

HB 746 INTRODUCED BY BRANDEWIE, ET AL.  
REQUIRING LOCAL LICENSES FOR ON-SITE SEWAGE  
TREATMENT SYSTEMS

2/14	INTRODUCED		
2/14	REFERRED TO NATURAL RESOURCES		
2/18	HEARING		
2/21	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/24	2ND READING PASSED AS AMENDED	90	7
2/24	3RD READING PASSED	96	4
	TRANSMITTED TO SENATE		
3/02	REFERRED TO NATURAL RESOURCES		
3/20	HEARING		
3/27	ADVERSE COMMITTEE REPORT ADOPTED	35	2
3/28	RETURNED TO HOUSE NOT CONCURRED		

1 House BILL NO. 746  
 2 INTRODUCED BY *[Signature]*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING LOCAL  
 5 LICENSING OF ON-SITE SEWAGE TREATMENT SYSTEMS; AUTHORIZING  
 6 ESTABLISHMENT OF LICENSE APPLICATION FEES; AND PROVIDING  
 7 PENALTIES FOR VIOLATION."  
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Purposes. The purposes of [sections 1  
 11 through 5] are to protect public health, preserve drinking  
 12 water supplies, and conserve aquatic ecosystems by  
 13 establishing local government authority and responsibility  
 14 for licensing the operation of on-site sewage treatment  
 15 systems. The licensing process is intended to ensure that  
 16 on-site sewage treatment systems provide proper wastewater  
 17 treatment on a long-term basis and that ineffective systems  
 18 are replaced.

19 Section 2. Definitions. As used in [sections 1 through  
 20 5], the following definitions apply:

21 (1) "Alternative system" means an on-site sewage  
 22 treatment system designed to achieve proper treatment of  
 23 sewage effluent through use of a technology or design  
 24 different from a conventional system and includes the types  
 25 of standard and experimental alternative systems presented

1 in Circular No. 84-12 (July 1984 edition), prepared by the  
 2 department of health and environmental sciences.

3 (2) "Conventional system" means a conventional  
 4 subsurface sewage treatment system, as defined in Rule  
 5 16.16.101, Administrative Rules of Montana.

6 (3) "Experimental alternative system" means any of the  
 7 types of on-site sewage treatment systems presented in  
 8 chapter 30 of Circular No. 84-12 (July 1984 edition),  
 9 prepared by the department of health and environmental  
 10 sciences.

11 (4) "License" means a written authorization from a  
 12 local health officer or local board for the operation of an  
 13 on-site sewage treatment system, as provided for in [section  
 14 3].

15 (5) "Local board" means a board of health of a county,  
 16 city, city-county, or district, as provided for in 50-2-104  
 17 through 50-2-107.

18 (6) "Local health officer" means a local health  
 19 officer of a county, city, city-county, or district, as  
 20 provided for in Title 50, chapter 2.

21 (7) "On-site sewage treatment system" or "system"  
 22 means a conventional or alternative system located on the  
 23 property being served. On-site sewage treatment system  
 24 includes multiple family and public sewage treatment systems  
 25 that are located on the property of or in a common area



1 serving the users.

2 (8) "Standard alternative system" means any of the  
3 types of on-site sewage treatment systems presented in  
4 chapter 20 of Circular No. 84-12 (July 1984 edition),  
5 prepared by the department of health and environmental  
6 sciences.

7 Section 3. Local regulation of on-site sewage  
8 treatment systems -- license required -- fee authorized. (1)  
9 The owner or operator of an on-site sewage treatment system  
10 shall, as a condition of using that system, possess a valid  
11 license obtained from the local board.

12 (2) Each local board shall establish procedures for  
13 licensing on-site sewage treatment systems within its  
14 jurisdiction. The local board may delegate authority to the  
15 local health officer to administer the provisions of  
16 [sections 1 through 5].

17 (3) In implementing the licensing program, the board:

18 (a) may issue a license for a new system concurrently  
19 with the issuance of an installation permit. If no  
20 installation permit is required, the board shall require the  
21 owner or operator to submit a license application for  
22 review.

23 (b) shall establish an orderly schedule for the  
24 initial licensing of systems in operation as of [the  
25 effective date of this act]. The schedule must require that

1 all such systems be licensed no later than [5 years after  
2 the effective date of this act].

