastewater Regulations were last updated in February 2020. These regulations are to be reviewed and evaluated by the Board every 2 years. Because there were to be Administrative Rule changes at the State level, staff held off so that when the ARM was updated, then the local regulations could be updated to reflect new changes. That has not happened to date, and the Environmental Division is moving forward with review and changes.

Below is a summary of the draft changes to the regulations:

1. Correction of typos. General formatting will be addressed in the final draft. This document is very hard to format in the Track Changes format.
2. Section 2.1 (Page 2): Change to mirror ARM 17.36.913(1).
3. Section 2.8(7)(c) (Page 6): Established flexibility to allow existing component parts of a septic system with specific conditions.
4. Section 3.4 (Page 8): Changed Environmental Services Division Administrator to Administrator to reflect current structure of the Health Department.
5. Section 10 (Page 32): Removed definitions that are in Circular DEQ-4, and are no longer located in the regulations. Also corrected numbering, typos, etc.
6. Updated page numbers.

Our mission is to improve and protect the health of all Lewis and Clark County residents.

LEWIS AND CLARK COUNTY

ON-SITE WASTEWATER
TREATMENT
REGULATIONS

~~2020~~2025

LEWIS AND CLARK PUBLIC HEALTH

ENVIRONMENTAL HEALTH DIVISION

~~316 NORTH PARK~~1930 9th Avenue, HELENA, MT 59601²³
(406) 447-8351

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TABLE OF CONTENTS
FOR ONSITE WASTEWATER TREATMENT REGULATIONS

SECTION 1.	<u>AUTHORITY, SCOPE, AND REVISIONS</u>	Page 1
1.1	Title	
1.2	Authority and Fees	
1.3	Findings	
1.4	Scope	
1.5	Revision	
1.6	Violations	
SECTION 2.	<u>REVISION AND GENERAL REGULATIONS</u>	Page 2
2.1	Public Health Threats	
2.2	General Prohibitions	
2.3	Construction Prohibitions	
2.4	Occupancy Prohibitions	
2.5	Prohibited Systems	
2.6	Systems Requiring Connection to Public Wastewater	
2.7	Connection to Abandoned Systems	
2.8	Failed Systems	
2.9	Design and Operation Limits	
SECTION 3.	<u>PERMIT PROCEDURES AND REQUIREMENTS</u>	Page 6
3.1	Applications to Construct All Systems	
3.2	Permits to Construct New Systems	
3.3	Permits to Alter or Replace Existing Systems	
3.4	Denial of Permits to Construct or Alter On-Site Wastewater Treatment Systems and Variance Procedure	
SECTION 4.	<u>REQUIREMENTS FOR ALLOWABLE SYSTEMS</u>	Page 10
4.1	Septic Tank Requirements	
4.2	Holding Tank Requirements	
4.3	Site Requirements	
4.4	Treatment Field Requirements	
4.5	Minimum Construction Requirements	
SECTION 5.	<u>REQUIREMENTS FOR EXPERIMENTAL SYSTEMS</u>	Page 17
5.1	General Compliance	

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TABLE OF CONTENTS
FOR ONSITE WASTEWATER TREATMENT REGULATIONS
Page 2

SECTION 6.	<u>CERTIFIED INSTALLER PROGRAM</u>	Page 17
6.1	Certification Program	
6.2	Renewal of Certification	
6.3	Records	
6.4	Revocation of Certification	
SECTION 7.	<u>INSPECTIONS</u>	Page 19
7.1	Inspection of Systems Installed by Certified Installers	
7.2	Inspection of Systems Installed by Non-Certified Installers	
SECTION 8.	<u>OPERATION AND MAINTENANCE</u>	Page 21
8.1	General Requirements	
8.2	Owner/Occupant Responsibilities and Requirements	
8.3	Operation and Maintenance (O and M) Service Provider Responsibilities and Requirements	
8.4	Department Responsibilities and Requirements	
SECTION 9.	<u>ENFORCEMENT AND SEVERABILITY</u>	Page 28
9.1	Access Rights	
9.2	Enforcement and Penalties for Violations	
9.3	Severability	
SECTION 10.	<u>DEFINITIONS</u>	Page 31
SECTION 11.	<u>REPEALER AND EFFECTIVE DATE</u>	Page 38

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SECTION 1. AUTHORITY, SCOPE, AND REVISIONS

1.1. TITLE

This must be known and cited as: THE REGULATIONS GOVERNING THE ON-SITE TREATMENT OF WASTEWATER IN LEWIS AND CLARK COUNTY.

1.2 AUTHORITY AND FEES

- (1) The Board promulgates these regulations under the authority of Section 50-2-116. MCA.
- (2) Fees must be charged for the administration of these regulations under the authority of Section 50-2-116, MCA.
- (3) Pursuant to 50-2-116, MCA, local boards of health must adopt regulations no less stringent than those in Title 17, Chapter 36, Sub-Chapter 9 of the Administrative Rules of Montana (A.R.M.).
- (4) Construction or alteration of on-site wastewater treatment systems must conform to the requirements found in Montana Department of Environmental Quality (DEQ) Circular DEQ-4 and A.R.M. 17.36.900.
- (5) Local boards may adopt stricter requirements or specifications than those found in A.R.M 17.36.900, as provided in 50-2-116 and 50-2-130, MCA.

1.3 FINDINGS

The Board finds that

- (1) Regulating the treatment and disposal of wastewater and the design, construction, use, alteration, maintenance or repair of on-site wastewater treatment systems within Lewis and Clark County leads to the control of environmental pollution and communicable diseases; and
- (2) These regulations are necessary for the protection of the public health and the control of environmental pollution within Lewis and Clark County

1.4 SCOPE

- (1) These regulations apply to any person constructing, using, maintaining, altering, or repairing new, existing, or abandoned on-site wastewater

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treatment systems, including making load increases to existing systems on parcels of land that are subject to these regulations.

- (2) Parcels that have undergone state subdivision review must also conform to these regulations.

1.5 REVISION

Revisions to these regulations must be made as needed to ensure proper administration and to allow for improved methods of on-site wastewater treatment. The Board must hold a public hearing before any revision to these regulations.

1.6 VIOLATIONS

- (1) A person who violates any of the provisions of these regulations is subject to the penalties described in Section 9.2.
- (2) More than one person may violate a single regulation, and in that case, each person is subject to the penalties described in Section 9.2.

SECTION 2. GENERAL REGULATIONS

2.1 PUBLIC HEALTH THREATS

It is a violation of this regulation to ~~construct, use, alter, or make load increase~~ construct, alter, extend or utilize a wastewater treatment to ~~any on-site wastewater treatment~~ or disposal system that may:

- (1) discharge any wastewater to ground surface, or to any state water;
- (2) contaminate any actual or potential drinking water supply;
- (3) cause public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans;
- (4) cause a public health hazard by being accessible to person or animals;
- (5) violate any law or regulation governing water pollution or wastewater treatment and disposal, including the rules contained in these regulations;

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Commented [BN1]: Changed to mirror ARM17.36.913(1)

- (6) pollute or contaminate state waters, in violation of Section 75-5-605, MCA; or
- (7) degrade state waters unless authorized pursuant to Section 75-5-303, MCA; or
- (8) cause a nuisance due to odor, an unsightly appearance, or other aesthetic consideration.

2.2 GENERAL PROHIBITIONS

- (1) It is a violation of this regulation to construct, repair, use, alter or make load increases to any onsite wastewater treatment system without strict compliance with the provisions of these regulations and the possession of a valid permit issued pursuant to these regulations.
- (2) It is a violation of these regulations to begin construction or to drill any well prior to the issuance of a department letter of approval or valid on-site wastewater treatment permit.

2.3 CONSTRUCTION PROHIBITIONS

- (1) Construction on a parcel of land prior to the issuance of a valid on-site wastewater treatment system permit must result in the doubling of the permit fee and may include additional penalties as provided in Section 9.2.
- (2) No construction may begin on a parcel of land unless all applicable permits and approvals are obtained from all other governmental agencies.

2.4 OCCUPANCY PROHIBITIONS

It is a violation of these regulations to occupy or allow occupation of any dwelling unit or other structure served by a piped water supply unless the structure is connected to:

- (1) An on-site wastewater treatment system approved under the current regulations governing on-site wastewater treatment in Lewis and Clark County; or
- (2) An on-site wastewater treatment system approved under earlier regulation, ordinances, or resolutions of Lewis and Clark County; or

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- (3) An on-site wastewater treatment system installed prior to the enactment of any Lewis and Clark County regulations, ordinances, or resolutions governing the same; or
- (4) An on-site wastewater treatment system approved through a variance granted by the Board; or
- (5) A public sewer system approved by the Montana Department of Environmental Quality (DEQ).

2.5 PROHIBITED SYSTEMS

- (1) The installation of cesspools for the disposal of wastewater is specifically prohibited.
- (2) Wastewater holding tanks may not be used as a permanent method of wastewater disposal except as provided in Section 4.2
- (3) The installation of any system must comply with specifications and regulations in the most current version of DEQ Circular DEQ-4.

2.6 SYSTEMS REQUIRING CONNECTION TO PUBLIC WASTEWATER

If a Montana Department of Environmental Quality approved public collection and treatment system is readily available within a distance of 200 feet of the property line for connection to a new source of wastewater, or as a replacement for a failed system, and the owner or managing entity of the public collection and treatment system approves the connection, wastewater must be discharged to the public system.

- (1) A public system is not “readily available” if there is evidence demonstrating that connection to the system is physically or economically impractical, or that easements cannot be obtained.
- (2) A connection is “economically impractical” if the cost of connection to the public system equals or exceeds three times the cost of installation of a proposed onsite wastewater treatment system approved by the Department.

2.7 CONNECTION TO ABANDONED SYSTEMS

A person may not connect to, use, or maintain an abandoned system unless:

- (1) The system meets current standards as determined by an inspection and the issuance of a permit by the Department; or

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- (2) The person has obtained a permit and has performed the permitted alterations prior to connection or use.

2.8 FAILED SYSTEMS

- (1) The owner and/or occupant of the premises must report a failed system to the Department.
- (2) Use of or maintenance of a failed wastewater treatment system violates these regulations.
- (3) Upon determining that a system has failed, the Department shall give written notice of the violation to the owner and/or occupant of the property.
- (4) Upon receipt of written notice, the owner and/or occupant must immediately stop the flow of wastewater.
- (5) The owner and/or occupant shall repair or replace the failed system in accordance with the provisions of these regulations within 30 days of receipt of notice of violation for a system failure.
 - (a) An owner and/or tenant who fails to repair and restore the failed wastewater treatment system within 30 days of receipt of notice of violation shall vacate the property. Each day of failure to vacate constitutes a separate violation of this regulation.
 - (b) The owner of the property may voluntarily vacate the premises instead of repairing or replacing the failed system, provided that all surface contamination is properly remediated, and the failed system is made inoperable. The abandoned tank must be pumped and then removed or filled with approved solid materials.
 - (c) If any part of the system repair requires a variance from this regulation, or if other special circumstances exist, the property owner/tenant must provide a written plan to the Department within 30 days of receipt of ~~notification~~ the notice of violation. The Department may approve an extension.
- (6) The Department may require the owner and/or occupant to remove and dispose of contaminated soil. The Department must approve any disposal or removal.

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- (7) Before making repairs or replacing a failed system or any of its components parts, an owner/tenant shall acquire a permit.
- (a) The Department may require a site evaluation to ensure that repairs or replacement of the failed system and its components current regulations.
- (b) The owner and/or occupant shall comply with all current regulations and pay all fees associated with the site evaluation and permit.
- (c) The Department may permit the use of components that are not failed as long as they meet all of the following: of the failed system that meet current regulations.
- (i) The component(s) to be retained must be previously permitted and approved by the Department,
- (ii) The component(s) to be retained is permitted for its original intended use and there has been no load increase or change in use to the system,
- (iii) The component(s) to be retained is not failing, is operational, and structurally sound.
- (d) The Department may require submittal of proof of compliance with the permit.

