

ENVIRONMENTAL QUALITY

CHAPTER 38

PUBLIC WATER AND SEWAGE SYSTEM REQUIREMENTS

Subchapter 1

Public Water and Sewer Plans,
Cross Connections, and Drilling Water Wells

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Subchapter 1

Public Water and Sewer Plans,
Cross Connections, and Drilling Water Wells

17.38.101 PLANS FOR PUBLIC WATER SUPPLY OR PUBLIC SEWAGE SYSTEM (1) For purposes of this rule, "delegated division of local government" means a local government that has been delegated authority pursuant to ARM 17.38.102 and 75-6-121, MCA, to review and approve plans and specifications for public water supply or public sewage systems, as designated in the written delegation.

(2) The purpose of this rule is to assure the protection of public health and the quality of state waters by requiring review and approval, by either the department or a delegated division of local government, of plans and specifications for siting, construction, and modification of public water supply and public sewage systems prior to the beginning of construction.

(3) As used in this rule, the following definitions apply in addition to those in 75-6-102, MCA:

(a) "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, guest house, or church rectory;

(b) "Applicant" means a person who submits plans and specifications for approval pursuant to this rule;

(c) "Gray water" is defined in 75-5-325, MCA.

(d) "Main" means any line providing water or sewer to multiple service connections, any line serving a water hydrant that is designed for fire fighting purposes, or any line that is designed to water or sewer main specifications;

(e) "Public sewage system" means a system of collection, transportation, treatment, or disposal of sewage that serves 15 or more families or 25 or more persons daily for any 60 or more days in a calendar year. Public sewage systems are further categorized as follows:

(i) "Community sewage system" means a public sewage system that serves at least 15 service connections used by year-round residents or that regularly serves at least 25 year-round residents; or

(ii) "Non-community sewage system" means any public sewage system which is not a community sewage system;

(f) "Reclaimed wastewater" is defined in 75-6-102, MCA;

(g) "Rural distribution system" means those portions of a water distribution system that are outside the limits of a city or town and that:

(i) have fewer than four service connections per mile on average;

(ii) are constructed of water mains six inches in diameter or less; and

(iii) do not provide fire flows.

(h) "Service connection" means a line that provides water or sewer service to a single building or main building with accessory buildings, and that is designed to service line specifications;

(i) "Sewage system" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate disposal point;

(j) "Subsurface sewage treatment system" means the method of sewage treatment in which the effluent is applied below the soil surface;

(k) "Wastewater" means sewage, industrial waste, other wastes, or any combination thereof;

(l) "Wastewater system" means a public sewage system or other system that collects, transports, treats, or disposes of industrial wastes;

(m) "Professional engineer" means an engineer licensed or otherwise authorized to practice engineering in Montana pursuant to Title 37, chapter 67, MCA; and

(n) "Public water supply system" means a system for the provision of water for human consumption from a community well, water hauler for cisterns, water bottling plant, water dispenser, or other water supply that has at least 15 service connections or that regularly serves at least 25 persons daily for any 60 or more days in a calendar year. Public water supply systems are further categorized as follows:

(i) "Community water system" means a public water supply system that serves at least 15 service connections used by year-round residents or that regularly serves at least 25 year-round residents; or

(ii) "Non-community water system" means a public water supply system that is not a community water system.

(4) A person may not commence or continue the construction, alteration, extension, or operation of a public water supply system or public sewage system until the applicant has submitted a design report along with the necessary plans and specifications for the system to the department or a delegated division of local government for its review and has received written approval. Three sets of plans and specifications are needed for final approval. Approval by the department or a delegated division of local government is contingent upon construction and operation of the public water supply or public sewage system consistent with the approved design report, plans, and specifications. Failure to construct or operate the system according to the approved plans and specifications or the department's conditions of approval is an alteration for purposes of this rule. Design reports, plans, and specifications must meet the following criteria:

(a) the design report, plans, and specifications for community water systems must be prepared and designed by a professional engineer in accordance with the format and criteria set forth in department Circular DEQ-1, "Montana Department of Environmental Quality Standards for Water Works;"

(b) the design report, plans, and specifications for noncommunity water systems must be prepared in accordance with the format and criteria set forth in Department Circular DEQ-3, "Standards for Small Water Systems."