3 (c) may declare an installation permit issued between  
4 [the date 5 years prior to the effective date of this act]  
5 and [the effective date of this act] to be a valid license.  
6 The term of such a license must be equivalent to the term  
7 established by the board for similar systems in the vicinity  
8 and must begin on the date of the installation permit.

9 (d) shall require the owner or operator of a licensed  
10 system to submit an application for license renewal no later  
11 than 60 days prior to the expiration of the license. The  
12 local board shall establish a procedure for sending timely  
13 renewal notices to owners and operators of licensed systems.

14 (4) The local board shall issue or renew a license to  
15 the owner or operator of an on-site sewage treatment system  
16 upon receipt of an application that satisfies the local  
17 criteria developed under [section 4] and upon payment of the  
18 fee authorized in subsection (5).

19 (5) The local board shall establish a schedule of fees  
20 to cover local government costs of administering the  
21 licensing program, including the costs of reviewing license  
22 applications, conducting on-site inspections (as needed),  
23 sending renewal notices, enforcing license requirements, and  
24 conducting other necessary activities. The schedule of fees  
25 may provide for additional charges to be assessed when the

1 local board conducts on-site inspections or tests.

2 (6) The local board shall set the term of the license,  
3 as follows:

4 (a) for conventional systems or standard alternative  
5 systems, the board may set a term of not less than 5 years  
6 and not more than 25 years. Within these limits, the board  
7 may, for the purpose of protecting public health or the  
8 environment, set different license terms based on system  
9 location or system type.

10 (b) for the initial licensing of an experimental  
11 alternative system, the board must set an initial license  
12 term of 3 years, subject to review and revocation as  
13 provided in [section 4(4)]. Terms for license renewals for  
14 experimental alternative systems must be set in the manner  
15 provided for conventional systems.

16 Section 4. Criteria for review of license  
17 applications. (1) A local board may establish criteria for  
18 review of license applications for on-site sewage treatment  
19 systems. The criteria must be intended to protect ground  
20 and surface water quality and may include consideration of  
21 site characteristics, operational and design specifications  
22 and characteristics, system maintenance, and minimization of  
23 adverse effects on the environment or public health,  
24 including cumulative effects.

25 (2) The local board may require the license applicant

1 to submit any information necessary to judge conformance  
2 with the review criteria. The local board may conduct  
3 on-site inspections or tests as part of its review of a  
4 license application.

5 (3) Upon review of such information and if indicated  
6 as necessary to protect water quality, public health, or the  
7 environment, the local board may impose specific  
8 requirements for the design, construction, operation,  
9 maintenance, or siting of an on-site sewage treatment system  
10 as a condition of licensing or may refuse to issue a  
11 license.

12 (4) The local board may require monitoring and  
13 reporting by the owner or operator of any experimental  
14 alternative system as a condition of licensing, unless such  
15 monitoring is being conducted pursuant to a requirement of  
16 the department of health and environmental sciences. The  
17 local board shall inspect the operation of each licensed  
18 alternative experimental system between 1 and 3 years after  
19 the commencement of system operation and may revoke a  
20 license if the system is not meeting local criteria  
21 developed under this section or if the owner or operator  
22 fails to comply with conditions of the license.

23 Section 5. Enforcement. Operation of an on-site sewage  
24 treatment system without a valid license is a violation of a  
25 rule adopted by a local board and is subject to the

1 penalties provided for in 50-2-124.

2 Section 6. Waiver of requirement for conventional  
3 system upon issuance of local license. If a local board of  
4 health, with approval from the local governing body, issues  
5 a license under the provisions of [section 1 through 5] for  
6 the operation of an on-site alternative sewage treatment  
7 system, as described in the department's Circular No. 84-12  
8 (July 1984 edition), the department shall waive its  
9 requirement for use of a conventional subsurface sewage  
10 treatment system.

11 Section 7. Codification instruction. Section 6 is  
12 intended to be codified as an integral part of Title 76,  
13 chapter 4, part 1, and the provisions of Title 76, chapter  
14 4, part 1, apply to section 6.

-End-

APPROVED BY COMM. ON  
NATURAL RESOURCES

## HOUSE BILL NO. 746

INTRODUCED BY BRANDEWIE, COHEN, HARP, MILES,  
JONES, C. SMITH, CONNELLY, HARPER, STRIZICH

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING  
AUTHORIZING LOCAL LICENSING OF ON-SITE SEWAGE TREATMENT  
SYSTEMS; AUTHORIZING ESTABLISHMENT OF LICENSE APPLICATION  
FEES; AND PROVIDING PENALTIES FOR VIOLATION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Purposes. The purposes of [sections 1 through 5 7] are to protect public health, preserve drinking water supplies, and conserve aquatic ecosystems by establishing local government authority and responsibility for licensing the operation of on-site sewage treatment systems. The licensing process is intended to ensure that on-site sewage treatment systems provide proper wastewater treatment on a long-term basis and that ineffective systems are replaced.

