

DRAFT



Certified mail

April ____, 2012

Mr. Kevin Hartsock
39 Jet Drive
Glasgow, MT 59230

RE: VARIANCE REQUEST FOR SEPTIC SYSTEM AT 105 W. KEEGAN STREET, NEIHART, MT

Mr. Hartsock,

The Cascade City-County Board of Health has reviewed your request for a variance from the Cascade County Regulations for Subsurface Wastewater Treatment Systems; specifically, 17.36.914 (3) and (4), which states:

17.36.914 WASTEWATER TREATMENT SYSTEMS - TECHNICAL REQUIREMENTS

(3) Wastewater treatment systems must be located to maximize the vertical separation distance from the bottom of the absorption trench to the seasonally high groundwater level, bedrock, or other limiting layer, but under no circumstances may this vertical separation be less than four feet of natural soil.

(4) A replacement area or replacement plan must be provided for each new or expanded wastewater treatment system. Replacement areas and plans must comply with the requirements of this subchapter.

A test pit done in July of 2011 found the groundwater level at 4'3". At that time you were advised by the county Sanitarian to install a pressure dosed, at-grade system that would give you the vertical separation needed. You have expressed your concerns about the limited use of the cabin and the potential for a pump tank to freeze in extended periods of non-use during the winter. As an alternative, you are requesting a variance from the 4 foot separation to allow a replacement drainfield with a 3 foot separation giving you the ability to install a gravity system instead of a dosed system. Due to the rapid draining, rocky soils in Neihart, the Board of Health has some concerns about this variance request and the possibility of setting a precedent of allowing less treatment of sewage effluent before it reaches groundwater. With this concern in mind, a variance approval will only be granted under certain conditions as follows:

1. The cabin replacing the existing house is only recreational property with limited use and the special conditions of a septic permit will state that it is approved only for limited recreational use. Year round living-use would have ~~supported required the use of replacement with~~ a pressure dosed, at-grade system, ~~and prevented it from freezing and a variance would not be considered under those circumstances.~~
2. This proposed system is a replacement septic system that will be an improvement over the existing system that was in place before septic regulations. The existing system is likely connected to groundwater at this time and is also closer to Belt creek than the proposed replacement system. The Board ~~does-will~~ not support this type of variance for newly developed properties.

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2-3. Any change from recreational use to year round use will require replacement and installation of a pressure dosed system.

3-4. The proposed replacement system has a legal easement for the location on the neighboring property. The drainfield will not have fill as part of the system below the trenches.

4-5. The proposed replacement system will be constructed in accordance with the septic permit that will also require a layer of approved soil at the bottom of the trench, but over the 3 feet of native soil to help slow the percolation rate to allow for more treatment time of the effluent.

5-6. The installation of the replacement septic system will be done by a Certified installer.

6-7. The excavated soil for the septic tank and drainfield will be removed in an approved manner that satisfies EPA, DEQ and the Health Department since the soils on your property and also Mr. Black's property where the easement is have been identified as having over 400 ppm lead. (Hartsock parcel is 401 ppm and Black is 777 ppm). Any fill brought in for covering the drainfield and tank will be approved by the health department. When you have identified a clean fill source, the health department will pay for the sampling of lead and arsenic to verify it is clean prior to use.

7-8. Any fill brought in to raise the level of the house as you have expressed doing to provide the elevation you will need for a gravity system with a trench depth of 15" will likely need a floodplain permit. Although this is not the authority of the health department, we are advising that you contact the Town of Neihart for the appropriate floodplain permit if required. Again, the health department will pay for the sampling of the fill source you locate.

Given the above conditions are met, The Cascade County Board of Health will grant the variance you have requested. If you have any further questions, you may contact the Environmental Health Manager, Sandy Johnson, at 791-9275.

Sincerely,

Jane Weber
Chair, Cascade City-County Board of Health