



ADMINISTRATIVE RULES OF MONTANA



17.36.123 CONNECTION TO PUBLIC WATER SUPPLY AND WASTEWATER SYSTEMS

- (1) New water supply and sewage disposal facilities in a proposed subdivision must be provided by a connection to a public water supply or public wastewater system if any boundary of the subdivision is within 500 feet of any component of the public system and the public system meets the requirements of (2)(a) and (b). The department may grant a waiver, pursuant to ARM 17.36.601, of the requirement to connect to a public system if the applicant demonstrates that connection to the public system is physically or economically impractical, or that easements cannot be obtained. For purposes of this rule, a connection is economically practical if the cost of constructing the connection to the system is less than or equal to three times the cost of constructing approvable systems on the site.
- (2) Unless a waiver is granted pursuant to ARM 17.36.601, the reviewing authority may not approve the connection of a proposed subdivision to an existing public system unless:
 - (a) the existing public system is approved by the department and is in compliance with the provisions of Title 75, chapter 6, part 1, MCA, and ARM Title 17, chapters 30 and 38;
 - (b) the managing entity of the public system certifies to the reviewing authority, on a form acceptable to the department, that:
 - (i) the system has an adequate capacity to meet the needs of the subdivision;
 - (ii) the connections are authorized;
 - (iii) the system is in compliance with ARM Title 17, chapter 38, and all other applicable department regulations; and
 - (iv) the appropriate water rights exist for this connection; and
 - (c) the applicant submits to the reviewing authority the name and public water supply ID (PWSID) number of the public system.
- (3) If the proposed additional connections will create a new public system, the applicant shall submit plans and specifications for the entire system (existing and proposed) for review and approval by the department in accordance with the provisions of Title 75, chapter 6, part 1, MCA, and ARM Title 17, chapters 30 and 38.
- (4) Subject to the criteria in (2) and (3), a municipal or county water and/or sewer district must accept a connection request from a proposed subdivision and make public wastewater service available if requested by an applicant if:
 - (a) any boundary of the subdivision is within 1000 feet of any component of a public municipal or county sewer district wastewater system; and

- (b) any boundary of the subdivision borders surface water or where surface water is present or the subdivision is unable to pass the nonsignificance criteria in 75-5-301, MCA, for surface water impacts.
- (5) In addition to new water and sewer facilities in (1), this rule applies to rewrites of certificates of subdivision approval that include an increase in water or wastewater flows or load and to reviews of lots that were created under ARM 17.36.605(2)(a).

Authorizing statute(s): 76-4-104, MCA

Implementing statute(s): 76-4-104, MCA

History: NEW, 2002 MAR p. 1465, Eff. 5/17/02; AMD, 2014 MAR p. 2098, Eff. 9/19/14; TRANS and AMD, from 17.36.328, 2023 MAR p. 324, Eff. 4/15/23; AMD, 2023 MAR p. 1861, Eff. 12/23/23.