2.9 DESIGN AND OPERATION LIMITS

- (1) The Department does not design on-site wastewater treatment systems.
- (2) The requirements set forth in a permit do not guarantee the proper operation of any system.

SECTION 3. PERMIT PROCEDURES AND REQUIREMENTS

3.1 APPLICATIONS TO CONSTRUCT ALL SYSTEMS

- (1) Application for a permit to construct an on-site wastewater treatment system is made by completing a comprehensive permitting application and an application for site evaluation available from the Lewis and Clark County Permitting Office and submitting all required fees and information.

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Commented [BN2]: This section was modified to allow property owner s the flexibility of keeping functional septic system componenets with conditions and not having to replace the entire system.

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- (2) The applicant for a permit must submit all fees and all information required by these regulations before the Department must begin the review of the application.
- (3) The Department may require the applicant to submit the results of a percolation test performed in accordance with Circular DEQ-4. The Department may also require that applicant to submit the floor plan of the proposed house to verify the number of bedrooms.
- (4) The Department must review the site evaluation application and conduct a site inspection to determine compliance with these regulations.
- (5) The Department must give written approval or denial within 20 working days from the receipt of a complete site evaluation application and full payment of associated fees.
- (6) In the case of on-site community or multi-family systems, or systems that require engineering review, the Department must give written approval or denial within thirty working days of receipt of a complete site evaluation application and full payment of associated fees.

3.2 PERMITS TO CONSTRUCT NEW SYSTEMS

- (1) A permit to construct a new on-site wastewater treatment system must only be issued by the Department upon approval of the site evaluation application.
- (2) The permit supplied by the Department must be available at the site of construction and must remain on the site until final inspection by the Department.
- (3) A permit issued by the Department is valid for a one-year period. If system construction and final department approval of the installed system has not been completed within this period, the applicant must reapply and meet all requirements of the regulations in effect at the time of reapplications.

3.3 PERMITS TO ALTER OR REPLACE EXISTING SYSTEMS

- (1) Prior to the alteration or replacement of an existing system, a valid permit must be obtained following the procedures contained in Section 3.1 and 3.2

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- of thereof, requirements of
- (2) A permit to alter or replace an existing system, or any portion there may not be issued unless the entire system meets all these regulations.
 - (3) A person requesting to repair or replace an existing system that does not meet the requirements of these regulations must obtain a variance from the Board following the procedures contained in Section 3.4.
 - (4) The abandoned tanks from replaced systems must be pumped, and then removed or filled with approved solid materials.
 - (5) In an emergency, the installation of a tank by a certified installer may begin upon verbal approval from the Department provided that:
 - (a) The completed application is submitted no later than the end of the next working day; and
 - (b) All standard inspection procedures in Section 7.0 are followed.
 - (6) The Department may require an illegally installed system to be uncovered for inspection prior to final department approval. The Department must not issue a permit for a system installed illegally unless all current regulations are met.
 - (7) Owner and/or occupants found to violate these regulations because of load increases to the system must:
 - (a) Obtain a permit that reflects the correct load increase and that conforms to all other requirements in accordance with these regulations, or
 - (b) Obtain an operation and maintenance inspection in accordance with Section 8.4 of these regulations at an interval not to exceed three (3) years.

3.4 DENIAL OF PERMITS TO CONSTRUCT, OR ALTER ON-SITE WASTEWATER TREATMENT SYSTEMS AND VARIANCE PRODEDURE

- (1) If an application for an on-site wastewater treatment system permit is denied, the applicant may:
 - (a) Seek department approval for a new site; or
 - (b) Request a variance from these regulations.

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- (2) A completed application for variance must be submitted to the ~~Environmental Service Division Administrator~~ at least 14 working days prior to a regularly scheduled Board meeting.
- (3) The applicant or designated representative shall attend the variance hearing in person or ~~via telephone~~ remotely.
- (4) After receiving a timely request under (2) above, the ~~Environmental Services Division Administrator~~ or ~~on~~ must notify the Board Chair.
- (5) The Board Chair, in consultation with the Health Officer r and the ~~Environmental Services Division Administrator~~, must determine whether the variance request must be heard by the Board or by a ~~Hearings Officer~~. The Board may establish criteria to guide this decision.
- (6) The Board Chair must instruct the ~~Environmental Service Division Administrator~~ to schedule the variance request for a public hearing.
- (7) If the variance request must be heard by the Board, a public hearing must be conducted by a quorum of the Board at the next regularly scheduled Board meeting.
- (8) If the variance request must be heard by a ~~Hearings Officer~~, the Board must appoint a ~~Hearings Officer~~. The Board may adopt policies establishing criteria to guide the selection of a ~~Hearings Officer~~.
- (9) The ~~Hearings Officer~~ must conduct a public hearing and submit in writing to the Board proposed findings of fact, conclusions of law, and a written recommendation.
- (10) A quorum of the Board shall act on the recommendation at the next regularly scheduled Board meeting following the public hearing.
- (11) A decision or order of the Board must include ~~findings of fact and conclusions of law~~.
- (12) The Board may grant a variance from a requirement only if it finds that the following criteria are met:
- (a) Granting a variance will not:
- (i) Contaminate any actual or potential drinking water supply;

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- (ii) Cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans;
 - (iii) Cause a public health hazard by being accessible to persons or animals;
 - (iv) Violate any law or regulation governing water pollution or wastewater treatment and disposal, including the rules contained in ARM 17.36.901 thru 17.36.924, except for the rule that the variance is requested from;
 - (v) Pollute or contaminate state waters, in violation of 75-5-605, MCA;
 - (vi) Degrade state waters unless authorized pursuant to 75-5-303, MCA; or
 - (vii) Cause a nuisance due to odor, unsightly appearance, or other aesthetic consideration.
- (b) Compliance with the requirement from which the variance is requested would result in undue hardship to the applicant;
 - (c) The variance is necessary to address extraordinary conditions that the applicant could not reasonably have prevented;
 - (d) No alternatives that comply with the requirement are reasonably feasible; and
 - (e) The variance requested is not more than the minimum needed to address the extraordinary conditions.
- (13) The Board must make specific findings of fact that support the conclusions of law.
 - (14) The Board may place any reasonable conditions on a variance granted under this regulation.
 - (15) The applicant shall have 20 days from the date of Board approval to sign an acceptance of variance or the variance shall be withdrawn. A time extension may be granted at the Department's discretion.

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- (16) An applicant for a variance may appeal the Board’s final decision to the Montana DEQ pursuant to A.R.M. 17.36.924.

SECTION 4. REQUIREMENT FOR ALLOWABLE SYSTEMS

4.1 SEPTIC TANK REQUIREMENTS

- (1) All wastewater treatment systems must include a septic tank to provide primary treatment.
- (a) The septic tank must receive all wastewater from the structure being served.
- (b) All septic tanks must be designed and constructed in compliance with the specifications contained in the most current version of DEQ Circular DEQ-4.
- (c) All septic tanks must be equipped with an effluent filter; and
- (d) All septic tanks must have risers to grade.
- (2) Septic Tank Sizing
- (a) The minimum tank sizing for residential flows is determined by the following chart:

NUMBER OF BEDROOMS	MINIMUM TANK SIZE, GALLONS
1 - 3	1000
4 - 5	1500
6 - 7	2000
8	2250
9	2500
ADD 250 GALLONS FOR EACH ADDITIONAL BEDROOM AFTER 9	

- (b) The minimum tank sizing for non-residential flows is described in the most current version of DEQ Circular DEQ-4.

4.2 HOLDING TANK REQUIREMENTS

- (1) The Department may approve holding tank systems if the facility to be served is for seasonal use only.

- (2) Holding tanks must meet the design and construction requirements in the most current version of DEQ Circular DEQ-4.
- (3) Permit applications for holding tanks must include plans for the proposed holding tank system. The plans must include the following information:
 - (a) The method of monitoring tank levels; and
 - (b) The method for waterproofing the tank; and
 - (c) A maintenance plan, which must include annual water tightness testing and submittal of periodic pumping receipts by a licensed septic tank pumper; and
 - (d) The method for tank stabilization if seasonal high groundwater is expected to be within 12 inches of the tank's base.

4.3 SITE REQUIREMENTS

- (1) The minimum safe distances for sitting the various component parts on an on-site [wastewater treatment](#) system must be measured horizontally and must comply with [Table 4A](#) below:

FEATURE	SEALED COMPONENTS (a) AND OTHER COMPONENTS (b)	ABSORPTION SYSTEMS (c)
PUBIC OR MULTI-USER WELL/SPRING	100	100
OTHER WELLS (d)	50	100
SUCTION LINES	580	100
CISTERNS	25	50
ROADCUTS, ESCARPMENTS	10 (d)	25
SLOAPS> 35% (f)	10 (d)	25
PROPERTY BOUNDARIES (g)	10	10
SUBSURFACE DRAINS	10	10
WATER MAINS (h)	10	10
DRAINFIELD/SAND MOUNDS (c)	10	0
FOUNDATION WALLS	10	10
SURFACE WATER, SPRINGS	50	100
FLOOD PLAIN, 100 yr	Sealed component—(a) Other component 100 (b)	100

Definitions of (a) - (e) from the table above:

- (a) Sealed components included sewer lines, sewer mains, septic tanks, grease traps, distribution boxes, dosing tanks, pumping

chambers, holding tanks, and sealed pit privies. Holding tanks and sealed pit privies must be located at least ten (10) feet outside of the floodplain or any openings must be at least two (2) feet above the base floodplain elevation;

- (b) Other components include intermittent and recirculating sand filters, package plants, and evapotranspiration systems;
 - (c) Absorption systems include absorption trenches, absorption beds, sand mounds, and other drainfield-type systems that are not lined or sealed. This term also includes seepage pits and unsealed pit privies;
 - (d) Other wells include, but are not limited to, irrigation and stock watering, but do not include observation wells as addressed in the most current version of DEQ Circular DEQ-4;
 - (e) Sewer lines and sewer mains may be located in roadways and on steep slopes if the lines and mains are safeguarded against damage;
 - (f) Down-gradient of the sealed component, other component, or drainfield/sand mound;
 - (g) Easements may be used to satisfy the setback to property boundaries;
 - (h) Sewer mains that cross water mains must be laid with a minimum vertical separation distance of 18 inches between the mains.
- (2) A 100-foot separation must be maintained between all surface waters and the treatment field and one hundred percent replacement area.
- (3) The Department must measure the setback from surface waters without designated flood plains from the mean high-water level.
- (a) For those water courses where no 100-year flood plain is established, the Department must use local interpretive data, high water marks, and/or other acceptable field data.
 - (b) If the location of the boundary is in question, delineation must be referred to the Montana Department of Natural Resources and Conservation for final determination.

- (4) On-site wastewater treatment systems must not be located in an area where surface water accumulates or in areas of unstable landforms.
- (5) Wastewater treatment systems must be located to maximize the vertical separation in distance from the bottom of the absorption trench to the seasonally high groundwater level, bedrock, or other limiting layer, but under no circumstances may this vertical separation be less than four feet of natural soil.
- (6) If the applicant or the reviewing authority has reason to believe that groundwater level may be within seven feet of the surface at any time of the year within the boundaries of the system, the Department may require data to demonstrate that the minimum separation is four feet.
 - (a) The Department may require the applicant to install groundwater observation wells to a depth of at least ten feet to determine the seasonally high groundwater level.
 - (b) Measurement of groundwater must occur for a sufficient period of time to determine a peak and a sustained decline in the groundwater level.
- (7) The Department may require separations greater than four feet between the trench bottom and the highest level of seasonally high groundwater and/or unsuitable treatment material for systems proposed in soil type II, as designated in Table 4B.
- (8) The Department requires that a soil analysis of the site be done by the Department.
- (9) The Department requires treatment fields to be installed with the laterals perpendicular to the slope (parallel to the contour).
- (10) The area to be used for an original on-site wastewater treatment field or replacement area must be located and maintained so that it is free of buildings, driveways, livestock confinements, or any other structures.
- (11) The Department may allow stabilized fill to be used pursuant to the provisions as outlined in the most current version of DEQ Circular DEQ-4.
- (12) Replacement areas and plans must comply with requirements of these regulations.