Section 2. Definitions. As used in [sections 1 through 5 7], the following definitions apply:

(1) "Alternative system" means an on-site sewage treatment system designed to achieve proper treatment of sewage effluent through use of a technology or design different from a conventional system and includes the types

of standard and experimental alternative systems presented in Circular No. 84-12 (July 1984 edition AND SUBSEQUENT REVISIONS), prepared by the department of health and environmental sciences.

(2) "Conventional system" means a conventional subsurface sewage treatment system, as defined in Rule 16.16.101, Administrative Rules of Montana.

(3) "Experimental alternative system" means any of the types of on-site sewage treatment systems presented in chapter 30 of Circular No. 84-12 (July 1984 edition AND SUBSEQUENT REVISIONS), prepared by the department of health and environmental sciences.

(4) "License" means a written authorization from a local health officer or local board for the operation of an on-site sewage treatment system, as provided for in [section 3].

(5) "Local board" means a board of health of a county, city, city-county, or district, as provided for in 50-2-104 through 50-2-107.

(6) "Local health officer" means a local health officer of a county, city, city-county, or district, as provided for in Title 50, chapter 2.

(7) "On-site sewage treatment system" or "system" means a conventional or alternative system located on the property being served. On-site sewage treatment system

1 includes multiple family and public sewage treatment systems  
2 that are located on the property of or in a common area  
3 serving the users.

4 (8) "Standard alternative system" means any of the  
5 types of on-site sewage treatment systems presented in  
6 chapter 20 of Circular No. 84-12 (July 1984 edition AND  
7 SUBSEQUENT REVISIONS), prepared by the department of health  
8 and environmental sciences.

9 Section 3. Local regulation of on-site sewage  
10 treatment systems ~~---license-required---~~ ~~fee~~ authorized. (1)  
11 EACH LOCAL BOARD MAY ESTABLISH REQUIREMENTS FOR LICENSING  
12 ON-SITE SEWAGE TREATMENT SYSTEMS WITHIN ITS JURISDICTION.  
13 THE LICENSING REQUIREMENTS MAY APPLY TO ALL SYSTEMS OR ONLY  
14 TO ALTERNATIVE SYSTEMS UNDER THE CONDITIONS PROVIDED FOR IN  
15 [SECTION 6].

16 (2) The owner or operator of an on-site sewage  
17 treatment system shall, as a condition of using that system,  
18 possess a valid license obtained from the local board IF THE  
19 SYSTEM IS SUBJECT TO LICENSING REQUIREMENTS ESTABLISHED BY  
20 THE LOCAL BOARD.

21 (2)(3) Each local board THAT HAS ADOPTED LICENSING  
22 REQUIREMENTS shall establish procedures for licensing  
23 on-site sewage treatment systems within its jurisdiction  
24 THAT ARE SUBJECT TO LICENSING REQUIREMENTS. The local board  
25 may delegate authority to the local health officer to

1 administer the provisions of [sections 1 through 5 7].

2 (3)(4) In implementing the licensing program, the  
3 LOCAL board:

4 (a) may issue a license for a new system concurrently  
5 with the issuance of an installation permit. If no  
6 installation permit is required, the LOCAL board shall  
7 require the owner or operator to submit a license  
8 application for review.

9 (b) shall establish an orderly schedule for the  
10 initial licensing of systems THAT REQUIRE A LICENSE AND THAT  
11 ARE in operation as of [the effective date of this act]. The  
12 schedule must require that all such systems be licensed no  
13 later than [5 years after the effective date of this act].

14 (c) may declare an installation permit issued between  
15 [the date 5 years prior to the effective date of this act]  
16 and [the effective date of this act] to be a valid license.  
17 The term of such a license must be equivalent to the term  
18 established by the LOCAL board for similar systems in the  
19 vicinity and must begin on the date of the installation  
20 permit.

21 (d) shall require the owner or operator of a licensed  
22 system to submit an application for license renewal no later  
23 than 60 days prior to the expiration of the license. The  
24 local board shall establish a procedure for sending timely  
25 renewal notices to owners and operators of licensed systems.