(i) The department or a delegated division of local government may require the plans and specifications for such a system to be prepared by a professional engineer when the complexity of the proposed system warrants such engineering (e.g., systems using gravity storage, pressure booster/reduction stations).

(ii) Except as provided in (iii), the department or a delegated division of local government will require the plans and specifications for such a system to be prepared by a professional engineer when:

(A) system components subject to review under Department Circular DEQ-1, "Standards for Water Works," are proposed;

(B) chlorination subject to review under Department Circular DEQ-3, "Standards for Small Water Systems," is proposed; or

(C) springs subject to review under Department Circular DEQ-10, "Standards for the Development of Springs to Serve Public Water Supply Systems" are proposed.

(iii) The department or a delegated division of local government may allow standard plans and specifications previously approved by the department to be used for such a system in place of those prepared by a professional engineer on a case-by-case basis;

(c) the design report, plans, and specifications for all public sewage systems, except public subsurface sewage treatment systems, must be prepared and designed by a professional engineer in accordance with the format and criteria set forth in Department Circular DEQ-2, "Montana Department of Environmental Quality Design Standards for Public Sewage Systems." The design report, plans, and specifications for a public sewage system must also be designed to protect public health and ensure compliance with the Montana Water Quality Act, Title 75, chapter 5, MCA, and rules adopted under the Act, including ARM Title 17, chapter 30, subchapter 7;

(d) the board adopts and incorporates by reference ARM 17.36.320 through 17.36.325. The design report, plans, and specifications for public subsurface sewage treatment systems must be prepared in accordance with ARM 17.36.320 through 17.36.325, and with the format and criteria set forth in Department Circular DEQ-4, "Montana Standards for Subsurface Wastewater Treatment Systems." For public subsurface sewage treatment systems with a design flow greater than or equal to 2500 gallons per day, the design report, plans, and specifications must be prepared by a professional engineer.

(e) the board adopts and incorporates by reference ARM 17.36.319 for purposes of review of public gray water irrigation systems. The design report, plans, and specifications for public gray water irrigation systems must be prepared in accordance with ARM 17.36.319, and in accordance with the format and criteria set forth in Department Circular DEQ-4, "Montana Standards for Subsurface Wastewater Treatment Systems." For purposes of this chapter, "gray water" means wastewater that is collected separately from a sewage flow and that does not contain industrial chemicals, hazardous wastes, or wastewater from toilets.

(f) the design report, plans, and specifications for water extensions or replacements that meet the criteria in "Water Main Certified Checklist" may be submitted under that abbreviated process;

(g) the design report, plans, and specifications for sewer extensions or replacements that meet the criteria in "Sewer Main Certified Checklist" may be submitted under that abbreviated process;

(h) the design report, plans, and specifications for new community water supply wells that meet the criteria specified in the "Community Water Supply Well Expedited Review Checklist" may be submitted under that abbreviated process;

(i) the design report, plans, and specifications for new non-community water supply wells that meet the criteria specified in the "Non-community Water Supply Well Expedited Review Checklist" may be submitted under that abbreviated process; and

(j) the department may grant a deviation from the standards referenced in (4)(a) through (e) when the applicant has demonstrated to the satisfaction of the department that strict adherence to the standards of this rule is not necessary to protect public health and the quality of state waters. Deviations from the standards may be granted only by the department.

(5) To resume review of plans and specifications for a project that has been inactive for more than a year after issuance of a denial letter by the reviewing authority, the applicant must resubmit plans and specifications and fees as required in ARM 17.38.106.