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- (a) Each new or expanded wastewater treatment system must provide a replacement area or replacement plan.
- (b) Sites designated as one hundred percent replacement areas must be separate from the original site and meet all current site requirements for new systems; and
- (c) The one hundred percent replacement area must be designated on the permit application and evaluated at the same time as the initial treatment site; and
- (d) The expansion of existing treatment fields of the addition of new treatment fields on a site must not interfere with or use the space designated as a required treatment field replacement area.

4.4 TREATMENT FIELD REQUIREMENTS

- (1) The minimum size of a treatment field is based on the soil characteristics of the site and the estimated wastewater flow to the proposed system.
- (2) Non-residential treatment systems are sized based upon the estimated daily wastewater flow per capita unit in the most current version of DEQ Circular DEQ-4.
- (3) The number of bedrooms, as determined by the Department, is used to estimate the daily wastewater flow for residential structures.
 - (a) An unfinished basement is counted as one bedroom.
 - (b) Minimum allowable daily flow for any residence is based on 2 bedrooms.
- (4) The Department determines soil texture, structure, and type using the soil data obtained from the on-site evaluation conducted by the Department.
- (5) The Department considers each dwelling unit (for example mobile home, condominium, recreational vehicle) an individual installation and evaluates each dwelling unit based on the site evaluation results and the sizing requirements.
- (6) Accessory building flows are determined based on the most current version of DEQ Circular DEQ-4.

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- (7) All non-standard systems are sized in accordance with the most current version of DEQ Circular DEQ-4.
- (8) A distribution box must be used in all gravity systems, which utilize and odd number of laterals.
- (9) All laterals are of equal length unless the system is pressure dosed.

(10) **TABLE 4B: LINEAR FEET OF PERFORATED PIPE REQUIRED FOR RESIDENTIAL ON-SITE WASTEWATER TREATMENT FIELDS**

SIZING CHART- GRAVEL TRENCHES
(gravity=2 foot wide, pressure dose=3 foot wide)

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				(225 gpd)	(300 gpd)	(350 gpd)	(400 gpd)	(450 gpd)
Soil Type	Texture	APP. Rate	TYPE	2 br	3 br	4 br	5 br	6 br
II	Gravel, gravelly sand, coarse to medium sand	0.8	gravity	140	190	220	250	280
			pressure dosed	95	125	145	170	190
III	fine sand to loamy sand	0.6	gravity	190	250	290	335	375
			pressure dosed	125	170	195	220	250
IV	loam sandy loam	0.5	gravity	225	300	350	400	450
			pressure dosed	150	200	235	270	300
V	sandy clay loam silt loam	0.4	gravity	280	375	440	500	565
			pressure dosed	190	250	290	335	375
VI	silty clay loam clay loam	0.3	gravity	375	500	585	670	750
			pressure dosed	250	335	390	445	500
VII	clays, silty clays sandy clay	0.2	gravity	565	750	875	1000	1125
			pressure dosed	375	500	585	656	750

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All 36" wide trenches must be pressure dosed

- (10) If gravelless chambers are used, the linear feet in the sizing chart above may be reduced by 25 percent.
- (11) The Department requires special construction practices as outlined in the most current version of DEQ Circular DEQ-4 for type VI and VII because soils may be easily damaged during construction of the trenches.
- (12) The Department requires pressure-dosing for any system with more than five hundred (500) lineal feet or 1000 square feet of drainfield, calculated before applying any reductions, regardless of soil type.
- (13) The Department allows three-foot wide trenches if the system is pressure-dosed.

Commented [AM3]: Should the mention of this under the table be removed because it is listed here?

Commented [BN4R3]: @Adam Maes This section applies to allowing gravity feed for a three foot wide trench. You can pressure-dose a 2 foot wide trench and a 3 foot wide trench, but you can't gravity feed a 3 foot wide trench. But I agree-two redundant statements. Removed the one under the table.

- (14) If needed, a sample of soils must be submitted to the Natural Resources Conservation Service and sizing must be based on their soils determination.

4.5 MINIMUM CONTSTRUCTION REQUIREMENTS

All wastewater treatment systems must be designed and constructed in compliance with the specifications contained in the most current version of DEQ Circular DEQ-4.

SECTION 5. REQUIREMENTS FOR EXPERIMENTAL SYSTEMS

5.1 GENERAL COMPLIANCE

All experimental on-site wastewater systems must comply with the specifications contained in the most current version of Circular DEQ-4.

SECTION 6. CERTIFIED INSTALLER PROGRAM

6.1 CERTIFICATION PROGRAM

- (1) Installers of on-site wastewater treatment systems may be certified by the Department. Certification is a privilege extended to an installer and not a right.
- (2) Certification means that the installer has demonstrated that ~~he/she~~they sufficient knowledge of these regulations so as to be able to systems in total compliance with these regulations.
- (3) Certified installers have a duty to keep current on changes to these regulations. The Department notifies installers about changes to the regulations via mail at the latest address provided to the Department by the installer.
- (4) Application for certification must be in writing and must contain the applicant's name, address, phone number, and other information deemed necessary by the Department.
- (5) To become certified, an installer must either:
- (a) (1) Attend the Department's training course;
- (2) Satisfactorily pass the certification examination with a minimum score of 80 percent correct; and,

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install

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(3) Pay a non-refundable examination fee; or,

(b) Provide proof of current certification from a Department approved national organization.

(6) Certification is valid for one year.

(7) A certified installer must be on-site at all times during layout and installation of a system.

6.2 RENEWAL OF CERTIFICATION

(1) Each certification must expire annually on December 31.

(2) There will be an annual fee to renew certification. Installers who have not renewed their certification by 5pm on the last business day of January must have their certification revoked.

(3) If the certification is revoked due to renewal date deadline, the applicant can become recertified under Section 6.1 above.

(4) The Department may require attendance at workshops held for certified installers to update their knowledge of current Department regulations and most current technology for installing on-site wastewater treatment systems.

6.3 RECORDS

Every certified installer must maintain and submit to the Department such data and records as are required by the Department to determine compliance with these regulations.

6.4 REVOCATION OF CERTIFICATION

(1) In addition to the penalties in Section 9.2, if a certified installer or a person contracted or employed by a certified installer has begun construction of any unpermitted system, the Department must revoke the certified installer's certification for a period of 30 days. The installer may become re-certified at the end of the 30 day period by attending the next available training class, paying double the normal examination fee and passing the examination with a minimum score of 80 percent correct.

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- (a) For the second offense, the Department must revoke the certified installer's certification for a period of 180 days. The installer may become re-certified after 180 days by attending the next available training class, paying triple the normal examination fee and passing the examination with a minimum score of 80 percent correct.
- (b) A third offense shall result in a permanent revocation of certification.

SECTION 7. INSPECTIONS

7.1 INSPECTION OF SYSTEMS INSTALLED BY CERTIFIED INSTALLERS

- (1) The Department may allow self-inspections of systems installed by a certified installer.
 - (a) The installer must notify the Department when a system is complete and ready for inspection.
 - (b) The Department must notify the installer of its decision to allow a self-inspection within 8 working hours.
- (2) The Department must conduct inspection within 16 working hours of the notified completion time.
- (3) Department inspections must be conducted only during normal Department working hours, excluding Saturdays, Sundays and holidays.
- (4) Systems incomplete at the time of the Department inspection may be subject to a reinspection at the convenience of the Department, and to additional fees for the reinspection.
- (5) A system must not be inspected by the Department if a hard copy or electronic version of the permit cannot be produced on request. Reinspection must be at the convenience of the Department, and may be subject to reinspection fees.
- (6) All necessary corrections must be completed by the installer and inspected by the Department before final approval of the system can be given.
- (7) In the case of self-inspection, the certified installer must complete and submit the certified installer's inspection form within ten calendar days

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of completion of the system. Failure to submit the certified installer's form within the ten-day period must result in no further permits being issued to that installer until all outstanding forms for completed systems have been submitted.

- (8) A certified installer completing and submitting a certified installer's inspection form for a system must personally inspect the finished system and assumes liability for non-compliance of the system.
- (9) Where site restrictions dictate, and with prior Department approval, certified installers may backfill parts of a system when necessary to be able to complete the rest of the system. When backfilling occurs, all corners, Y's and T's, and the inlets shall be left uncovered for inspection.

7.2 INSPECTION OF SYSTEMS INSTALLED BY NON-CERTIFIED INSTALLERS

- (1) Non-certified installers may only install standard gravel or gravel-less on-site wastewater treatment systems. In addition to the penalties in Section 9.2, violation of this section will require reinspection of the system. Reinspection must be at the convenience of the Department and may be subject to reinspection fees.
 - (1a) A non-certified property owner may install a non-standard system on their own property if:
 - (a) The system serves no more than one single-family residence.
 - (b) A design compliant with the most current version of DEQ Circular DEQ-4 is submitted to the Department and approved prior to issuance of the permit.
- (2) Prior to the issuance of a permit the non-certified installer must:
 - (a) Set an appointment and meet with a sanitarian to discuss the installation and specifications of the system; and
 - (b) Stake out the area intended for the system; and
 - (c) Have a site evaluation conducted by the Department.
- (3) No backfilling of the system may occur unless authorized by the Department.

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- (4) The Department must inspect completed systems no later than 24 working hours after the notice of completion.
- (5) Department inspections must be conducted only during normal Department working hours, excluding Saturdays, Sundays, and holidays.
- (6) A system must not be inspected by the Department if a hard copy or electronic version of the permit cannot be produced on request. Reinspection must be at the convenience of the Department, and may be subject to reinspection fees.
- (7) If the system is not in compliance, all necessary corrections must be completed and inspected by the Department before final approval by the Department. Reinspection must be at the convenience of the Department and may be subject to reinspection fees.
- (8) Use of a new system prior to final inspection and approval by the Department constitutes a violation of this regulation and is subject to penalties under Section 9.2 of this regulation.

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SECTION 8. OPERATION AND MAINTENANCE

8.1 GENERAL REQUIREMENTS

- (1) Only an owner and/or occupant, licensed septage hauler, or person certified by the Department may perform operation and maintenance on an onsite wastewater treatment system as required by these regulations.
- (2) Systems exempt from this section include those located on:
 - (a) Parcels within an incorporated Sewer District (MCA 7-13-2201), if the district performs regular operation and maintenance pursuant to a written operation and maintenance plan reviewed and approved by the Department;
 - (b) Parcels connected to a municipal sewer system under MCA 7-13-2201 through 7-13-2351;
 - (c) Parcels served by a system maintained pursuant to a valid operation and maintenance service contract in accordance with Appendix D of DEQ Circular DEQ-4.

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- (i) Verification that the contract is valid must be submitted annually on written forms or by methods specified for use by the Department.
- (d) Parcels that utilize a sewage holding tank in accordance with Section 4.2.
- (e) Parcels without a piped water supply to the dwelling unit that utilize an unsealed or sealed pit privy. The owner and/or occupant may be required to submit routine pumping receipts.
- (3) Systems that require a permit under Section 3 of these regulations must comply with the operation and maintenance requirements of Section 8.4 (7) not less than three years from the date of final Department approval of the issued permit.