1       ~~††~~(5) The local board shall issue or renew a license  
2 to the owner or operator of an on-site sewage treatment  
3 system upon receipt of an application that satisfies the  
4 local criteria developed under [section 4] and upon payment  
5 of the fee authorized in subsection ~~†5~~ (5).

6       ~~†5~~(5) The local board shall establish a schedule of  
7 fees to cover local government costs of administering the  
8 licensing program, including the costs of reviewing license  
9 applications, conducting on-site inspections (as needed),  
10 sending renewal notices, enforcing license requirements, and  
11 conducting other necessary activities. The schedule of fees  
12 may provide for additional charges to be assessed when the  
13 local board conducts on-site inspections or tests.

14       ~~†6~~(7) The local board shall set the term of the  
15 license, as follows:

16       (a) for conventional systems or standard alternative  
17 systems, the LOCAL board may set a term of not less than 5  
18 years and not more than 25 years. Within these limits, the  
19 LOCAL board may, for the purpose of protecting public health  
20 or the environment, set different license terms based on  
21 system location or system type.

22       (b) for the initial licensing of an experimental  
23 alternative system, the LOCAL board must set an initial  
24 license term of 3 years, subject to review and revocation as  
25 provided in ~~{section-4†4}~~ [SECTION 6]. Terms for license

1 renewals for experimental alternative systems must be set in  
2 the manner provided for conventional systems.

3       Section 4. Criteria for review of license  
4 applications. (1) A local board may establish criteria for  
5 review of license applications for on-site sewage treatment  
6 systems. The criteria must be intended to protect ground  
7 and surface water quality and may include consideration of  
8 site characteristics, operational and design specifications  
9 and characteristics, system maintenance, and minimization of  
10 adverse effects on the environment or public health,  
11 including cumulative effects.

12       (2) The local board may require the license applicant  
13 to submit any information necessary to judge conformance  
14 with the review criteria. The local board may conduct  
15 on-site inspections or tests as part of its review of a  
16 license application.

17       (3) Upon review of such information and if indicated  
18 as necessary to protect water quality, public health, or the  
19 environment, the local board may impose specific  
20 requirements for the design, construction, operation,  
21 maintenance, DISCHARGE EFFLUENT QUALITY, or siting of an  
22 on-site sewage treatment system as a condition of licensing  
23 or may refuse to issue a license.

24       ~~†4~~--The--local--board--may--require--monitoring--and  
25 reporting--by--the--owner--or--operator--of--any--experimental



alternative system as a condition of licensing, unless such monitoring is being conducted pursuant to a requirement of the department of health and environmental sciences. The local board shall inspect the operation of each licensed alternative experimental system between 1 and 3 years after the commencement of system operation and may revoke a license if the system is not meeting local criteria developed under this section or if the owner or operator fails to comply with conditions of the license.

Section 5. Enforcement. Operation of an on-site sewage treatment system without a valid license is a violation of a rule adopted by a local board and is subject to the penalties provided for in 50-2-124.

Section 6. Waiver of requirement for conventional system upon issuance of local license. If a local board of health, with approval from the local governing body, issues a license under the provisions of {section 1 through 5} for the operation of an on-site alternative sewage treatment system, as described in the department's Circular No. 84-12 {July 1984 edition}, the department shall waive its requirement for use of a conventional subsurface sewage treatment system.

Section 7. Codification instruction. Section 6 is intended to be codified as an integral part of Title 76, chapter 4, part 1, and the provisions of Title 76, chapter

~~47-part-1, apply to section 6.~~

SECTION 6. ALTERNATIVE SYSTEMS. (1) A LOCAL BOARD MAY AUTHORIZE THE USE OF AN ALTERNATIVE SYSTEM PURSUANT TO A LOCAL ORDINANCE OR IF THE LOCAL BOARD HAS ESTABLISHED LICENSING PROCEDURES FOR SUCH SYSTEMS UNDER THE PROVISIONS OF [SECTION 3] AND IF THOSE PROCEDURES ARE CONSISTENT WITH PROCEDURES UTILIZED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES IN ITS EVALUATION OF ALTERNATIVE SYSTEMS UNDER RULES IMPLEMENTING TITLE 76, CHAPTER 4, PART

1.

