



ADMINISTRATIVE RULES OF MONTANA

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

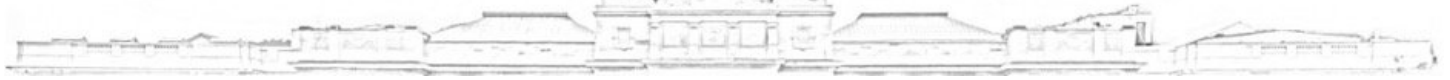
- (1) The department shall delegate to divisions of local government the review of plans and specifications for:
 - (a) small public water supply systems and small public sewage systems; and
 - (b) extensions or alterations of existing public water and public sewage systems.
- (2) Delegation may occur 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.
- (3) Local governments shall be reimbursed 90% of the review fee for performing these reviews and the department must receive the remaining 10% of the review fee.
- (4) Local governments conducting reviews under this rule shall complete all documents necessary to complete the review and comply with:
 - (a) the Montana Environmental Policy Act provided in Title 75, chapter 1, parts 1 through 3, MCA;
 - (b) real property takings requirements in accordance with Title 70, MCA; and
 - (c) nondegradation and nonsignificance determinations required in accordance with Title 75, chapter 5, MCA.

Authorizing statute(s): 75-6-104, 75-6-121, MCA

Implementing statute(s): 75-6-121, MCA, NEW, 1992 MAR p. 2152, Eff. 9/25/92



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History: TRANS, from DHES, 1996 MAR p. 1499; AMD, 2012 MAR p. 2067, Eff. 10/12/12; AMD, 2023 MAR p. 1861, Eff. 12/23/23.