8.2 OWNER/OCCUPANT RESPONSIBILITIES AND REQUIREMENTS

- (1) The owner/occupant must prevent adverse impacts to the system, which includes primary and replacement soil treatment areas, caused by use, activities, or other situations including, but not limited to:
 - (a) Encroachment such as buildings, structures, or materials;
 - (b) Vehicular traffic;
 - (c) Surface or storm water;
 - (d) Compaction, excavation, grading, cutting, or ditching of soil on top of or adjacent to a system in violation of the horizontal setback requirements contained in Table 4 A.
- (2) The owner/occupant shall monitor the use of the system to ensure conformance with these regulations.
- (3) Within 45 days of written Department Notices, the owner/occupant shall comply with either (a) or (b) below:
 - (a) Complete the Assessment for Septic Tank Pumping Frequency, and pump the septic tank(s) at the interval required by the Assessment criteria.
 - (i) The Department shall determine septic tank pumping frequency based on Assessment results as follows:

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- (1) High Frequency: Means a score of 25-36 Assessment points which requires the septic tank(s) to be pumped at least once every three (3) years;
 - (2) Medium Frequency: Means a score of 12-24 Assessment points which requires the septic tank(s) to be pumped at least once every four (4) years;
 - (3) Low Frequency: Means a score of 0-11 Assessment points which requires the septic tank(s) to be pumped at least once every five (5) years.
- (ii) Criteria used to determine the pumping frequency, must include but are not limited to the following:
- (1) System age;
 - (2) System type;
 - (3) Water softening units and/or garbage disposals;
 - (4) Water usage and conservation measures;
 - (5) Date of most recent septic tank(s) pumping and/or inspection;
 - (6) Number of people served by the system;
- (iii) The completed Assessment for Septic Tank Pumping Frequency, the pumping record, and the applicable fees must be submitted on forms or by other methods specified by the Department.
- (b) Obtain an operation and maintenance inspection performed by a certified operation and maintenance professional at an interval not to exceed four (4) years.
- (i) The results of the operation and maintenance inspection, the septic tank(s) pumping record, and applicable fees must be submitted on written forms or by other methods specified by the Department.

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- (ii) The septic tank(s) must be pumped by a licensed septage hauler as determined by the inspection.
 - (iii) Deficiencies noted during the inspection must be corrected as required in Section 8.4 (9) of these regulations.
- (4) The owner shall correct any deficiencies discovered in an operation and maintenance inspection.
 - (a) The owner/occupant of an onsite wastewater treatment system with Type I deficiencies must repair or replace the system immediately, or as directed by the Department. These CRITICAL deficiencies include, but are not limited to:
 - (i) Sewage being discharged to ground surface;
 - (ii) Sewage being discharged to surface water or a cesspool;
 - (iii) Septic tanks that are leaking, collapsing, or overflowing;
 - (iv) Sewage backed-up into the structure;
 - (v) Septic tank lids that are broken/missing;
 - (vi) Effluent pump not functioning;
 - (vii) Floats or controls in effluent pump tank missing/not functioning;
 - (viii) Distribution lines leading into or out of the septic tank and/or drainfield that are broken, collapsed, or blocked;
 - (ix) Broken or collapsed lines within a drainfield;
 - (x) Broken or blocked distribution system;
 - (xi) Tree roots within any part of the system; and,
 - (xii) System electrically unsafe.
 - (b) The owner/occupant of an onsite wastewater treatment system with Type II deficiencies must repair or replace the system within

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thirty (30) days of the operation and maintenance inspection.
These SERIOUS deficiencies must include, but are not limited to:

- (i) High water alarm inoperable;
 - (ii) Septic tank baffles missing or broken;
 - (iii) Floats or controls in the effluent pump tank not positioned properly;
 - (iv) Effluent filters blocked, missing, or broken.
- (c) The owner/occupant of an onsite wastewater treatment system with Type III deficiencies at time of inspection must be corrected before the next required operation and maintenance inspection. These MODERATE deficiencies must include but are not limited to:
- (i) Access lids from septic tank not to grade;
 - (ii) Cleanout not accessible;
 - (iii) Access ports or risers not available for distribution systems;
 - (iv) Drainfield used for parking, driving, heavy livestock traffic;
 - (v) Drainfield and/or septic tank(s) not easily accessible;
 - (vi) Free space not adequate between the inlet and the baffle (2-4 inches);
 - (vii) Tank not installed properly so that the outlet is lower than the inlet;
 - (viii) Tank(s) not set level.

8.3 OPERATION AND MAINTENANCE (O AND M) SERVICE PROVIDER RESPONSIBILITIES AND REQUIREMENTS

- (1) O and M service providers may perform their services only when their certification is in good standing and in conformance with these regulations. Certification is a privilege extended to an O and M service provider and is not a right.

- (2) Certification means that the O and M service provider has demonstrated sufficient knowledge of these regulations to perform an operation and maintenance inspection in compliance with these regulations.
- (3) O and M service providers have a duty to keep current on changes to these regulations.
- (4) To become certified, an applicant must:
 - (a) Complete an application;
 - (b) Pay the non-refundable fee;
 - (c) Attend a Department approved certification course;
 - (d) Pass the certification exam
- (5) All certification fees will be established by the examining authority.
- (6) Prior to 5pm on the last business day of January, O and M service providers must submit both documentation that their certification is current and fees for renewal. Failure to provide ~~w~~either will result in Department revocation of the certification.
- (7) If the Department revokes certification for failure to meet the renewal deadline, the Department may recertify the provider pursuant to subsection (4) above.
- (8) The first year of certification is probationary. Criteria used to evaluate the fitness of the applicant for final certification include:
 - (a) Demonstrated competence with onsite wastewater treatment system rules and regulations; and
 - (b) Demonstrated ability to effectively communicate and coordinate with the Department and the public.
- (9) If the Department does not grant final certification, the applicant may re-apply for certification after a one-year interval.
- (10) As part of certification or recertification, the Department may require attendance at workshops.

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- (11) Performance criteria for O and M service providers include:
- (a) Performs operation and maintenance service in accord with these regulations;
 - (b) Possesses equipment that allows for the proper inspection for a system;
 - (c) Submits operation and maintenance fees and reports on forms or by other methods specified by the Department within fifteen calendar days after completing an inspection;
 - (d) Submits Type I deficiencies reports on forms or by other methods specified by the Department within two working days after completing and inspection;
 - (e) Submits complete, truthful, and accurate inspection and maintenance reports to the Department and owner.
- (12) In order to avoid conflicts of interest, the department requires the following:
- (a) O and M service providers, both licensed and certified, must provide the Department a description of any dual relationships. The Department must post the description on its website and must make the description available in written form to the public. Such dual relationships include but are not limited to being a certified O and M service provider and:
 - (i) Installing septic systems;
 - (ii) Designing, selling, or distributing proprietary products;
 - (iii) Working for or owning a pumping company.
- (13) In addition to the penalties in Section 9.2, if a certified provider or a contracted or employed by a certified provider has a first offense violation any of the requirements in Section 8.5, the Department revoke the provider's certification for a period of 30 days. The person must become re-certified after 30 days by attending a Department approved certification class, paying double the normal certification fee, and passing certification.

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- (a) For a second offense the Department must revoke the provider's certification for a period of 180 days. The provider may become re-certified after 180 days by attending a Department approved certification class, paying triple the normal certification fee, and passing the examination.
- (b) For a third offense the Department must permanently revoke the provider's certification.
- (c) The provider may request an administrative hearing before the Health Officer pursuant to Section 9.2.

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8.4 DEPARTMENT RESPONSIBILITIES AND REQUIREMENTS

The Department must:

- (1) Develop forms and reporting systems to facilitate conformance with these regulations;
- (2) Provide written notification to owners and occupants that they are required to perform operation and maintenance tasks for their system.

SECTION 9. ENFORCEMENT AND SEVERABILITY

9.1 ACCESS RIGHTS

- (1) The Department is authorized and directed to make such inspections as are necessary to determine compliance with these regulations.
- (2) It is the responsibility of the owner or occupant of a property to give the Department free access to the property at reasonable times for the purpose of making such inspections as are necessary for determining compliance with these regulations.
- (3) No person may molest or resist representatives of the Department in the discharge of their duty, including inspection made before, during, and after the installation and final approval of a system.

9.2 ENFORCEMENT AND PENALTIES FOR VIOLATIONS

- (1) Violations of any of the provision of these regulations are a misdemeanor and are punishable as provided for in Section 50-2-124, MCA.

- (2) Instead of, or in addition to criminal proceedings, these regulations may be enforced through civil remedies and penalties as described below.
- (3) When the Department has reason to believe a violation of these regulations has occurred, it may cause written notice and an order to take corrective action to be served personally or by certified mail on the alleged violator or the violator's agent. The notice must state:
- (a) The section of the regulations violated;
 - (b) The facts constituting the violation;
 - (c) The specific nature of the corrective action that the Department requires;
 - (d) The date the corrective action must be completed;
 - (e) The applicable amount of the administrative penalty to be assessed, if any;
 - (f) The date by which any administrative penalty must be paid;
 - (g) That the alleged violator may request a hearing before the Lewis and Clark City-County Health Officer by filing a written request no later than 30 days after service of the notice and order.
 - (h) The Department may allow the alleged violator to submit a compliance plan if they demonstrate a hardship or other extenuating circumstance that prohibits immediate compliance with all regulations.
 - (i) The compliance plan must not create any public health threat listed in Section 2.1 of this regulation.
 - (ii) The compliance plan must include a date that all necessary corrective actions will be completed.
- (4) The order becomes final 31 days after the notice is served unless the person named requests a hearing before the Lewis and Clark City-County Health Officer.
- (a) The request for a hearing must be filed with the Department no later than 30 days after service of a notice and order under subsection (2).

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- (b) The hearing must be held within 30 days, unless the alleged violator and the Department agree to an extension.
- (c) A record of the evidence presented at the hearing, including a recording of any oral testimony or argument, must be preserved for possible review by the District Court.
- (d) At the hearing, the Department and the alleged violator must be allowed to present evidence and arguments orally or in writing. All testimony, whether oral or written, shall be given under oath or affirmation.
- (e) If after a hearing, the Health Officer finds that that a violation has occurred, ~~he/she~~they shall issue an order for the corrective action or assess an administrative penalty, or both.
- (f) The order may include an administrative civil penalty of \$250 for the first violation of these regulations and \$500 for each subsequent violation.
- (g) Administrative civil penalties shall be paid to the Department within ten days of receipt of notice and deposited in the Health Fund.
- (h) If after a hearing, the Health Officer finds that a violation has not occurred or is not occurring, the original order shall be rescinded.
- (5) The alleged violator may appeal the decision of the Health Officer to the 1st Judicial District Court within 30 days of the Health Officer's order.
- (6) At any time, the Health Officer may obtain the assistance of a sheriff, constable, or other peace officer to enforce an order of the Department or the Health Officer.
- (7) Instead of issuing an order or after issuing an order, the Health Officer may pursue a civil action, in the name of Lewis and Clark County, to restrain and enjoin acts in violation of these regulations.
- (8) The Health Officer may pursue a civil action, in the name of Lewis and Clark County, to recover any expenses incurred from any person who refused or neglected to comply with an order of the Health Officer. This action may be filed together with the action described in subsection (7).

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9.3 SERVERABILITY

- (1) In the event that any section, subsection, or other portion of these regulations is for any reason held invalid or unconstitutional, such section, subsection, or portion must be considered a separate provision of these regulations and such holding must not affect the validity of the remaining portions of these regulations, which must remain in full force and effect.

SECTION 10. DEFINITIONS

10.01 ABANDONED SYSTEM means a system is considered to be abandoned when it meets one of the following criteria:

- (1) The system has not been used for two (2) years, or
- (2) The use of the system has been discontinued because of connection to an improved, on-site system or a public sewer system. Systems for recreational cabins or dwellings used regularly, but infrequently, shall not be considered abandoned.