(2) THE LOCAL BOARD SHALL REQUIRE MONITORING AND REPORTING BY THE OWNER OR OPERATOR OF ANY EXPERIMENTAL ALTERNATIVE SYSTEM AS A CONDITION OF LICENSING, UNLESS SUCH MONITORING IS BEING CONDUCTED PURSUANT TO A REQUIREMENT OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES. THE LOCAL BOARD SHALL INSPECT THE OPERATION OF EACH LICENSED EXPERIMENTAL ALTERNATIVE SYSTEM AT LEAST ONCE IN EACH OF THE FIRST 3 YEARS AFTER THE COMMENCEMENT OF SYSTEM OPERATION AND MAY REVOKE A LICENSE IF THE SYSTEM IS NOT MEETING LOCAL CRITERIA DEVELOPED UNDER [SECTION 4] OR IF THE OWNER OR OPERATOR FAILS TO COMPLY WITH CONDITIONS OF THE LICENSE.

(3) THE LOCAL BOARD MAY NOT LICENSE AN ALTERNATIVE SYSTEM AT A SITE THAT DOES NOT CONFORM TO THE STANDARDS FOR THE SITING OF A CONVENTIONAL SYSTEM UNDER THE RULES ADOPTED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO

1 IMPLEMENT TITLE 76, CHAPTER 4, PART 1, UNLESS THE  
2 ALTERNATIVE SYSTEM IS BEING INSTALLED AS AN EFFECTIVE  
3 REPLACEMENT FOR A LESS EFFECTIVE CONVENTIONAL SYSTEM AT SUCH  
4 A SITE.

5 SECTION 7. RELATION OF LOCAL AUTHORITY TO DEPARTMENT  
6 OF HEALTH AND ENVIRONMENTAL SCIENCES. THE AUTHORITY GRANTED  
7 TO A LOCAL BOARD OR LOCAL GOVERNMENT UNDER [SECTIONS 1  
8 THROUGH 7] IS SUPPLEMENTAL TO AND IS NOT INTENDED TO  
9 CONFLICT WITH OR OVERRIDE THE AUTHORITY OF THE DEPARTMENT OF  
10 HEALTH AND ENVIRONMENTAL SCIENCES IN IMPLEMENTING TITLE 76,  
11 CHAPTER 4, PART 1.

-End-

## 1 HOUSE BILL NO. 746

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3 JONES, C. SMITH, CONNELLY, HARPER, STRIZICH  
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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17 on-site sewage treatment systems provide proper wastewater  
18 treatment on a long-term basis and that ineffective systems  
19 are replaced.

20 Section 2. Definitions. As used in [sections 1 through  
21 5 ], the following definitions apply:

22 (1) "Alternative system" means an on-site sewage  
23 treatment system designed to achieve proper treatment of  
24 sewage effluent through use of a technology or design  
25 different from a conventional system and includes the types

1 of standard and experimental alternative systems presented  
2 in Circular No. 84-12 (July 1984 edition AND SUBSEQUENT  
3 REVISIONS), prepared by the department of health and  
4 environmental sciences.

5 (2) "Conventional system" means a conventional  
6 subsurface sewage treatment system, as defined in Rule  
7 16.16.101, Administrative Rules of Montana.

8 (3) "Experimental alternative system" means any of the  
9 types of on-site sewage treatment systems presented in  
10 chapter 30 of Circular No. 84-12 (July 1984 edition AND  
11 SUBSEQUENT REVISIONS), prepared by the department of health  
12 and environmental sciences.

13 (4) "License" means a written authorization from a  
14 local health officer or local board for the operation of an  
15 on-site sewage treatment system, as provided for in [section  
16 3].

17 (5) "Local board" means a board of health of a county,  
18 city, city-county, or district, as provided for in 50-2-104  
19 through 50-2-107.

20 (6) "Local health officer" means a local health  
21 officer of a county, city, city-county, or district, as  
22 provided for in Title 50, chapter 2.

23 (7) "On-site sewage treatment system" or "system"  
24 means a conventional or alternative system located on the  
25 property being served. On-site sewage treatment system

1 includes multiple family and public sewage treatment systems  
2 that are located on the property of or in a common area  
3 serving the users.