(6) Plans and specifications for a project that would violate the approval of a public water supply system, public wastewater system, or that would cause a significant deficiency, as defined in ARM 17.38.104(1), may not be approved by the reviewing authority.

(7) Except as provided in (10)(a), upon receipt of a submittal or resubmittal under (4), the department shall provide a written response to the applicant within 60 days that either approves the submittal, approves the submittal with conditions, describes additional information that must be submitted to the department, or denies the submittal.

(8) The department or a delegated division of local government shall issue a written approval for a public water supply system or public sewage system if it determines that the design report, plans, and specifications are complete and the applicant has complied with all provisions of this rule. The approval may be conditional as follows:

(a) the department's approval of a public water supply system may set forth conditions of approval which may include, but shall not be limited to, those specifying limits on quantities available for irrigation and fire flows, limited storage, standby power sources, and peak flows;

(b) the department's approval of a public sewage system may set forth conditions of approval which may include, but shall not be limited to, expected performance characteristics and performance limitations such as operations, staffing, financing, wastewater loads, standby power, and access; or

(c) the department's approval of the use of reclaimed wastewater by a public sewage system must require compliance with the treatment standards, monitoring, recordkeeping, and reporting requirements required for each classification, as described in Department Circular DEQ-2.

(9) Except as provided in (11)(b), unless the applicant has completed the construction, alteration, or extension of a public water supply or public sewage system within three years after the department or a delegated unit of local government has issued its written approval, the approval is void and a design report, plans, and specifications must be resubmitted as required by (4) with the appropriate fees specified in this subchapter.

(a) If the relevant design standards and administrative rules have not changed since the original approval was issued, the department may, at its discretion, reapprove the project using the following abbreviated process:

(i) The original design report, plans, and specifications must be resubmitted as required by (4).

(ii) The engineer or firm that originally submitted the project must, in writing, grant permission for the department to re-review the plan set, and state that the conditions surrounding the original submission have not changed.

(iii) The review fee will be established by the hourly rate designated in ARM 17.38.106(3) multiplied by the time required to review the plans and specifications.

(10) Continuously active public water supply systems that have never submitted plans and specifications for department review are not required to submit plans and specifications unless specifically required by the department. All public water supply systems that are inactive for three or more years must submit a design report, plans, and specifications, as required by (4) with the appropriate fees specified in this subchapter, for approval prior to reactivation. Previously approved systems that have been inactive for three or more years may, at the department's discretion, use the abbreviated review process described in (9)(a).

(11) As provided in 75-6-131, MCA, the following requirements apply to regional public water supply systems for which a final engineering report has been approved by the United States Bureau of Reclamation. These requirements are in addition to the other requirements in this chapter, except where a rule specifically provides otherwise:

(a) Upon receipt of a submittal or resubmittal under (4) of plans, specifications, or deviation requests for the storage, pumping, and distribution portions of a regional public water supply system, the department shall provide a written response within 40 calendar days after a submittal and within 20 working days after a resubmittal. The department's response must approve the submittal, approve the submittal with conditions, describe additional information that must be submitted to the department, or deny the submittal.

(b) Portions of a regional public water supply system for which the department has reviewed and approved plans, specifications, or deviations under (4) are not subject to changes in department design or construction criteria for a period of 72 months after the department's approval. Unless the applicant has completed construction, alteration, or extension of the approved portions of the system within 72 months after the department's approval, the approval is void and a design report, plans, and specifications must be resubmitted under (4) with the appropriate fees specified in this subchapter. The department may grant a completion deadline extension if the applicant requests an extension in writing and demonstrates adequate justification to the department.

(c) Except as provided in (4) and (11)(b), the approval of a regional water system's standard construction contract documents and provisions for amendments to those documents remains in effect for the construction period of the project as contained in the final engineering report approved by the United States Bureau of Reclamation.