10.02 ACCESSORY BUILDING means a subordinate building or structure on the same lot as the main building, which is under the same ownership as the main building, and which is devoted exclusively to an accessory use such as a garage, workshop, art studio, guesthouse, or church rectory.

10.03 ALTERATION means physically changing a system by relocating, modifying, repairing, extending or replacing, all portions of a system.

10.04 ASSESSMENT FOR SEPTIC TANK PUMPING FREQUENCY means the form that the system owner used to report information to the Department about household and system use practices. The reported information is then used by the Department to determine the frequency at which the owner must have the septic tank(s) pumped.

10.05 BOARD means the Lewis and Clark City-County Board of Health.

10.06 BEDROCK means material that cannot be readily excavated by hand tools, or material that does not allow water to pass through or material that does not provide for the adequate treatment and disposal of wastewater.

10.07 BEDROOM means any room that is or may be used for sleeping. An unfinished basement shall be considered as an additional bedroom.

10.08 CERTIFIED INSTALLER means any individual who has attended required training and demonstrated an adequate knowledge of the regulations governing on-site wastewater treatment by passing all required examinations and paid the required certification fees.

10.09 CESSPOOL means a seepage pit without a septic tank to pretreat the wastewater.

10.10 CONSTRUCTION means the building or renovation of any structure intended for human occupancy, including excavation for foundations or footings, that would result in an increase in wastewater flow; the drilling of a well or the provisions of water to a site intended for human occupancy; or work on or the installation of any part of an on-site wastewater treatment system.

10.11 DEPARTMENT means the Lewis and Clark City-County Health Department.

10.12 DOSING TANK means a watertight receptacle receiving effluent from the septic tank or other treatment device and equipped with an automatic siphon or pump designed to discharge effluent.

~~**10.13 DRAIN ROCK** means the rock or coarse aggregate used in an absorption system, sand filter, or seepage pit. Drain rock must be washed, be a maximum of 2 1/2 inches in diameter and larger than the orifice size unless shielding is provided to protect the orifice, and contain no more than two (2) percent passing the #8 sieve. The material must be of sufficient competency to resist slaking or dissolution. Gravels of shale, sandstone, or limestone may degrade and may not be used.~~

10.134 DWELLING means any structure, building or portion thereof, which is intended or designed for human occupancy and that must be supplied with water by a piped water system.

10.145 EMERGENCY means any situation that poses a threat to the health of the public or the environment by allowing untreated wastewater to be exposed to the ground surface or discharged to the aquifer.

10.156 FAILED SYSTEM means an on-site wastewater system that no longer provides the treatment and/or disposal for which it was intended, or violates any of the requirements of A.R.M 17.36.913.

10.167 FINAL DEPARTMENT APPROVAL means approval granted upon review and acceptance of the permitted system installation or receipt of the certified installer's inspection form or professional engineer's as-builts.

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Commented [BN10R9]: @Adam Maes you are right. It is on our permit and in DEQ-4, but not in the regulation. I would propose striking this definition because it is defined in DEQ-4 design standard that is adopted by reference in this regulation.

10.178 FLOODPLAIN means the area adjoining the watercourse or drainway that would be covered by the floodwater or a flood of one-hundred year frequency except for sheet flood areas that receive less than one (1) foot of water per occurrence and are considered Zone B areas by the Federal Emergency Management Agency. The floodplain consists of the floodway and the flood fringe, as defined in the A.R.M Title 36, Chapter 15.

10.189 GRAY WATER means any wastewater other than toilet wastes or industrial chemicals, and includes but is not limited to shower and bath wastewater, kitchen wastewater, and laundry wastewater.

10.1920 GROUNDWATER OBSERVATION means water level observation in a properly constructed well conducted for a long enough period of time to detect a peak and then a sustained decline in water level. Water level observing must be performed in accordance DEQ Circular with DEQ 4 in Appendix C.

10.201 HEALTH OFFICER means the County Health Officer appointed by the Lewis and Clark City-County Board of Health or ~~his or her~~ their designee.

~~**10.22 HELENA VALLEY GROUNDWATER VULNERABILITY STUDY AREA** means the area that lies within the boundary of the Helena Valley Groundwater Vulnerability Project. Final Project Report dated June 18, 2008.~~

10.21 INFILTRATIVE SURFACE means the soil interface that receives the effluent wastewater below the drain rock or sand.

10.224 INSTALLERS means those persons who are involved in the actual physical construction of on-site wastewater treatment systems.

10.235 LEVEL II TREATMENT means a wastewater treatment system that must provide a higher degree of treatment than conventional systems, including the removal of at least sixty (60) percent of nitrogen as measured from the raw effluent load to the system. The term does not include treatment systems for industrial waste.

10.246 LICENSED SEPTAGE HAULER means a person licensed by the State of Montana to remove and transport wastewater from onsite wastewater treatment systems to an approved facility.

10.257 LIMITING LAYER means bedrock, an impervious layer, or seasonally high ground water.

10.268 LOAD INCREASE means the addition of bedrooms in a dwelling or an increase in the volume of wastewater flow.

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Commented [AM12]: Was this mentioned anywhere else in the regulations? If not does it need to be in definitions or in the regs at all?

Commented [BN13R12]: @Adam Maes it is an appendix that was included in the phasing in of the Septic Maintenance Program. We can strike it now that we are not using it to phase properties.

Commented [AM14]: Same as above, I did not see the term anywhere but here...

10.279 MAINTENANCE means routine or periodic action taken to ~~assure~~ ensure proper system performance, extend system longevity, and /or assure a system meets performance requirements.

10.2830 MONITORING means the periodic or continuous checking of an onsite wastewater treatment system, which is performed by observation and measurements, to determine if the system is functioning as intended and if accurate records that document monitoring activities. Monitoring also includes maintaining system maintenance is needed.

10.2931 MUNICIPAL SEWER SYSTEM is defined in MCA §7-13-2201 through §7-13-2351, the term "municipality", as used in this part and part 23, includes a consolidated city and county, or town and includes all corporations organized for municipal purposes within the districts.

10.302 NON-CERTIFIED INSTALLER means any individual who has not attended required training, demonstrated an adequate knowledge of the regulations governing on-site wastewater treatment by passing all required examinations, and paid the required certification fees. Non-certified also refers to any certified installer who has had ~~his/her~~ their certification revoked.

10.313 OCCUPANCY means the fact or condition of using or residing in a building or part of a building that is served by a piped water supply, including residential, commercial, or any other type of building.

10.324 ON-SITE WASEWATER ~~TERATMETN-TREATMENT~~ SYSTEM means any form of subsurface wastewater treatment and all wastewater treatment systems for individual residences.

10.335 OPERATION means the act or process of operating or functioning or using an onsite wastewater treatment system.

10.346 OPERATION AND MAINTENANCE SERVICE PROVIDER means a qualified person certified by the Department to perform operation and maintenance inspections and repairs not requiring a permit on onsite wastewater treatment systems.

10.357 OWNER means a person or persons, who have legal title to, or possession of, real property, a building, structure, or place of business.

10.38 OWNERS-VIOLATORS AGENT means a person or business that an owner authorizes to represent them.

10.39 PERMEABILITY means the capacity of the soil to transmit fluids. The degree of permeability depends upon the amount, size and shape of the soil pores and

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their interconnections. Permeability is measured by the rate at which a fluid of standard viscosity can move a given distance through an interval of time.
(Dictionary of Geologic Terms)

10.3640 **PERMIT** means the written authorization ~~form from~~ the Lewis and Clark City-County Health Department to install a new on-site wastewater treatment system or repair, replace, expand, alter, or improve and existing on-site wastewater treatment system or any part thereof.

10.3741 **PERSON** means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any branch of state, federal or local government; or any other entity that owns, rents, or leases property subject to this regulation.

10.3842 **PIPED WATER SYSTEM** means a plumbing system that conveys water from a source, including but not limited to wells, cisterns, springs, or surface water into a structure.

10.43 **PRIVATE SEWER** means a sewer receiving the discharge from one building sewer and conveying it to the public sewer system or a wastewater treatment system.

10.3944 **PUBLIC SYSTEM** means a system for collection, transportation, treatment, or disposal of wastewater that serves 15 or more families or 25 or more persons daily for a period of at least 60 days in the 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.

10.4045 **PUMPING RECORD** means the record or report provided by the licensed septic hauler that records the date of removal of wastewater and the size and condition of the septic tank(s) and/or dosing tank(s).

10.4146 **REPLACEMENT SYSTEM** means an on-site wastewater treatment system proposed to replace a failed, falling, or contaminating system.

10.427 **SEALED PIT PRIVY** means an enclosed receptacle designed to receive non-water-carried toilet wastes into a watertight vault.

10.438 **SEASONAL** means occupancy of a residence for not more than one hundred twenty (120) days in a calendar year and which would not qualify as the primary residence of a taxpayer for federal income tax purposes related to capital gains on the sale or exchange of residential property.

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Commented [AM20]: Private sewer not mentioned in regs

Commented [BN21R20]: @Adam Maes This may have been another term that was in the original Septic Maintenance Section but was changed in the 2020 version.

10.449 SEEPAGE PIT means a covered underground receptacle that receives wastewater after primary treatment and permits the wastewater to seep into surrounding soil.

10.5045 SEPTIC TANK means a storage-settling tank in which settled sludge is in immediate contact with the wastewater flowing through the tank while organic solids are decomposed by anaerobic action.

10.4651 SEWER DISTRICT is defined in MCA §7-13-2201 through §7-13-2351 as a local government separate and distinct from a municipality, but a district treated as a municipality when applying for a grant, a loan, or other assistance from the state.

10.4752 SHARED WASTEWATER SYSTEM means a wastewater system that serves intended to serve two (2) living units or commercial structures. The total served may not be 25 or more. In estimating the population reviewing authority shall multiply the number of living average of person per living unit based on the most recent census data.

10.5348 SITE EVALUATION means an evaluation to determine if a site is suitable for the installation of a subsurface wastewater treatment system.

10.5449 SLOPE means the rate that a ground surface declines in feet per 100 feet. It is expressed as percent of grade.

10.505 SOIL PROFILE means a description of the soil strata to a depth of eight feet using the USDA soil classification system.

10.516 STATE WATERS means a body of water, irrigation system, or drainage system, either surface or underground; however, this does not apply to irrigation waters where the waters are used up within the irrigation system and the waters are not returned to any other state waters.

10.527 SUBDIVISION means a division of land or land so divided that creates one or more parcels containing less than 20 ~~acres~~ acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any re-subdivision and any condominium or area, regardless of size, that provides permanent multiple space for recreational camping vehicles or mobile homes.

10.538 SUBSURFACE WASTEWATER TREATMENT SYSTEM means the process of wastewater treatment in which the effluent is applied below the soil surface or into a mound by an approved distribution system.

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10.549 SURFACE WATER means any body of water whether fresh or saline, including watercourses such as impoundments, lakes, streams, irrigation ditches, or ponds.

10.6055 SYSTEM means all components of any wastewater treatment system from the point of exit from the structure/dwelling to the end of the distribution network (including but not limited to: pipe, septic tank, dose tank, pumps, manifold, distribution box, perforated pipe, chambers).

~~**10.61 SYNTHETIC DRAINAGE FABRIC** means a nonwoven drainage fabric with a minimum weight per square yard of four (4) ounces, a water flow rate of 100 to 200 gallons per minute per square foot, and an apparent opening size equivalent to a #50 to #110 sieve.~~

10.6256 TYPE I DEFICIENCY means an instance of non-compliance noted during an operation and maintenance inspection or risk assessment that is considered an immediate public health threat and poses concerns for public and environmental safety.

10.6357 TYPE II DEFICIENCY means an instance of non-compliance noted during an operation and maintenance inspection or risk assessment that has the potential to result in a type I deficiency and may create damage to the onsite wastewater treatment system.

