



Ravalli County Environmental Health
215 South 4th Street – Suite D
Hamilton, MT 59840
Phone: (406) 375-6565
Email: rceh@rc.mt.gov

January 16, 2025

CMP-25-01-16-01

Sent via USPS, Email
Cert. # 7021 1970 0000 5337 9640

ATTN: Harris Himes
HOLY GROUND, A CORPORATION SOLE
PO BOX 540
HAMILTON, MT 59840-0540

RE: The Property at 120 Bowman Rd., Hamilton, MT; Parcel # 798510;
Parcels A & B of CS# 5764; hereinafter as "the Property".

Dear Pastor Himes,

The Board of Health (BOH) met on January 8, 2025, and continued to discuss the complaint on the Property with regard to the use of recreational vehicles (RVs) as Occupied Buildings. After review of the information gathered from the October 23, 2024, site visit with you, and in order to further provide information for the BOH and conformance with the Ravalli County Wastewater Regulations, the BOH required that the following information be provided to the Board of Health by January 2, 2025:

1. **At your discretion, provide water flow meter data for the north end of the shelter building. This information would be used to help measure the wastewater flow into the existing system that serves the north end of the shelter building.**
2. **Provide soil profile within 25 feet of the existing drainfield/seepage pit that serves the north end of the shelter building. This would require applying for a Site Evaluation with our office.**
3. **Provide a copy of the pumper's report from when the existing septic tanks serving the northern portion of the shelter building was pumped.**
4. **Provide proof of the number and length of laterals if the absorption system serving the north end of the shelter building is a drainfield. This would require a septic pumper or an individual with the ability to camera the outlet line from the existing tank that leads to the drainfield/seepage pit.**
5. **If any of the RVs used as Occupied Buildings on the Property are holding black or gray water, provide pumper's or dumping receipts to show that the RV(s) are getting pumped or taken to an approved dump site.**

****For clarity, the building referred to as "shelter building" is the building referred to as "Building D" in the November 13, 2024, Staff Report. A copy is enclosed.**

Our office received two letters from you on January 2, 2025, neither of which addressed the items listed above.

In the January 8, 2025, Board of Health meeting, since the information above was not provided, the Board of Health voted to have this violation letter sent.

When a new or change of use on a commercial or residential building is proposed, the existing wastewater system serving that building must be evaluated to determine whether the existing system is large enough to meet the Montana DEQ-4 sizing requirements for wastewater systems (see Ravalli County Wastewater Regulations 1.6.1 and 1.6.10). The use of the shelter building as a service building for residents of RV's on the Property require that the existing Wastewater Treatment system serving the building is evaluated prior to using it for the proposed use to ensure that it is properly sized for the new or change of use. To be clear, the shelter building has previously been used as a restaurant and shelter that houses 28 residents. The addition of RV residents utilizing the building for laundry, bathroom, and kitchen facilities is a change in use since the systems connected to the shelter building did not previously serve other residents or buildings outside of the shelter building.

The existing wastewater systems serving the shelter building have not been evaluated for the proposed use by the residents of the RVs for laundry, bathroom, and kitchen facilities.

Per Montana Code Annotated 50-2-116:

- (2) Local boards of health may:
- (d) adopt rules necessary to implement and enforce regulations adopted by the local governing body;

Per Resolution No. 4259:

The Board of Ravalli County Commissioners passed and approved the adoption of the Ravalli County Wastewater Regulations, effective July 1, 2021.

Per Ravalli County Subsurface Wastewater Treatment and Disposal Regulations (RC Wastewater Regulations):

1.2.1 Authority

Ravalli County adopts these Regulations under authority of Section 50-2-116, MCA.

1.6.1 "Alter" (and "Alteration") means changing any Wastewater System in any way that is determined by the Department to substantially change the Wastewater System beyond the parameters of the original Wastewater System Permit. Alter may include, but is not limited to the following:

- (1) Increased Use as defined below.
- (2) Connecting a different structure to a Wastewater System other than the originally approved structure.
- (3) Reconnecting to a Wastewater System after a period of nonuse greater than five years.
- (4) Lengthening or shortening any Absorption System component.
- (5) Replacing the Septic Tank or any components of a Wastewater System, not exempt under 3.3.3.
- (6) Building a structure on top of a Wastewater System including parking areas or paving.