(12) The applicant shall not deviate from the approved plans and specifications without first receiving approval from the governmental entity that approved the plans and specifications.

(13) A person may not commence or continue the operation of a public water supply or public sewage system, or any portion of such system, prior to certifying by letter to the department or a delegated division of local government that the system, or portion of the system constructed, altered, or extended to that date, was completed in substantial accordance with plans and specifications approved by the department and there are no deviations from the design standards of the applicable circulars other than those previously approved by the department pursuant to ARM 17.38.101. For a system or any portion of a system designed by a professional engineer, an engineer shall sign and submit the certification letter to the department or a delegated division of local government.

(14) Within 90 days after the completion of construction, alteration, or extension of a public water supply or public sewage system, or any portion of such system, a complete set of certified "as-built" drawings must be signed and submitted to the department or a delegated division of local government. The department may require that the "as-built" submittal be accompanied by an operation and maintenance manual. For a system or any portion of a system designed by a professional engineer, an engineer shall sign and submit the certified "as-built" drawings to the department or a delegated division of local government.

(15) The applicant shall submit documentation indicating commitment to retain a qualified professional to provide certification that the system was built in conformance with the approved plans and specifications. If the system was designed by a professional engineer, the documentation must indicate that the certification will be provided by a professional engineer.

(16) The department or a delegated division of local government may require that chemical analyses, microbiological examinations, flow tests, pressure tests, treatment plant performance records, or other measures of performance for a public water supply or public sewage system be conducted by the applicant to substantiate that the system complies with the criteria set forth in the design report, plans, and specifications.

(17) When design reports, plans, and specifications submitted pursuant to this rule are also part of a submittal for compliance with plan review pursuant to the Sanitation in Subdivisions Act, (Title 76, chapter 4, MCA) the applicant shall so indicate by written notice accompanying the submittal. Review under this rule will then be conducted pursuant to Title 76, chapter 4, MCA.

(18) When design reports, plans, and specifications submitted pursuant to this rule include a proposal to use reclaimed wastewater, the department or delegated division of local government may not approve the proposal until the applicant has obtained any necessary approvals required under Title 85, MCA, from the Department of Natural Resources and Conservation.

(19) An owner or operator of a public sewage system may not:

(a) use reclaimed wastewater for a use that has not been approved by the department or by a delegated division of local government, according to the use classification system in Department Circular DEQ-2, "Montana Department of Environmental Quality Design Standards for Public Sewage Systems;" or

(b) use reclaimed wastewater that has not been treated to the applicable standards for the use set forth in Department Circular DEQ-2, "Montana Department of Environmental Quality Design Standards for Public Sewage Systems."

(20) For purposes of this chapter, the board adopts and incorporates by reference the following documents. All references to these documents in this chapter refer to the edition set out below:

(a) Department Circular DEQ-1, 2014 edition, which sets forth the requirements for the design and preparation of plans and specifications for public water supply systems;

(b) Department of Environmental Quality Circular DEQ-2, 2016 edition, which sets forth the requirements for the design and preparation of plans and specifications for sewage works;

(c) Department Circular DEQ-3, 2014 edition, which sets forth minimum design standards for small water systems;

(d) Department Circular DEQ-4, 2013 edition, which sets forth standards for subsurface wastewater treatment systems;

(e) Department Water Main Certified Checklist, 2014 edition, which sets forth minimum criteria and design standards for water main extensions and replacements;

(f) Department Sewer Main Certified Checklist, 2014 edition, which sets forth minimum criteria and design standards for sewer main extensions and replacements;

(g) Department Community Water Supply Well Expedited Review Checklist, 2014 edition, which sets forth minimum criteria and design standards for new community water supply wells;

(h) Department Noncommunity Water Supply Well Expedited Review Checklist, 2014 edition, which sets forth minimum criteria and design standards for new non-community water supply wells;

(i) 40 CFR 141.5, which sets forth siting requirements for public water supply components;

(j) Department Circular DEQ-10, 2014 edition, which sets forth the standards for development of springs to serve public water supply systems; and

(k) Department Circular DEQ-16, 2014 edition, which sets forth standards for cisterns to serve noncommunity public water supply systems.