10.6458 TYPE III DEFICIENCY means an instance of non-compliance during an operation and maintenance inspection or risk assessment that has the potential to interfere with the overall performance of the system and may interfere with proper operation and maintenance of the onsite wastewater treatment system.

10.6559 UNSTABLE LAND-FORMS refers to areas showing evidence of mass down-slope movement such as debris flows, landslides, rock falls, and hummock hill slopes with undrained depressions up-slope. Unstable landforms may exhibit slip surfaces roughly parallel to the hillside; landslide scars and curving debris ridges; fences, trees, or telephone poles that appear tilted; and tree trunks that bend uniformly as they enter the ground.

10.606 UNSUITABLE TREATMENT MATERIAL means any rock that cannot be readily excavated by and tools, or is essentially impermeable, or has open fracture or solution channels.

10.617 VARIANCE means the granting, by the Board, of an exception to the minimum requirements set out in these regulations, or to the requirements in Title 17,

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Chapter 36, Subchapter 9 of the Administrative Rules of Montana, or to the requirements in DEQ Circular DEQ-4.

10.628 WASTEWATER means a combination of liquid wastes that may include chemicals, hose wastes, wash water, human excreta and animal or vegetable matter in suspension or solution.

10.639 WASTEWATER TREATMENT SYSTEM or WASTEWATER DISPOSAL SYSTEM means a system that receives wastewater for purposes of treatment, storage, or disposal. The term includes, but is not limited to, pit privies and experimental systems.

10.7064 WELL means any artificial opening or excavation in the ground, however made, by which ground water is sought or can be obtained or through which it flows under natural pressures or is artificially withdrawn.

SECTION 11 REPEALER AND EFFECTIVE DATE

11.1 All previous rules, regulations, resolutions, and ordinance as adopted by the Board governing the on-site treatment of wastewater in Lewis and Clark County are hereby repealed.

11.2 These regulations must be in full force and effect on the 27th day of February, 2020.

11.3 These regulations shall be reviewed and evaluated by the Board two (2) years from the effective date, and every two (2) years thereafter.

LEWIS AND CLARK CITY-COUNTY BOARD OF HEALTH

Justin Murgel
Brie MacLaurin, Chair
Health Officer
Lewis and Clark City-County Board of Health

Drenda Niemann,
Lewis and Clark County

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 	<p>Janet Janus Admin Assist II</p> <p>Phone: 406-447-8351 Email: jjanus@lccountymt.gov</p> <p>1930 9th Ave. Helena, MT 59601</p> <p>LCPH WEBSITE</p> <p>    </p>
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We want your feedback! >>>

From: Jeremy Pugh <jpugh@rockymountainops.com>

Sent: Thursday, March 6, 2025 8:33 AM

To: Janet Janus <JJANUS@lccountymt.gov>

Subject: question on proposed draft

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is Jeremy Pugh with Rocky Mountain Operations. I was reading through the draft you sent out and had a question about the document below. I'm certified in both O and M and septic installs. Is there anything I need to provide to you to not get penalized?

- (12) In order to avoid conflicts of interest, the department requires the following:
- (a) O and M service providers, both licensed and certified, must provide the Department a description of any dual relationships. The Department must post the description on its website and must make the description available in written form to the public. Such dual relationships include but are not limited to being a certified O and M service provider and:
 - (i) Installing septic systems;
 - (ii) Designing, selling, or distributing proprietary products;
 - (iii) Working for or owning a pumping company.

FW: Proposed changes to the Onsite Wastewater Regulations

From Janet Janus <JJANUS@lccountymt.gov>

Date Thu 3/20/2025 9:22 AM

To Sandy Whittington <swhittington@lccountymt.gov>

 	<p>Janet Janus Admin Assist II</p> <p>Phone: 406-447-8351 Email: jjanus@lccountymt.gov</p> <p>1930 9th Ave. Helena, MT 59601</p> <p>LCPH WEBSITE</p> <p>  </p>
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We want your feedback! >>>

From: Beth Norberg <BNORBERG@lccountymt.gov>

Sent: Monday, March 3, 2025 2:03 PM

To: Connor Prendergast <CPrendergast@freedomfabmt.com>; Janet Janus <JJANUS@lccountymt.gov>

Subject: RE: Proposed changes to the Onsite Wastewater Regulations

Hi Connor,

Great question. We do specifically outline in Section 3.3(5) to allow for a tank to be installed on an emergency basis without a permit. You just need approval from our office. This can be verbal. The permit request just needs to be submitted by the end of the next business day and all other permitting requirements need to be met.

There are no provisions for drainfields. The idea is that as long as there is a functioning tank, they can pump it until the drainfield is replaced/repaired. We do prioritize failed drainfields, so we will address it ASAP.







Section 2.8(7) also is proposed to be more lenient for parts of systems that are not failing and to keep them if they meet specific conditions. This will also help in a time when there is an emergency.

As far as mixing zones, those regulations are all at the state level, so you need to talk to your legislator. I will say that they introduced a bill that even on the local septic permitting level that

you can't cross a boundary with a mixing zone. I believe the bill died, but it is always up for discussion every 2 years. There are still lots out there where mixing zones and leave the property. If it's not subject to DEQ, then local permitting does not require mixing zone restrictions. There are even older DEQ lots that zones can leave the property. It's every lot that is created or changed after October 2021 in which the MZ issue usually arises.

Thanks for the comment.

Beth

 	<p>Beth Norberg, RS <i>Environmental Programs Supervisor</i></p> <p>Phone: 406-447-8385 Email: bnorberg@lccountymt.gov</p> <p>1930 9th Avenue Helena, MT 59601</p> <p>LCPH WEBSITE</p> <p>   </p>
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From: Connor Prendergast <CPrendergast@freedomfabmt.com>
Sent: Monday, March 3, 2025 1:48 PM
To: Janet Janus <JJANUS@lccountymt.gov>
Cc: Beth Norberg <BNORBERG@lccountymt.gov>
Subject: Re: Proposed changes to the Onsite Wastewater Regulations

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Janet. The only questions I have after reading through this is about an "Emergency" This refers to an emergency for the publics sake, but what about the homeowner. Do you guys have an expedited permit process for situations where a drainfield or another part of the system is failing. Or possibly a short term solution? Also, what do we have to do to get the regulations changed to where you can have a mixing zone on someone else's property, not just on yours. It would open up a lot more possibilities for drain field locations.

On Mon, Mar 3, 2025 at 10:08 AM Janet Janus <JJANUS@lccountymt.gov> wrote:

Attached is the document reflecting the proposed changes to the Onsite Wastewater Regulations.






Public comment will be accepted in the following ways:

- Written and either mailed or dropped off to 1930 9th Ave S. Helena, MT 59601, Attention: Onsite Wastewater Regulation Public Comment, Beth Norberg
- Emailed to: Beth Norberg, bnorberg@lccountymt.gov
- Verbal by calling Beth Norberg at 406-457-8385

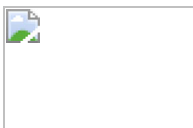
Public Comment will also be taken at the Board of Health meeting on March 27, 2025. Members of the public are welcome to come in person to 1930 9th Ave South, Helena, MT in the public health conference room at 1pm or attend virtually using the posted Zoom link found on the public health website: www.lccountymt.gov/Government/Public-Health/Board-of-Health/Meeting-Schedule

Thanks,

Janet

 	<p>Janet Janus Admin Assist II</p> <p>Phone: 406-447-8351 Email: jjanus@lccountymt.gov</p> <p>1930 9th Ave. Helena, MT 59601</p> <p>LCPH WEBSITE</p> <div>    </div>
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We want your feedback! >>>



Connor Prendergast

Owner

p: 406.594.7338

e: cprendergast@freedomfabmt.com

w: <https://freedomfabmt.com/>

LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana

BOARD AGENDA ITEM

Meeting Date

March 27, 2025

Agenda Item No.

4

☐ Minutes ☒ Board Member Discussion ☒ Staff & Other Reports ☐ Action ☐ Hearing of Delegation

AGENDA ITEMS: Suicide Prevention & Safer Communities Updates

PERSONNEL INVOLVED: Rachel Jefferies & Jakob Miles

BACKGROUND: Alignment with LCPH 5 Strategic Initiatives

HEALTH DIRECTOR'S RECOMMENDATION: N/A

☒ ADDITIONAL INFORMATION

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Brown						
Reed						
Harris						
Kaufman						
MacLaurin						
Ohs-Mosley						
Rolfe						
Weltz						

LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana

BOARD AGENDA ITEM

Meeting Date

March 27, 2025

Agenda Item No.

5

☐ Minutes ☒ Board Member Discussion ☒ Staff & Other Reports ☐ Action ☐ Hearing of Delegation

AGENDA ITEMS: Air Quality Update

PERSONNEL INVOLVED: Jay Plant

BACKGROUND: Alignment with LCPH 5 Strategic Initiatives

HEALTH DIRECTOR'S RECOMMENDATION: N/A

☒ **ADDITIONAL INFORMATION**

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Brown						
Reed						
Harris						
Kaufman						
MacLaurin						
Ohs-Mosley						
Rolfe						
Weltz						

Environmental Services Division

February 19, 2025

RE: 2024-2025 Winter Air Quality Monitoring Season Technical Report

During the 2024/25 winter air quality monitoring season, Lewis and Clark County conducted PM-2.5 sampling at one site in Helena, Montana. The station at Rossiter School contained one PM-2.5 BGI sampler that operates on a six-day basis. The Rossiter station also contains two F.E.M. PM-2.5 B.A.M. samplers that run on an hourly basis.

Filters for the PM-2.5 samplers are changed by staff on a weekly basis.

The 2024/24 Winter Air Monitoring season began October 1, 2024, and ends March 1, 2025.

There has been two (2) Poor air quality days during the season as of 2/19/25. Both occurred in January. There has been ten (10) days in which a “Watch” stage was called. These occurred in January and February. The air quality hotline and website were updated as necessary.

During the 2024/254 winter air quality monitoring season, as of 2/19/25, Lewis and Clark Public Health has sent one warning letter to residents for burning during a “Poor” air quality episode. The resident came into the office for clarification. The “Poor” episode was short lived, and enforcement was not necessary. The resident has provided this office with proof of their EPA wood stove certification.

We received two (2) complaints regarding excessive smoke emissions from a residential wood stove. The complaint stated that the smoke had been causing respiratory issues. The complaints were investigated by Public Health staff. Violations have not yet been observed. A warning letter was sent to the property owners. The complaints have been closed.

We received two (2) complaints of open burning during the season.

Staff received multiple inquires into smoke from prescribed burning activities conducted by the U.S. Forest Service, DNRC, and the City of Helena. Educational information was provided to these residents.

Wildfire activity was nonexistent, and our office received zero (0) complaints regarding wildfire smoke.

Our mission is to improve and protect the health of all Lewis and Clark County residents.

The Board of Health heard zero (0) variance requests during the 2023/24 winter air quality monitoring season.

There was one (1) application for an exemption to the Lewis and Clark City-County Air Quality Regulations. This request was approved due to the low-income exemption.

Environmental Health staff conducted interviews and released articles regarding air quality regulations and tips for cleaner burning with local news stations and pamphlets with burning tips were distributed to local businesses that sell wood stoves. These are for distribution to customers.

The radio station KGR FM 93.1 and AM 680, began broadcasting 30 second public service announcements for Lewis and Clark Public Health in December. The announcements ran 3-4 times per day throughout the months of December and January. These announcements focused on clean burning and utilizing the county resources and the state DEQ's Today's air site.

Sanitarian Jay Plant attended the Rocky Mountain Wildfire Smoke Symposium at the University of Montana on October 17th and 18th. This symposium focused on the health impacts of Wildfires, community strategies for mitigating wildfire smoke exposure, strategies for living with increased fire and prescribed burning.