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5 types of on-site sewage treatment systems presented in  
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9 Section 3. Local regulation of on-site sewage  
10 treatment systems ---license-required---fee authorized. (1)  
11 EACH LOCAL BOARD MAY ESTABLISH REQUIREMENTS FOR LICENSING  
12 ON-SITE SEWAGE TREATMENT SYSTEMS WITHIN ITS JURISDICTION.  
13 THE LICENSING REQUIREMENTS MAY APPLY TO ALL SYSTEMS OR ONLY  
14 TO ALTERNATIVE SYSTEMS UNDER THE CONDITIONS PROVIDED FOR IN  
15 [SECTION 6].

16 (2) The owner or operator of an on-site sewage  
17 treatment system shall, as a condition of using that system,  
18 possess a valid license obtained from the local board IF THE  
19 SYSTEM IS SUBJECT TO LICENSING REQUIREMENTS ESTABLISHED BY  
20 THE LOCAL BOARD.

21 (2)(3) Each local board THAT HAS ADOPTED LICENSING  
22 REQUIREMENTS shall establish procedures for licensing  
23 on-site sewage treatment systems within its jurisdiction  
24 THAT ARE SUBJECT TO LICENSING REQUIREMENTS. The local board  
25 may delegate authority to the local health officer to

1 administer the provisions of [sections 1 through 5 7].

2 (3)(4) In implementing the licensing program, the  
3 LOCAL board:

4 (a) may issue a license for a new system concurrently  
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6 installation permit is required, the LOCAL board shall  
7 require the owner or operator to submit a license  
8 application for review.

9 (b) shall establish an orderly schedule for the  
10 initial licensing of systems THAT REQUIRE A LICENSE AND THAT  
11 ARE in operation as of [the effective date of this act]. The  
12 schedule must require that all such systems be licensed no  
13 later than [5 years after the effective date of this act].

14 (c) may declare an installation permit issued between  
15 [the date 5 years prior to the effective date of this act]  
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17 The term of such a license must be equivalent to the term  
18 established by the LOCAL board for similar systems in the  
19 vicinity and must begin on the date of the installation  
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21 (d) shall require the owner or operator of a licensed  
22 system to submit an application for license renewal no later  
23 than 60 days prior to the expiration of the license. The  
24 local board shall establish a procedure for sending timely  
25 renewal notices to owners and operators of licensed systems.

1       ~~(4)~~(5) The local board shall issue or renew a license  
 2 to the owner or operator of an on-site sewage treatment  
 3 system upon receipt of an application that satisfies the  
 4 local criteria developed under [section 4] and upon payment  
 5 of the fee authorized in subsection ~~(5)~~ (6).

6       ~~(5)~~(6) The local board shall establish a schedule of  
 7 fees to cover local government costs of administering the  
 8 licensing program, including the costs of reviewing license  
 9 applications, conducting on-site inspections (as needed),  
 10 sending renewal notices, enforcing license requirements, and  
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 13 local board conducts on-site inspections or tests.

14       ~~(6)~~(7) The local board shall set the term of the  
 15 license, as follows:

16       (a) for conventional systems or standard alternative  
 17 systems, the LOCAL board may set a term of not less than 5  
 18 years and not more than 25 years. Within these limits, the  
 19 LOCAL board may, for the purpose of protecting public health  
 20 or the environment, set different license terms based on  
 21 system location or system type.

22       (b) for the initial licensing of an experimental  
 23 alternative system, the LOCAL board must set an initial  
 24 license term of 3 years, subject to review and revocation as  
 25 provided in ~~[section-4(4)]~~ [SECTION 6]. Terms for license

1 renewals for experimental alternative systems must be set in  
 2 the manner provided for conventional systems.

3       (8) IN THE EVENT OF A TRANSFER OF PROPERTY OWNERSHIP  
 4 OR SYSTEM OPERATION, A VALID LICENSE REMAINS IN EFFECT FOR  
 5 THE SYSTEM FOR WHICH IT WAS ISSUED AND TRANSFERS TO THE NEW  
 6 OWNER OR OPERATOR.

7       Section 4. Criteria for review of license  
 8 applications. (1) A local board may establish criteria for  
 9 review of license applications for on-site sewage treatment  
 10 systems. The criteria must be intended to protect ground  
 11 and surface water quality and may include consideration of  
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 22 as necessary to protect water quality, public health, or the  
 23 environment, the local board may impose specific  
 24 requirements for the design, construction, operation,  
 25 maintenance, DISCHARGE EFFLUENT QUALITY, or siting of an

1 on-site sewage treatment system as a condition of licensing  
2 or may refuse to issue a license.