(21) A copy of any of the documents adopted under (20) may be viewed at the Department of Environmental Quality, 1520 East Sixth Avenue, Helena, MT 59620-0901. (History: 75-6-103, MCA; IMP, 75-6-103, 75-6-112, 75-6-121, MCA; NEW, 1977 MAR p. 1173, Eff. 12/24/77; AMD, 1981 MAR p. 205, Eff. 3/13/81; AMD, 1985 MAR p. 163, Eff. 2/15/85; AMD, 1992 MAR p. 2152, Eff. 9/25/92; AMD, 1995 MAR p. 667, Eff. 4/28/95; TRANS, from DHES, 1996 MAR p. 1499; AMD, 1998 MAR p. 1167, Eff. 5/1/98; AMD, 1999 MAR p. 1895, Eff. 9/10/99; AMD, 2000 MAR p. 3398, Eff. 12/8/00; AMD, 2003 MAR p. 230, Eff. 2/14/03; AMD, 2003 MAR p. 1630, Eff. 6/27/03; AMD, 2004 MAR p. 2579, Eff. 10/22/04; AMD, 2004 MAR p. 3016, Eff. 1/1/05; AMD, 2006 MAR p. 540, Eff. 2/24/06; AMD, 2007 MAR p. 1666, Eff. 10/26/07; AMD, 2008 MAR p. 2625, Eff. 12/25/08; AMD, 2009 MAR p. 1786, Eff. 10/16/09; AMD, 2009 MAR p. 1794, Eff. 10/16/09; AMD, 2011 MAR p. 1545, Eff. 8/12/11; AMD, 2012 MAR p. 2067, Eff. 10/12/12; AMD, 2013 MAR p. 2081, Eff. 11/15/13; AMD, 2014 MAR p. 1802, Eff. 8/8/14; AMD, 2014 MAR p. 1824, Eff. 8/8/14; AMD, 2016 MAR p. 1008, Eff. 6/4/16.)

17.38.102 DELEGATION OF REVIEW OF SMALL PUBLIC WATER AND SEWAGE SYSTEM PLANS AND SPECIFICATIONS

(1) The department may delegate to divisions of local government the review of plans and specifications for:

- (a) small public water supply systems and small public sewage systems; and
- (b) extensions or alterations of existing public water and public sewage systems that involve 50 or fewer connections.

(2) Delegation may occur only if:

- (a) a division of local government submits a written application to the department that includes the following:
 - (i) a statement of intent that affirms the local government's intent to ensure that systems which it reviews comply with the minimum standards established in ARM 17.38.101;
 - (ii) names and qualifications of those employees who will be providing the review for the local unit of government; and
 - (iii) a request that the department provide training for public water and sewage system review.
- (b) the department finds that the local government's review will protect public health and the quality of state waters. (History: 75-6-103, 75-6-121, MCA; IMP, 75-6-121, MCA, NEW, 1992 MAR p. 2152, Eff. 9/25/92; TRANS, from DHES, 1996 MAR p. 1499; AMD, 2012 MAR p. 2067, Eff. 10/12/12.)

17.38.103 PUBLIC WATER AND SEWAGE PROJECTS ELIGIBLE FOR CATEGORICAL EXCLUSION FROM MEPA REVIEW (1) Except as provided in (2), a department action under this subchapter and under either Title 75, chapter 6, part 1 or Title 75, chapter 6, part 2, MCA, is excluded from the requirement to prepare an environmental assessment or an environmental impact statement if the application for department review is for any of the following projects:

(a) projects relating to existing infrastructure systems such as sewage systems, drinking water supply systems, and storm water systems, including combined sewer overflow systems that involve:

(i) minor upgrading;
(ii) minor expansion of system capacity;
(iii) rehabilitation (including functional replacement) of the existing system and system components; or

(iv) construction of new minor ancillary facilities adjacent to or on the same property as existing facilities; or

(b) projects in unsewered communities involving the replacement of existing on-site systems, provided that the new on-site systems do not result in substantial increases in the volume of discharges or in loadings of pollutants from existing sources, and do not relocate existing discharges.