Staff has begun regular meetings with USFS, DPHHS, DNRC and DEQ in regard to local prescribed burning and wildfire smoke. The primary focus of these meeting is to develop strategies to inform the public as to the timing of these events, the duration of prescribed burns, and ways to protect yourself from the harmful effects of the smoke produced.

The website and the 24-hour hotline for the Lewis and Clark City-County Health Department report air quality conditions and are updated as necessary. The 24-hour air quality forecast email notifications are sent to the media and interested persons daily and updated as necessary.

Our mission is to improve and protect the health of all Lewis and Clark County residents.

2024/25 Winter AIR QUALITY

October - 31 Good, 0 Watch, 0 Poor

November - 30 Good, 0 Watch, 0 Poor

December - 31 Good, 0 Watch, 0 Poor

January - 24 Good, 5 Watch, 2 Poor

February (through 2/19) - 14 Good, 5 Watch, 0 Poor

Jay Plant, R.S.
Lewis and Clark County
jplant@lccountymt.gov
Environmental Health Specialist
406-447-8358

Our mission is to improve and protect the health of all Lewis and Clark County residents.

LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana

BOARD AGENDA ITEM

Meeting Date

March 27, 2025

Agenda Item No.

6

☐ Minutes ☒ Board Member Discussion ☐ Staff & Other Reports ☐ Action ☐ Hearing of Delegation

AGENDA ITEMS: Measles Preparedness

PERSONNEL INVOLVED: Drenda Niemann

BACKGROUND: Alignment with LCPH 5 Strategic Initiatives

HEALTH DIRECTOR'S RECOMMENDATION: N/A

☒ **ADDITIONAL INFORMATION**

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Brown						
Reed						
Harris						
Kaufman						
MacLaurin						
Ohs-Mosley						
Rolfe						
Weltz						

Measles Talking Points

How do people get measles?

Measles is easily spread from person to person. When an infected person talks, coughs or sneezes, the virus is released into the air and enters another person's body through the nose, mouth or throat. People can also become sick if they come in contact with the mucus or saliva (spit) from an infected person. The measles virus can live on contaminated surfaces and in the air for up to two hours. If other people breathe the contaminated air or touch the contaminated surface, then touch their eyes, noses, or mouths, they can become infected. Measles may be transmitted from 4 days before through 4 days after rash onset

What does it mean to be “exposed” to measles?

“Exposed” means you’ve been in a situation where you can catch the virus from someone who already has measles. For example, you can be exposed to the measles virus by being in the same room, home, office, or waiting room with someone who has measles or by being there up to 2 hours after the person with measles has left. People are less likely to get sick with measles if they have been appropriately vaccinated. Approximately 90 percent of people who are not immune will get measles if they are exposed to someone with the disease.

What is immunity?

Immunity means protection from disease. People who may have been exposed to measles, need to show proof of immunity.

How do you know if someone is immune to measles?

Generally, a person is considered immune if they:

- 1) Had measles in the past, and have laboratory confirmation to prove it, OR
- 2) Have laboratory evidence (a blood test that shows whether the body has antibodies to fight off the virus) of immunity, OR
- 3) Have written documentation of adequate vaccination with measles-containing vaccine in the past (often given as MMR [measles, mumps, and rubella] vaccine)
 - One or more doses of a measles-containing vaccine administered on or after the first birthday for preschool-age children and adults not at high risk
 - Two doses of measles-containing vaccine for school-age children and adults at high risk, including college students, health care personnel, and international travelers, OR
- 4) Were born before 1957
 - Adults born before 1957 are likely to have had measles disease as a child and are generally (but not always) considered not to need vaccination

Why are people (non-healthcare workers) born before 1957 considered immune?

People born before 1957 lived through several years of epidemic measles before the first measles vaccine was licensed. As a result, these people are very likely to have had the measles disease. Surveys suggest that 95% to 98% of those born before 1957 are immune to measles.

Do people who received MMR in the 1960s need to have their dose repeated?

Not necessarily. People who have documentation of receiving LIVE measles vaccine in the 1960s do not need to be revaccinated. People who were vaccinated prior to 1968 with either inactivated (killed) measles vaccine or measles vaccine of unknown type should be revaccinated with at least one dose of live attenuated measles vaccine. This recommendation is intended to protect those who may have received killed measles vaccine, which was available in 1963-1967 and was not effective.

What should I do if I'm unsure whether I'm immune to measles?

If you're unsure whether you're immune to measles, you should first try to find your vaccination records or documentation of measles immunity. Another option is to have a doctor test your blood to determine whether you're immune, but this option is likely to cost more and may take two doctor's visits.

How can I locate my immunization records?

- Contact your health care provider (previous, current, out-of-state)
- Check your patient portal
- Check school records (including college)
- Check with prior employers (especially if you worked for a childcare facility or healthcare facility)
- Check your military records if you were enlisted
- Check with your Obstetrician
- Check your state's Immunization Registry (for out of state records)
- Complete this Authorization to Release Information form for us to check for vaccines in the Montana State ImMTrax Registry (this will not include vaccines from another state unless a Montana healthcare provider added them). [Authorization Release of Information](#)

Please visit the CDC website for additional suggestions on how to locate your vaccination records: [Staying Up to Date with Your Vaccine Records | Adult Vaccines | CDC](#)

What should I do if I (or my child) have come into contact with someone who has measles?

- **Call** your health care provider as soon as possible to discuss your exposure so special arrangements can be made for you to be evaluated without putting other patients and medical office staff at risk. A person infected with measles can be infectious **before** they have any symptoms of the disease. Your health care provider is the best person to determine if you are immune to measles based on your vaccination record and any medical conditions you might have.
- If you or your child are not immunized, you should stay home (quarantine) and away from work, school, and public places for 21 days (from the date you were exposed) to ensure you/your child do not become infected and pass measles to others.
- If you have not been vaccinated, measles vaccine may help prevent disease if given within 72 hours of first exposure. Immune globulin (a blood product containing antibodies to the measles virus) may prevent or lessen the severity of measles if given within 6 days of first exposure.
- If you are immunized, or have other proof of immunity to measles, you do not need to be quarantined and may continue with your normal activities. Small number of people can still develop symptoms and become infectious. Watch for symptoms for 21 days past the exposure date.

About Measles Vaccine

How well does the measles vaccine work?

The measles vaccine works extremely well. If 1,000 people each get 2 doses of measles vaccine, about 997 of them will be protected against measles (immune).

Getting 2 doses of vaccine is important, because some people (about 2-5 per 100) do not become protected (immune) after just one dose of vaccine.

Does the measles vaccine protect against other diseases too?

In the USA, measles vaccine is almost always given as a combination with vaccine against 2 other viruses: mumps and rubella. This combination vaccine is called MMR (measles, mumps, and rubella) and it gives protection against all 3 viruses.

What are the risks from MMR (measles, mumps, and rubella) vaccine?

A vaccine, like any medicine, is capable of causing serious problems, such as severe allergic reactions. The risk of MMR vaccine causing serious harm, or death, is extremely small.

Getting MMR vaccine is much safer than getting any of these three diseases. Most people who get MMR vaccine do not have any problems with it.

Mild Problems

- Fever (up to 1 person out of 6)
- Mild rash (about 1 person out of 20)
- Swelling of glands in the cheeks or neck (rare)

Moderate Problems

- Seizure (jerking or staring) caused by fever (about 1 out of 3,000 doses)
- Temporary pain and stiffness in the joints, mostly in teenage or adult women (up to 1 out of 4)
- Temporary low platelet count, which can cause a bleeding disorder (about 1 out of 30,000 doses)

Severe Problems (very rare)

- Serious allergic reaction (less than 1 out of a million doses)

What is immunoglobulin (IG) and who needs it?

IG is a medical way to prevent measles from becoming more serious in some people after they are exposed to the virus. It will be given to some infants <12 months of age, pregnant women, persons with weakened immune systems, and others who for medical reasons cannot get the vaccine. You discuss the risks and benefits of getting immune globulin with your health care provider. Vitamin A should only be taken after consultation with your provider to prevent toxicity.

About Quarantine

What is quarantine?

Quarantine is for non-immune people who have been in contact with someone with measles. It is an important part of stopping measles spreading in the community, especially to high risk people. Quarantine means staying at home and away from daycare/school/work, group and social activities, sports and recreation events and public places like cinemas and shopping malls.

Who needs to be quarantined?

People who are non-immune and have been exposed to someone with measles, and are in the period where they could still get sick from it.

Why is the quarantine period for measles 21 days?

Although the incubation period (time between being exposed to the measles virus and the appearance of the first symptoms) is usually 10-14 days, sometimes it can take longer from the time someone is exposed to measles until the time they get sick from it. Quarantine

should continue through 21 days from **last** exposure. Quarantine should only occur in consultation with public health authorities, who will be able to help you determine the appropriate dates for quarantine.

If I get the vaccine now, will the quarantine be shorter?

If you were able to receive the vaccine within 72 hours after first exposure to someone with measles, you might not need to be quarantined. However, if you receive the vaccine after 72 hours, you should be quarantined for 21 days.

Do household members of a quarantined person need to be vaccinated?

See above: “How do you know if someone is immune to measles?” Household members who are immune to measles do not need vaccine. Household members who are not immune, or are not sure whether they are immune, should consider getting vaccine.

Can anyone come into the house where a person is quarantined?

No. Entering the home where a person is quarantined is highly discouraged unless the visitors are immune.

If I have been exposed to measles, can I spread it to others in my household while I am under quarantine?

If you do not get measles, you cannot spread it to others. However, because you are still in the period where you could become ill, you may not know you are infectious. You can spread the disease up to 4 days before you develop a rash. Therefore, it is best to limit contact with those in your household and they should review their immune status. Please see above: “How do you know if someone is immune to measles?”.

Can the measles virus be transmitted via clothing?

No, measles cannot be spread via clothing.

When an infected person talks, coughs or sneezes, the virus is released into the air and enters another person’s body through the nose, mouth or throat. People can also become sick if they come in direct contact with the mucus or saliva (spit) from an infected person. Also, measles virus can live for up to two hours on a surface or in an airspace where the infected person coughed or sneezed. If other people breathe the contaminated air or touch the infected surface, then touch their eyes, noses, or mouths, they can become infected. A person who is not infected with the measles virus cannot transmit the virus to others or bring it home to family members and friends.

What about handwashing? Wearing a mask?

It is important for people to wash their hands frequently with soap and water, especially after coughing, sneezing, blowing their nose, going to the bathroom, or having contact with moist

materials such as tissues, diapers, and used masks. A minimum of 60% alcohol-based hand sanitizer can also be used instead of soap and water if the hands are not visibly dirty.

If there are other individuals living in the home of the quarantined person who are not immune to measles, the likelihood that they will get sick with measles may be reduced if the quarantined person stays inside their designated room/area, avoids contact with others, and wears a mask when in common rooms.

Does the quarantined person need to wear a mask when leaving the house?

The quarantined person should **not** leave the house, except to receive emergency medical care. In this case, yes, the quarantined person should wear a mask. If the quarantined person will not be able to wear the mask at all times because they are a baby or a child, this should be discussed with the medical facility **before** arrival.

Can pets get infected with measles or spread measles?

No, pets do not get infected with or spread the measles virus.

What should I do if I get sick?

If you become ill with measles-like symptoms, including fever, rash, runny nose, cough, loss of appetite, and “pink eye”, seek medical attention but remember to call your health care provider before going to the medical office and inform them that you were exposed to someone with measles or that you have symptoms of measles so that special arrangements can be made to prevent exposure to other patients and medical office staff. You should not go to work or school if you are sick.

Resources

Centers for Disease Control and Prevention

<http://www.cdc.gov/measles/>

Lewis & Clark Public Health

[Public Health - Lewis & Clark County](#)

LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana

BOARD AGENDA ITEM

Meeting Date

March 27, 2025

Agenda Item No.

