Welcome!

- This meeting has been converted to a Zoom webinar
- Only Task Force members will be panelists
- Members of the public can raise their hand or use the Q&A feature to ask questions during the public comment portion of the meeting
- *9 raises your hand if you're on the phone
- State your name and affiliation before providing your comment
## Roll Call

<table>
<thead>
<tr>
<th>Represented Group</th>
<th>Representative</th>
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<tbody>
<tr>
<td>City Planner</td>
<td>Monica Plecker</td>
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<td>Engineers (regional representation)</td>
<td>Craig Dalton</td>
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<td></td>
<td>Sarah Friederichs, alternate for Mike Stenberg</td>
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<td></td>
<td>Toby Liechti</td>
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<td></td>
<td>Ben Rankin</td>
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<td>Systems Provider</td>
<td>Tom Kallenbach</td>
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<td>Developer</td>
<td>Tom Llewellyn</td>
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<tr>
<td>Professional Land Surveyor</td>
<td>Augusta Kickbusch</td>
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<td>Contract County Sanitarians (one urban, one rural)</td>
<td>Shannon Therriault</td>
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<td>Private Sanitarian</td>
<td>Megan Spry</td>
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<td>Conservation Organization</td>
<td>Guy Alsentzer</td>
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<td>Water Quality Protection District</td>
<td>Beth Norberg</td>
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<tr>
<td>Montana League of Cities and Towns</td>
<td>Kelly Lynch</td>
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<td>MACo</td>
<td>Karen Alley</td>
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<td>Montana Building Industry Association</td>
<td>Cory Shaw</td>
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<td>Montana Association of Realtors</td>
<td>Sam Sill</td>
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<td>Legislator</td>
<td>Senator John Esp</td>
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<td>Montana DEQ</td>
<td>Margarite Juarez-Thomas</td>
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<td></td>
<td>Steve Lipetzky</td>
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<td>Josh Juarez</td>
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Ground Rules

- Speak one at a time—refrain from interrupting others.
- Wait to be recognized by facilitator before speaking.
- Facilitator will call on people who have not yet spoken before calling on someone a second time for a given subject.
- Share the oxygen—ensure that all members who wish to have an opportunity to speak are afforded a chance to do so.
- Be respectful toward all participants.
- Listen to other points of view and try to understand other interests.
- Share information openly, promptly, and respectfully.
- If requested to do so, hold questions to the end of each presentation.
- Remain flexible and open-minded, and actively participate in meetings.
Meeting Goals:
Continued dialog with stakeholders and gather valuable, solution-oriented feedback on process and rules

DEQ Updates
- WQD Transition & Hiring Plans
- Strategies to Improve Timelines
- Subdivision Seminar June 16

Rulemaking Updates and Timelines
- Phased rulemaking proposal
- Overview of Current Draft Rules
- Next Steps

Future SATF Meetings
- Topics to Cover (DEQ suggestions & solicit ideas)
- Establish Regular Meeting Schedule

Public Comment & Close of Meeting
WQD Transition & Hiring Plans

Amy Steinmetz
Water Quality Division Administrator

Vacant
Engineering Bureau Chief

Mike Abrahamson
SRF - Wastewater
Acting Section
Supervisor - Helena

Steve Lipetzky, PE, Helena
Michele Marsh, PE, Helena

Robert Ashton, Analyst, Helena
Matt Waite, PE, Helena

John McDunn, PE, Helena

Sandie Koenig, PE, Helena
Denver Fraser, PE, Helena

0.5 Position ARPA Engineer, PE
Hired from retired SRF to assist PWS review

0.5 Position Vacant – ARPA Engineer, PE

Vacant – ARPA Engineer, PE

Mark Smith
State Revolving Fund
Section Supervisor - Helena

Dee Dee Fischer, PE, Helena
Jennifer Warren, PE Bozeman
Angela Pugh, PE, Bozeman
Eleanor Goins, PE, Helena

Vacant, Data Control Specialist

Vacant, Engineer

Vacant, Engineer or RS

Margarite Juarez Thomas
Public Water and
Subdivision Review Section
Supervisor - Kalispell

Josh Juarez, RS, Billings
Jim Erven, RS, Missoula
Nathan Danz, RS, Kalispell
Vacant, Engineer
Vacant, Engineer

Vacant, Engineer or RS

Dee Fischer, PE, Helena

Vacant, ARPA Engineer, PE
Strategies to Improve Timelines

- Hiring
  - Exploring pay adjustments and overtime
  - Career path for EIT to PE
  - Program "people-sharing"
- Technology – online application submittals
- Contracts – city engineers/private engineers
- Rulemaking
- Funding
- Efficiency
Subdivision Seminar – June 16 9:30 – 12:00

**Purpose** - Educate key stakeholders about the various parts of the subdivision review process, why it's important, and how key entities are working together to improve the application and review process

**Subdivision and Platting Act** – Karen Alley, Montana Association of Counties General Counsel

**Sanitation in Subdivisions Act** – DEQ and DNRC

**Title 50** – County sanitarians

**Panel Q & A**
Identification of DEQ’s Rulemaking Priorities

1. Red Tape Relief
2. Incorporation of legislative changes from 2021 session
3. Changes based on concerns the subdivision program has consistently heard over the past several years.
Phase 1 - Moving forward this fall
- Subchapter 1
- Portions of Subchapters 3, noted on following slides
- DEQ-3 and DEQ-20

Phase 2 - Will continue work in SATF subcommittees
- Subchapter 6
- Subchapter 9
- DEQ-4, Portions of Subchapter 3
- DEQ-8
- Nondeg circular 4A may be included in phase 2 – Subcommittee to be formed soon
Phase 1 - Proposed Changes

