



ADMINISTRATIVE RULES OF MONTANA



17.50.803 LICENSURE, LICENSE APPLICATION, ANNUAL RENEWAL

- (1) Except as provided in 75-10-1210 , MCA, a person may not engage in the business of cleaning cesspools, septic tanks, portable toilets, privies, grease traps, car wash sumps, or similar treatment works, or disposal of septage and other wastes from these devices, unless licensed by the department. A person wishing to engage in any of these businesses shall submit an application for a license to the department on a form provided by the department. A person wishing to renew a license shall do so on the form provided by the department. The following information, if applicable, must be provided:
 - (a) the full legal name of the licensee or applicant, the organization name or assumed business name, as filed or registered with the secretary of state, the federal tax identification number, and physical business address of the applicant;
 - (b) the mailing address of the applicant, if different from the physical address;
 - (c) a list of all counties in which business is to be conducted;
 - (d) a list of all disposal sites, not exempted under 75-10-1210 (2) , MCA, that the applicant proposes to use;
 - (e) the estimated volume of septage and other wastes to be disposed of at each disposal site annually;
 - (f) the amount and kinds of pumpings applied to each site in the previous calendar year;
 - (g) the location of the records required in ARM 17.50.813; and
 - (h) a certification by the local health officer or the local health officer's designated representative in the county where the business is located that:
 - (i) each vehicle used for surface application of septage is equipped with spreading equipment that complies with ARM 17.50.811; and
 - (ii) if, pursuant to ARM 17.50.811, the department has required the licensee or applicant to screen septage before applying it to land, that the licensee or applicant has screening equipment or a device that complies with ARM 17.50.811.
- (2) Before a licensee places a new vehicle in service, the licensee shall have the vehicle inspected by the local health officer or the local health officer's designated representative, either in person or, if the vehicle is readily identifiable in a photograph, by submission of a photograph. The licensee shall provide the department with the certification required in (1) (h) .
- (3) Only one certification required in (1) must be submitted to the department during the service life of a vehicle, screening equipment, or device.

- (4) To obtain the certification of screening equipment or a device that is at a fixed location, a licensee may either:
 - (a) request the local health officer or designated representative, or the department, to inspect it at the fixed location; or
 - (b) if the location is readily identifiable in a photograph, submit a photograph of the equipment or device to the local health officer or designated representative.
- (5) For each disposal site proposed for use by the applicant or licensee that must be listed under the requirements of 75-10-1212 (2) (d) , MCA, including land application sites, wastewater treatment facilities, and solid waste management systems, and that is not exempt under 75-10-1210 (2) , MCA, the applicant or licensee shall submit the following information, if applicable, on a form approved by the department:
 - (a) the full legal name of the owner of the property, the organization name or assumed business name, as filed or registered with the secretary of state, and federal tax identification number, if available;
 - (b) the street address or directions to the site;
 - (c) the location of the property by township, range, section, and quarter section(s) or the latitude and longitude of the property in degrees, minutes and seconds;
 - (d) the type of vegetation on the land application area (i.e., fallow land, pasture, range, forest) and the nitrogen requirements for the vegetation;
 - (e) the estimated depth to seasonally high ground water at the land application site, and the basis for the estimates;
 - (f) a statement of the general soil type (example: clay, gravel, sandy loam) at each land application site;
 - (g) the approximate slope of the application area;
 - (h) the distance to surface water and ephemeral or intermittent drainages;
 - (i) the acreage available for land application;
 - (j) the volume of material to be placed annually on the site;
 - (k) the present uses of lands adjacent to each land application site;
 - (l) the zoning classification, if any, for each land application site and the allowed uses for the classification;
 - (m) a proposed disposal operation and maintenance plan for each land application site including provisions for access control, if necessary, and the types and sources of wastes to be managed on the site. The operation and maintenance plan must include a description of the vector attraction reduction and pathogen reduction methods proposed for use on the site and a listing of equipment available for managing each type of waste. At the request of the local health officer or designated representative of the county where a land application site is located, the department shall mail a copy of the operation and maintenance plan to that person;

- (n) certification by a local health officer or the local health officer's designated representative that the proposed land application site meets all applicable state and local requirements;
 - (o) the signature of the land owner, facility operator, or designated representative of the owner or operator, granting permission to use the site for land application, disposal, or treatment;
 - (p) a sketch or map showing the area available for land application after setback requirements are met, and the distance from the area to neighboring houses; and
 - (q) for land application sites, a certification by the landowner, facility manager, or authorized representative of the landowner, that the person making the certification is aware that:
 - (i) the use of the site or crops from the site may be restricted under the requirements of ARM 17.50.811;
 - (ii) the land application rate is limited by the rate at which septage may be land-applied as specified in ARM 17.50.809(12) and 17.50.816(6) ;
 - (iii) the operational practices for pathogen and vector attraction reduction in ARM 17.50.811 must be followed; and
 - (iv) the department, local health officer, or the local health officer's designated representative may inspect, and the landowner is required to allow inspection of, the land application site as provided in ARM 17.50.812.
- (6) During the term of a license, the licensee may, after fulfilling the requirements of (5) , add new disposal sites to the service area with the written approval of the department.
- (7) An applicant shall pay the license or renewal fee required under 75-10-1212 , MCA, to the department at the time the applicant submits the license or renewal application to the department. A license may not be issued or renewed prior to payment of the appropriate fee.
- (8) The department shall mail to each license holder an annual renewal form by November 15 of each calendar year. The renewal form must provide for the submission of information required in (1) .
- (9) The department shall mail to each county health officer or designated representative by February 15 of each calendar year a list of license holders operating in that county who have renewed their licenses by January 31 of that year. The list must include the renewed and added disposal locations for each license holder operating in the county.
- (10) The department shall, within five days after receiving a renewal form and applicable fees, notify the county health officer or designated representative of license holders who renew their licenses after January 31 of the year after the license expires.
- (11) A person who renews a license after April 1 of the year after the license expires shall pay the late fee required under 75-10-1212 , MCA.
- (12) A person may not renew a license after December 31 of the year after the license expires. A person desiring to operate a business, or dispose of wastes, regulated under this subchapter after December 31 of the year after the license expires shall submit a new application, along with the application fee, to the department.
- (13) A person who operates a business, or disposes of wastes, regulated under this subchapter after the person's license has expired and prior to renewing the person's license and paying the

required fees is subject to the enforcement provisions of 75-10-1220 , 75-10-1221 , 75-10-1222 , and 75-10-1223 , MCA.

Authorizing statute(s): 75-10-1202, MCA

Implementing statute(s): 75-10-1202, 75-10-1211, 75-10-1212, MCA

History: NEW, 2001 MAR p. 848, Eff. 5/25/01; AMD, 2004 MAR p. 2914, Eff. 10/8/04.