(2) A categorical exclusion may not be granted for a department action under (1) if:

(a) the action would authorize facilities that will provide a new discharge or relocate an existing discharge to ground or surface waters;

(b) the action would result in an increase above permit levels established for the facility under the Montana pollutant discharge elimination system or Montana ground water pollution control system for either volume of discharge or loading rate of pollutants to receiving waters;

(c) the action would authorize facilities that will provide capacity to serve a population at least 30% greater than the existing population;

(d) the action is not supported by the state, or other regional growth plan or strategy;

(e) the action directly or indirectly involves or relates to upgrading or extending infrastructure systems primarily for the purposes of future development;

(f) the department has received information indicating that public controversy exists over the project's potential effects on the quality of the human environment; or

(g) the department determines that the proposed project that is the subject of the state action shows some potential for causing a significant effect on the quality of the human environment, based on ARM 17.4.608, or might possibly affect:

(i) sensitive environmental or cultural resource areas; or

(ii) endangered or threatened species and their critical habitats.

(3) The department shall document its decision to issue a categorical exclusion by referencing the application, providing a brief description of the proposed action, and describing how the action meets the criteria for a categorical exclusion in (1) without violating the criteria in (2).

- (4) The department may revoke a categorical exclusion if:
- (a) the project is not initiated within the time period specified in the facility plan, or a new or modified application is submitted;
 - (b) the proposed action no longer meets the requirements for a categorical exclusion because of changes in the proposed action;
 - (c) new evidence demonstrates that serious local or environmental issues exist; or
 - (d) state, local, tribal, or federal laws may be violated. (History: 75-6-103, MCA; IMP, 75-6-103, MCA; NEW, 2009 MAR p. 412, Eff. 4/17/09; AMD, 2012 MAR p. 2067, Eff. 10/12/12.)

17.38.104 SIGNIFICANT DEFICIENCY (1) For the purposes of this rule, "significant deficiency" means any defect in design, operation, or maintenance of a public water supply system or public sewage system, or a failure or malfunction of the system, that the department determines causes, or has the potential to cause, the introduction of contamination into a drinking water supply or a source of ice. The term also includes fecal contamination in water used by a public water supply system.

(2) If the department determines that a significant deficiency exists with a public water supply system or a public sewage system, the department shall provide written notice to the system owner. The system owner shall correct the deficiency in accordance with a plan and timeframe approved by the department.

(3) If the department has reason to believe that a significant deficiency may exist with a public water supply system or a public sewage system, the department may request the system owner to provide additional information to assist the department in making a final determination. The system owner shall provide the department with the requested information. If the system owner fails to supply the requested information, the department may make a determination based on available information about the potential risk of contamination from the system to drinking water or a source of ice, and the department may require the system owner to take measures that the department determines are appropriate to prevent contamination. (History: 75-6-103, 75-6-112, MCA; IMP, 75-6-103, 75-6-112, MCA; NEW, 2013 MAR p. 212, Eff. 2/15/13.)

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17.38.105 CROSS CONNECTIONS (REPEALED) (History: 75-6-103, MCA; IMP, 75-6-103, MCA; Eff. 12/31/72; AMD, 1992 MAR p. 2152, Eff. 9/25/92; TRANS, from DHES, 1996 MAR p. 1499; REP, 1998 MAR p. 958, Eff. 4/17/98.)