ARM 17.36.
Subchapter 1 Subdivision Application and Review

- ARM 17.36.101 - Definitions
  - Moved definitions that are only used in the design circulars to the design circulars, and removed them from the rules, if they aren’t used in the rules.
  - Added proposed drainfield mixing zone, proposed well isolation zone, and sealed components
  - Making sure they match statutory definitions
Phase 1 - Proposed Changes

ARM 17.36.
Subchapter 1 Subdivision Application and Review

- ARM 17.36.103 – Application Contents
  ✓ Added more detail of what needs to be included in the application, maps, lot layout, design report, nondeg, etc.
Phase 1 - Proposed Changes

ARM 17.36.
Subchapter 1 Subdivision Application and Review

- ARM 17.36.104 – Lot Layout Document
  ✓ Specifying that only one copy of the lot layout must be submitted with the application. Once it’s final, the final four copies can be submitted.
  ✓ Include information as set out in Table 1 located within 100 feet of the perimeter of the subdivision on the lot layout
Phase 1 - Proposed Changes

ARM 17.36.
Subchapter 1 Subdivision Application and Review

- ARM 17.36.112 – Review of Previously Approved Facilities: Procedures
  ✓ Expanded the current rule to previously approved facilities for applications that are not rewrites (subsequent divisions, BLA, etc)
  ✓ Re-worked to better define when and how a COSA rewrite is processed and when and how an amended lot layout is processed.
ARM 17.36.
Subchapter 1 Subdivision Application and Review

- ARM 17.36.117-125 – New Sections
  ✓ New sections added to address/direct the review of water (DEQ-20), solid waste systems, O&M manuals, easements, and PE design requirements.

- ARM 17.36.122 Operation and Maintenance, Ownership, Easements and Agreements
  ✓ Implemented proposed well isolation zone and proposed mixing zone easement requirement SB-44
A proposed well isolation zone, as defined in ARM 17.36.101, or proposed drainfield mixing zone, as defined in ARM 17.36.101, must be located wholly within the boundaries of a lot unless one of the following are met:

(a) The adjoining land is owned by the same person;
(b) An easement has been provided for the well isolation zone or mixing zone;
(c) For public land, other authorization is obtained from the landowner to place the proposed well isolation outside the boundaries of the proposed subdivision;
(d) A mixing zone or well isolation zone may extend onto adjoining land that is dedicated for use as a right-of-way for roads, railroads, or utilities provided that the well location is at least 50 feet from the right-of-way boundary.
Phase 1 - Proposed Changes

ARM 17.36.
Subchapter 3 Subdivision Requirements

- ARM 17.36.310 – Storm Drainage
  - Update requirements for applications requiring PE design
    - No expiring approval
    - Certification and as-builts not needed for some designs
  - SB-44, exempts certain lots over 5 acres in size, qualifying criteria includes:
    - Less than 5% impervious
    - BMPs
    - Address impacts when designs are within 500 feet of high quality surface water
Circulars
DEQ – 3, Standards for Small Water Systems

Provides design criteria for public non-community water systems as multi-user water systems have been moved to DEQ-20.
Circulars
DEQ – 20, Montana Standards for Non-Public Water Systems

Proposed Circular DEQ-20 will cover minimum design standards for non-public water systems currently in ARM 17.36 and Circular DEQ-3 (multiple-user systems), DEQ-11 (individual /shared springs), DEQ-17 (individual/shared cisterns).

- Arsenic sampling
- Treatment design for non-public systems
- Springs (individual and shared only, no multi-user springs)
- Cisterns (individual and shared only), multi-user located in DEQ-1
- Low flow wells w/storage - allowed without waiver with supporting information
Phase 1 Timeline
Review & Refinement of Draft Rules

June 2022– September 2022

▪ Draft proposal to Stakeholders for review (6 weeks)
▪ Subcommittee meetings if needed
▪ Notify the Legislative Sponsor of agency’s intent to conduct rulemaking
▪ Legal, Director, and Governor’s Office review
▪ Director decides to initiate rule making
Phase 1 Timeline
Formal Rule Process

September 2022 – January 2023

- Draft Published in Montana Administrative Register (MAR)
- Interested parties notified of proposed notice
- Public Hearing
- Review Comments
- If necessary, amend draft rule proposal
Phase 1 Timeline
Rule Adoption

January 2023 – February 2023

▪ Present Adoption Notice to Director
  ▪ Rule Adoption Package includes responses to comments and any amendments

▪ File Adoption Notice Package with Secretary of State

▪ Rules effective the day after Publication in the Montana Administrative Register (MAR)
Phase 2 - Proposed Changes

Circulars
Nondegradation

- Work ongoing to turn guidance into circular.
  - simplifying and allowing flexibility in standard mixing zones (e.g. less need for source specific mixing zones),
  - revising/reducing long term O&M and monitoring for level 2 systems, and
  - revising, simplifying and adding new categorical exemptions.
Phase 2 - Timeline

- Short break from rulemaking to catch-up on files and hire additional staff.

- Subcommittees will continue when rulemaking resumes in August of 2022

- Continue to work on Phase 2 with the SATF

- Tentatively in June of 2023, we would enter the Review and Refinement of Draft Rules for Phase 2, with possible adoption in November of 2023.
Changes to Adjacent Rules

Changes to Standards

- Nutrient Workgroup brief and impact on Nondegradation
Topics to Cover

• Phase 2 Rules
• Nondeg Circular
• Other Suggestions?
Future SATF Meetings

Regular Meeting Schedule

• Best Days
• Worst Days
• How Often?
Task Force Discussion

- Major concerns with the rule packages and timelines
- Please be specific
- Provide solutions if possible
Public Comment
DEQ
Subdivision Rulemaking

CONTACT: mjuarezthomas@mt.gov