For example, under this definition, adding a new bedroom to an existing Dwelling would be an Alteration and require a Wastewater System Permit.

- 1.6.10 "Increased Use" means enlargement or change in use of any structure served by a Wastewater System where the enlargement or change in use would, as determined by the Department, increase effluent flow in excess of approved limits or standards. Increased Use includes but is not limited to the following:
- (1) Adding one or more Bedrooms to a structure.
 - (2) Connecting an additional Occupied Building to a Wastewater System.
 - (3) Adding a business that will have employees or customers, or enlarging a business that would increase effluent flow in excess of approved limits.
- 1.6.11 "Occupied Building" means any structure intended for human occupancy with any one or more of the following: bedroom, bathroom, plumbing, a Piped Water Supply, a kitchen, or laundry facilities. Recreational vehicles, motor homes, travel trailers, and tents are Occupied Buildings when they are used for living purposes and are not "Camping" under these Regulations.
- 2.1.1 All Occupied Buildings must have an approved means of Wastewater treatment in accordance with these Regulations. Any office or business must have approved toilet facilities connected to a Wastewater System within 200 feet of the structure. Portable toilets do not fulfill these requirements.
- 2.3.1 The general requirements for these Regulations incorporate the general requirements in ARM 17.36.913.
- 3.1 A New Wastewater System Permit is required for all new Occupied Buildings. The applicant must have an approved Wastewater System Permit prior to pouring concrete for any part of a foundation for the intended structure or installing any non-concrete footings or foundations for the structure. A Wastewater System Permit would be issued at the end of the process provided for under these Regulations that may include, but is not limited to: 1) site evaluation, 2) groundwater monitoring (when required), 3) non-degradation analysis, and 4) system design including detailed layout.
- 3.1.1 An Alteration Wastewater System Permit is required to perform alterations as defined in 1.6.1. An Alteration Wastewater System Permit is not required for minor maintenance as noted in 3.3.3.
- 3.1.2 An Alteration Wastewater System Permit which would allow for Increased Use must meet all the requirements of a New Wastewater System Permit as described in 3.1.

Per Administrative Rules of Montana (ARM) 17.36.913:

General Requirements

- (1) No person may construct, alter, extend, or utilize a wastewater treatment or disposal system that may:
- (a) contaminate any actual or potential drinking water supply;
 - (b) cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans;
 - (c) cause a public health hazard by being accessible to persons or animals;

- (d) violate any law or regulation governing water pollution or wastewater treatment and disposal, including the rules contained in this subchapter;
- (e) pollute or contaminate state waters, in violation of 75-5-605 , MCA;
- (f) degrade state waters unless authorized pursuant to 75-5-303 , MCA; or
- (g) cause a nuisance due to odor, unsightly appearance or other aesthetic consideration.

Based on the information above and the enclosed Staff Report the use of RVs as Occupied Buildings without an approved means of wastewater disposal is in violation of the applicable Administrative Rules of Montana (ARM), Montana Code Annotated (MCA), and Ravalli County Wastewater Regulations noted above and the following corrected action must be completed by February 21, 2025. If compliance with the requirement has not been achieved by February 21, 2025, this issue will be forwarded to the Ravalli County Board of Health for a Compliance Order:

1. Cease the use of any RV on the Property as Occupied Buildings. To be clear, an “Occupied Building” is defined as any structure intended for human occupancy with any one or more of the following: bedroom, bathroom, plumbing, a Piped Water Supply, a kitchen, or laundry facilities. Recreational vehicles, motor homes, travel trailers, and tents are Occupied Buildings when they are used for living purposes and are not “Camping” under the RC Wastewater Regulations.

If you wish to discuss any of the items above, please attend the February 12, 2025, Board of Health meeting to discuss this matter with the Board of Health. You may request a hearing before the Ravalli County Board of Health by filing a written request with our office, no later than 30 calendar days after service of the notice and order. This Notice of Violation shall become final 31 calendar days after the mailing or transmission date, unless a hearing before the Board of Health was requested.

Sincerely,



John Palacio, RS, Director
Ravalli County Environmental Health

CC: Ravalli County Board of Health
Ravalli County Attorney's Office