17.38.106 FEES (1) The purpose of this rule is to establish fee schedules to be used to calculate fees to be paid to the department for review of plans and specifications for public water supply and public sewage systems, as required under Title 75, chapter 6, part 1, MCA, and ARM 17.38.101.

(2) Department review will not be initiated until fees calculated under (2)(a) through (f) and (5) have been received by the department. If applicable, the final approval will not be issued until the calculated fees under (3) and (4) have been paid in full. The total fee for the review of a set of plans and specifications is the sum of the fees for the applicable parts or subparts listed in these subsections:

(a) The fee schedule for designs requiring review for compliance with Department Circular DEQ-1 is set forth in Schedule I, as follows:

SCHEDULE I

Policies	
ultra violet disinfection.....	\$ 700
point-of-use/point-of-entry treatment.....	\$ 700
Section 1.0 Engineering Report.....	\$ 280
Section 3.1 Surface water	
quality and quantity	\$ 700
structures	\$ 700
Section 3.2 Ground water	\$ 840
Section 4.1 Microscreening.....	\$ 280
Section 4.2 Clarification	
standard clarification	\$ 700
solid contact units.....	\$ 1,400
Section 4.3 Filtration	
rapid rate.....	\$ 1,750
pressure filtration.....	\$ 1,400
diatomaceous earth.....	\$ 1,400
slow sand	\$ 1,400
direct filtration.....	\$ 1,400
biologically active filtration.....	\$ 1,400
membrane filtration	\$ 1,400
micro and ultra filtration.....	\$ 1,400
bag and cartridge filtration.....	\$ 420
Section 4.4 Disinfection	\$ 700
Section 4.5 Softening.....	\$ 700
Section 4.6 Ion Exchange.....	\$ 700

SCHEDULE I (cont.)

Section 4.7 Aeration	
natural draft	\$ 280
forced draft	\$ 280
spray/pressure	\$ 280
packed tower	\$ 700
Section 4.8 Iron and manganese	\$ 700
Section 4.9 Fluoridation	\$ 700
Section 4.10 Stabilization.....	\$ 420
Section 4.11 Taste and odor control	\$ 560
Section 4.12 Adsorptive media	\$ 700
Chapter 5 Chemical application	\$ 980
Chapter 6 Pumping facilities	\$ 980
Section 7.1 Plant storage.....	\$ 980
Section 7.2 Hydropneumatic tanks	\$ 420
Section 7.3 Distribution storage	\$ 980
Chapter 8 Distribution system	
per lot fee	\$ 70
non-standard specifications	\$ 420
transmission distribution (per lineal foot)	\$ 0.25
rural distribution system (per lineal foot)	\$ 0.03
sliplining existing mains (per lineal foot).....	\$ 0.15
Chapter 9 Waste disposal.....	\$ 700
Appendix A	
new systems	\$ 280
modifications	\$ 140

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(b) The fee schedule for designs requiring review for compliance with Department Circular DEQ-2 is set forth in Schedule II, as follows:

SCHEDULE II

Chapter 10 Engineering reports and facility plans	
engineering reports (minor)	\$ 280
comprehensive facility plan (major)	\$ 1,400
Chapter 30 Design of sewers	
per lot fee	\$ 70
non-standard specifications	\$ 420
collection system (per lineal foot)	\$ 0.25
sliplining existing mains (per lineal foot)	\$ 0.15
Chapter 40 Sewage pumping station	
force mains (per lineal foot)	\$ 0.25
1000 gpm or less	\$ 700
greater than 1000 gpm	\$ 1,400
Chapter 60 Screening grit removal	
screening devices and comminutors	\$ 420
grit removal	\$ 420
flow equalization	\$ 700
Chapter 70 Settling	\$ 1,120
Chapter 80 Sludge handling	\$ 2,240
Chapter 90 Biological treatment	\$ 3,360
nonaerated treatment ponds	\$ 1,120
aerated treatment ponds	\$ 1,960
Chapter 100 Disinfection	\$ 900
Chapter 120 Irrigation and Rapid Infiltration Systems	\$ 980
Appendices A and C (per design)	\$ 980