7

☐ Minutes ☒ Board Member Discussion ☐ Staff & Other Reports ☐ Action ☐ Hearing of Delegation

AGENDA ITEMS: Call for Board Finance Committee

PERSONNEL INVOLVED: Board Members

BACKGROUND:

HEALTH DIRECTOR'S RECOMMENDATION: N/A

ADDITIONAL INFORMATION

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Brown						
Reed						
Harris						
Kaufman						
MacLaurin						
Ohs-Mosley						
Rolfe						
Weltz						

LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana

BOARD AGENDA ITEM

Meeting Date

March 27, 2025

Agenda Item No.

8

☐ Minutes ☒ Board Member Discussion ☐ Staff & Other Reports ☐ Action ☐ Hearing of Delegation

AGENDA ITEMS: Legislative Update

PERSONNEL INVOLVED: Board Members

BACKGROUND: 2025 Legislative Session

HEALTH DIRECTOR'S RECOMMENDATION: N/A

ADDITIONAL INFORMATION

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Brown						
Reed						
Harris						
Kaufman						
MacLaurin						
Ohs-Mosley						
Rolfe						
Weltz						

LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana

BOARD AGENDA ITEM

Meeting Date

March 27, 2025

Agenda Item No.

9

☐ Minutes ☒ Board Member Discussion ☐ Staff & Other Reports ☐ Action ☐ Hearing of Delegation

AGENDA ITEMS: Announcement

PERSONNEL INVOLVED: Board Members

BACKGROUND: Confluence Public Health Alliance Annual Conference
Board of Health track: April 8th 10 am – April 9th 12:00 pm

HEALTH DIRECTOR'S RECOMMENDATION: N/A

X ADDITIONAL INFORMATION

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Brown						
Reed						
Harris						
Kaufman						
MacLaurin						
Ohs-Mosley						
Rolfe						
Weltz						

2025 Board of Health Training Track Agenda & Registration Information

April 8 – 9, 2025 | Delta Colonial, Helena, MT

Hosted by Confluence Public Health Alliance, Association of Montana Public Health Officials, and DPHHS Public Health System Improvement Office.

Questions: Contact Lisa Dworak | lisa.dworak@cphamt.org

Join us for Montana's first in-person Board of Health Training Track!

Hosted as part of **Confluence 2025**, this unique opportunity is designed for Board of Health members to enhance their skills in order to lead a high-functioning boards of health in today's evolving public health landscape. All sessions are a direct response to the 2024 BOH Member Needs Assessment and will be interactive through small group activities and panel discussions.



When:

- Begins **Tuesday, April 8 at 10:00 a.m.**
- Ends **Wednesday, April 9 at 12:00 p.m.**
- Attendees are welcome to attend the full Confluence 2025 Conference



Where: Delta Colonial Hotel, Helena, MT

Why Attend?

- ✓ Tailored BOH training sessions for Montana Board of Health members
- ✓ Expert speakers on leadership, policy, and public and environmental health issues
- ✓ Networking with peers and public health professionals
- ✓ **Scholarships available!**



Register today!

- **Cost:** \$125
 - Use code **BOHmember** at checkout to discount registration to this rate.
- **Registration link and hotel room block:**
 - <https://www.confluencepha.org/confluence-conference>
 - When registering, please select MPHA Standard for Member Type.
- Scholarships available to cover the full registration cost and offset travel costs.
- **Scholarship form:** <https://forms.office.com/r/ctv9QYb95W>

Confluence 2025 Background: Confluence 2025 is the annual statewide public and environmental health conference hosted by Confluence Public Health Alliance through partnership with the Association of MT Public Health Officials, the Montana Public Health Association, and the Montana Environmental Health Association. The conference typically includes 250+ attendees from local health departments, DPHHS, non-governmental health professionals, as well as environmental health specialists/ registered sanitarians.

2025 Board of Health Training Track Agenda

Recommended Pre-Conference Preparation

1. Complete the NALBOH Governance for Public Health Action online course (2 hours)
 - NALBOH: National Association of Local Boards for Health
2. Complete the PHAB FPHS for LBOH online course (1.5 hours)
 - PHAB: Public Health Accreditation Board
 - FPHS: Foundational Public Health Services

Condensed pre-conference materials will be made available for those unable to complete the entire NALBOH and PHAB courses.

Confluence 2025: Building Trust in a Changing World through Leadership, Communication, and Technology

Tuesday, April 8, 2025

10:00 – 11:30 Welcome Remarks & Opening Keynote

11:30 – 12:00 Networking Lunch

12:00 – 1:15 The State of Montana's Health and the Beginning of Montana's Public Health
System Transformation

1:30 – 2:30 **Local Board of Health Roles and Authority to Protect and Improve the
Health Status of Montanans**

Description: This session will provide an overview of the roles and duties of Boards of Health (NALBOH 6 function overview), provide and review the newly created Montana BOH Resource Guide, and provide a brief history of the origins of LBOH in the United States and in Montana. The session will also present a summary of the public health authority that BOH, health officers and DPHHS have based on state law and a panel will share examples of these authorities in action (e.g., food borne and school-related outbreaks, public accommodations, water related issues).

Learning Objectives:

1. Describe the six core functions of Local Boards of Health (LBOH).
2. Describe the historic origins of LBOH in the United States and Montana.
3. Describe the public health statutory authority that LBOH, health officers and the department of public health and human services have.
4. Describe examples where LBOH, health officers and the department have implemented public health statutory authority and the outcomes.

2:45 – 3:15 *Tentative - Board of Health Engagement in Community Health Planning*

3:30 - 4:30 **Strategies for Effective Meetings and Engagement of Local Boards of Health for Action**

Description: This session will provide an overview of structures and strategies for BOH and health department leaders to enhance communication and engagement of their BOH. The session will also provide strategies to engage and collaborate with their BOH on strategic planning, CHA/CHIP development and implementation, community partnerships and policy development. The session will include a brief overview of the statutory requirements and best practices for BOH membership and meetings.

Learning Objectives:

1. Describe agenda structures to enhance communication and engagement between LBOH and health department leadership/staff.
2. Describe strategies to actively engage LBOH members and local health department leadership in strategic planning, CHA/CHIP development and implementation, community partnership building, policy development/implementation, etc.
3. Identify the statutory requirements and best practices for LBOH membership and meetings.

4:30 – 5:30 Welcome Reception

Wednesday, April 9, 2025

8:00 – 8:50 Networking Breakfast Roundtables

9:00 – 10:00 **Local Boards of Health Role for Public Health Advocacy and Policy**

Description: This session will provide an overview of the role that BOH play regarding advocacy and health policy development and implementation. Attendees will learn about effective processes for staff engagement in advocacy, how health officers can bring policy issues to BOH, and how BOH can adopt resolutions. The session will also provide an overview of the Confluence Public Health Alliance's role in providing advocacy and supporting policy development on behalf of Montana's BOH and health departments. Examples from the 2025 Montana Legislature will be used as discussion opportunities for how BOH can engage and what BOH need from organizations such as Confluence to engage in state level policy.

Learning Objectives:

1. Describe the role that BOH and BOH members have related to advocacy and policy development and implementation to support public health action.
2. Identify Confluence Public Health Alliance's role in supporting advocacy and policy development for BOH and health departments.

10:15 – 11:15 **Local Boards of Health and Environmental Health: Current and Future Issues and Challenges**

Description: Environmental health is a cornerstone of public health, and Boards of Health play a vital role in addressing both current and emerging issues. This facilitated panel discussion will feature representatives from large, medium, small, and Tribal public health jurisdictions, including sanitarians, health officers, and BOH members. Topics will include pressing environmental health concerns such as water safety and waste management, as well as strategies for future preparedness. Attendees will gain insights into how BOHs can adapt to evolving environmental health needs in their communities.

Learning Objectives:

1. Describe the current environmental health issues/challenges that BOH and local health departments address.
2. Describe potential environmental health issues and challenges that LBOH and local health departments may address in the future.

11:15 – 12:00 **Montana and National Public Health Partners Supporting Our Public Health System: A Roundtable Discussion on Future Local Board of Health/Tribal Health Needs**

Description: This session will provide an overview of the statewide public health partner groups that provide training, technical assistance, and support for the public health system. Attendees will have the opportunity to share their training, technical assistance, and support needs as BOH members. This session will also review the Confluence/DPHHS plan of specific activities to support BOH and provide an opportunity for participants to provide feedback and additional recommendations on the needs of BOH.

Learning Objectives:

1. Identify and describe state public health partner groups in Montana and their specific roles and services they provide to the public health system.
2. Describe the current activities that Confluence and DPHHS are implementing to support BOH enhancement and the additional future needs of BOH and Tribal governments.

12:00
Track

Conclusion of the Board of Health Training



*BOH Members are welcome to stay for the luncheon and the rest of the
Confluence 2025. <https://www.confluencepha.org/confluence-conference>*

LEWIS & CLARK CITY/COUNTY BOARD OF HEALTH
Helena, Montana

BOARD AGENDA ITEM

Meeting Date

March 27, 2025

Agenda Item No.

10

☐ Minutes ☒ Board Member Discussion ☐ Staff & Other Reports ☐ Action ☐ Hearing of Delegation

AGENDA ITEMS: Public Comment

PERSONNEL INVOLVED: Public and Board Members

BACKGROUND: Time is allowed for public comment on matters not mentioned in the agenda within the Board of Health's jurisdiction.

HEALTH DIRECTOR'S RECOMMENDATION: n/a

☐ ADDITIONAL INFORMATION ATTACHED

BOARD ACTION:

NOTES:

	M O T I O N	S E C O N D	A Y E	N A Y	A B S T A I N	O T H E R
Bedell						
Brown						
Harris						
Kaufman						
MacLaurin						
Ohs-Mosely						
Reed						
Rolfe						
Weltz						

Attendance Record for the Lewis & Clark City-County Board of Health

FY 2025

	Jul	Aug	Sept	Oct	Nov/ Dec	Jan	Feb	Mar	Apr	May	Jun
Bedell	*	X	X	X	X	X	X				
Brown	*	X	X	X	X	X	X				
Collins	*	X	X	X	X						
Reed	*					X	X				
Harris	*	X	X	X	X	O	X				
Kaufman	*	X	O	X	X	O	X				
MacLaurin	*	O	X	X	X	X	O				
Ohs-Mosley	*	X	X	X	X	X	X				
Payne	*	X	X	X	O						
Rolfe						X	X				
Weltz	*	O	O	O	O	O	O				

Legend:

X = Present

X_p = Present by phone

--- = Not a member of the board at that time.

O = Absent

* = No meeting held

P = Strategic Planning Session

T = Training



LEWIS AND CLARK CITY-COUNTY BOARD OF HEALTH

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MEMBERS

Sherri Ann Ohs-Mosley	Term expires - June 30, 2027	First Term
Mikael Bedell	Term expires - June 30, 2025	Second Term
Brie MacLaurin	Term expires - June 30, 2025	Second Term
Lisa Kaufman	Term expires - June 30, 2027	Second Term
Chanan Brown	Term expires - June 30, 2027	First Term
Rex Weltz	Superintendent of Schools	
Tom Rolfe	Pleasure of Lewis & Clark County Commission	
Melinda Reed	Pleasure of Helena City Commission	
Mayor Kelly Harris	Pleasure of East Helena City Council	

MEETING DATES FOR FISCAL YEAR 2025

Scheduled for 1:00 p.m. in the Public Health Conference Room of the Murray Building or by Zoom.

July 25, 2024 (No meeting held)

August 22, 2024

September 26, 2024

October 24, 2024

December 5, 2024

January 23, 2025

February 27, 2025

March 27, 2025

April 24, 2025

May 22, 2025

June 26, 2025

June 2024