3 ~~(4) The local board may require monitoring and  
4 reporting by the owner or operator of any experimental  
5 alternative system as a condition of licensing, unless such  
6 monitoring is being conducted pursuant to a requirement of  
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8 local board shall inspect the operation of each licensed  
9 alternative experimental system between 1 and 3 years after  
10 the commencement of system operation and may revoke a  
11 license if the system is not meeting local criteria  
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15 treatment system without a valid license is a violation of a  
16 rule adopted by a local board and is subject to the  
17 penalties provided for in 50-2-124.

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19 system upon issuance of local license. If a local board of  
20 health, with approval from the local governing body, issues  
21 a license under the provisions of {section 1 through 5} for  
22 the operation of an on-site alternative sewage treatment  
23 system, as described in the department's Circular No. 84-12  
24 {July 1984 edition}, the department shall waive its  
25 requirement for use of a conventional subsurface sewage~~

1 ~~treatment system.~~

2 ~~Section 7. Codification instruction. Section 6 is  
3 intended to be codified as an integral part of Title 76,  
4 chapter 4, part 1, and the provisions of Title 76, chapter  
5 4, part 1, apply to section 6.~~

6 SECTION 6. ALTERNATIVE SYSTEMS. (1) A LOCAL BOARD MAY  
7 AUTHORIZE THE USE OF AN ALTERNATIVE SYSTEM PURSUANT TO A  
8 LOCAL ORDINANCE OR IF THE LOCAL BOARD HAS ESTABLISHED  
9 LICENSING PROCEDURES FOR SUCH SYSTEMS UNDER THE PROVISIONS  
10 OF [SECTION 3] AND IF THOSE PROCEDURES ARE CONSISTENT WITH  
11 PROCEDURES UTILIZED BY THE DEPARTMENT OF HEALTH AND  
12 ENVIRONMENTAL SCIENCES IN ITS EVALUATION OF ALTERNATIVE  
13 SYSTEMS UNDER RULES IMPLEMENTING TITLE 76, CHAPTER 4, PART  
14 1.

15 (2) THE LOCAL BOARD SHALL REQUIRE MONITORING AND  
16 REPORTING BY THE OWNER OR OPERATOR OF ANY EXPERIMENTAL  
17 ALTERNATIVE SYSTEM AS A CONDITION OF LICENSING, UNLESS SUCH  
18 MONITORING IS BEING CONDUCTED PURSUANT TO A REQUIREMENT OF  
19 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES. THE  
20 LOCAL BOARD SHALL INSPECT THE OPERATION OF EACH LICENSED  
21 EXPERIMENTAL ALTERNATIVE SYSTEM AT LEAST ONCE IN EACH OF THE  
22 FIRST 3 YEARS AFTER THE COMMENCEMENT OF SYSTEM OPERATION AND  
23 MAY REVOKE A LICENSE IF THE SYSTEM IS NOT MEETING LOCAL  
24 CRITERIA DEVELOPED UNDER [SECTION 4] OR IF THE OWNER OR  
25 OPERATOR FAILS TO COMPLY WITH CONDITIONS OF THE LICENSE.

1       (3) THE LOCAL BOARD MAY NOT LICENSE AN ALTERNATIVE  
2 SYSTEM AT A SITE THAT DOES NOT CONFORM TO THE STANDARDS FOR  
3 THE SITING OF A CONVENTIONAL SYSTEM UNDER THE RULES ADOPTED  
4 BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO  
5 IMPLEMENT TITLE 76, CHAPTER 4, PART 1, UNLESS THE  
6 ALTERNATIVE SYSTEM IS BEING INSTALLED AS AN EFFECTIVE  
7 REPLACEMENT FOR A LESS EFFECTIVE CONVENTIONAL SYSTEM AT SUCH  
8 A SITE.

9       SECTION 7. RELATION OF LOCAL AUTHORITY TO DEPARTMENT  
10 OF HEALTH AND ENVIRONMENTAL SCIENCES. THE AUTHORITY GRANTED  
11 TO A LOCAL BOARD OR LOCAL GOVERNMENT UNDER [SECTIONS 1  
12 THROUGH 7] IS SUPPLEMENTAL TO AND IS NOT INTENDED TO  
13 CONFLICT WITH OR OVERRIDE THE AUTHORITY OF THE DEPARTMENT OF  
14 HEALTH AND ENVIRONMENTAL SCIENCES IN IMPLEMENTING TITLE 76,  
15 CHAPTER 4, PART 1.

-End-