(c) The fee schedule for designs requiring review for compliance with Department Circular DEQ-3 is set forth in Schedule III, as follows:

SCHEDULE III

Section 3.2 Ground water	\$ 840
Chapter 6 Pump facilities	\$ 420
Chapter 7 Finished storage/hydropneumatic tanks	\$ 420
Chapter 8 Distribution system	\$ 420

(d) The fee schedule for designs requiring review for compliance with Department Circular DEQ-4 is set forth in Schedule IV, as follows:

SCHEDULE IV

Chapter 4 Pressure Dosing.....	\$ 280
Chapter 5 Septic Tanks	\$ 280
Chapter 6 Soil Absorption Systems	\$ 280
Chapter 6, Subchapter 6.8 ETA and ET Systems.....	\$ 700
Chapter 7, Subchapters 7.1, 7.2, and 7.3 Filters	\$ 280
Chapter 7, Subchapter 7.4 Aerobic Treatment	\$ 700
Chapter 7, Subchapter 7.5 Chemical Nutrient-Reduction Systems	\$ 700
Chapter 7, Subchapter 7.6 Alternate Advanced Treatment Systems.....	\$ 700
Chapter 8 Holding Tanks, Pit Privy, Seepage Pits, Waste Segregation, Experimental Systems	\$ 280
Appendix D	\$ 280
Non-degradation Review	\$ 420

(e) The fee schedule for designs requiring review for compliance with Department Circular DEQ-10 is set forth in Schedule V as follows:

SCHEDULE V

Spring box and collection lateral.....	\$ 350
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(f) The fee schedule for designs requiring review for compliance with Department Circular DEQ-16 is set forth in Schedule VI, as follows:

SCHEDULE VI

Cisterns.....	\$ 420
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(3) Fees for review of plans and specifications not covered under (2) are established by the department based on a charge of \$105 per hour multiplied by the time required to review the plans and specifications. The review time applied to each set of plans and specifications will be determined by the review engineer and documented with time sheets.

(4) The fee for review of plans and specifications previously denied, for staff time over two hours, is \$105 per hour, assessed in half-hour increments, multiplied by the time required to review the plans and specifications. The review time applied to each set of plans and specifications must be determined by the review engineer and documented with time sheets.

(5) The fee for review of deviations is \$200 per deviation.

(6) Fee payment must be in the form of a check or money order made payable to the state of Montana, Department of Environmental Quality.

(7) When a resubmitted set of plans and specifications contains substantial changes in the design that require the plans and specifications to be reviewed again, the department may require an additional review fee. The additional fee will be calculated in the same manner as the original fee and based on those parts of the standard that must be reviewed again due to the change in design. The department shall give notice and provide for appeal as specified under 75-6-108(5), MCA. (History: 75-6-108, MCA; IMP, 75-6-108, MCA; NEW, 1992 MAR p. 2152, Eff. 9/25/92; AMD, 1995 MAR p. 667, Eff. 4/28/95; TRANS, from DHES, 1996 MAR p. 1499; AMD, 2003 MAR p. 230, Eff. 2/14/03; AMD, 2004 MAR p. 2579, Eff. 10/22/04; AMD, 2005 MAR p. 577, Eff. 4/15/05; AMD, 2006 MAR p. 540, Eff. 2/24/06; AMD, 2007 MAR p. 1666, Eff. 10/26/07; AMD, 2010 MAR p. 910, Eff. 4/16/10; AMD, 2011 MAR p. 1545, Eff. 8/12/11; AMD, 2012 MAR p. 2067, Eff. 10/12/12; AMD, 2013 MAR p. 212, Eff. 2/15/13; AMD, 2014 MAR p. 1824, Eff. 8/8/14.)

