



Subdivision Advisory Task Force

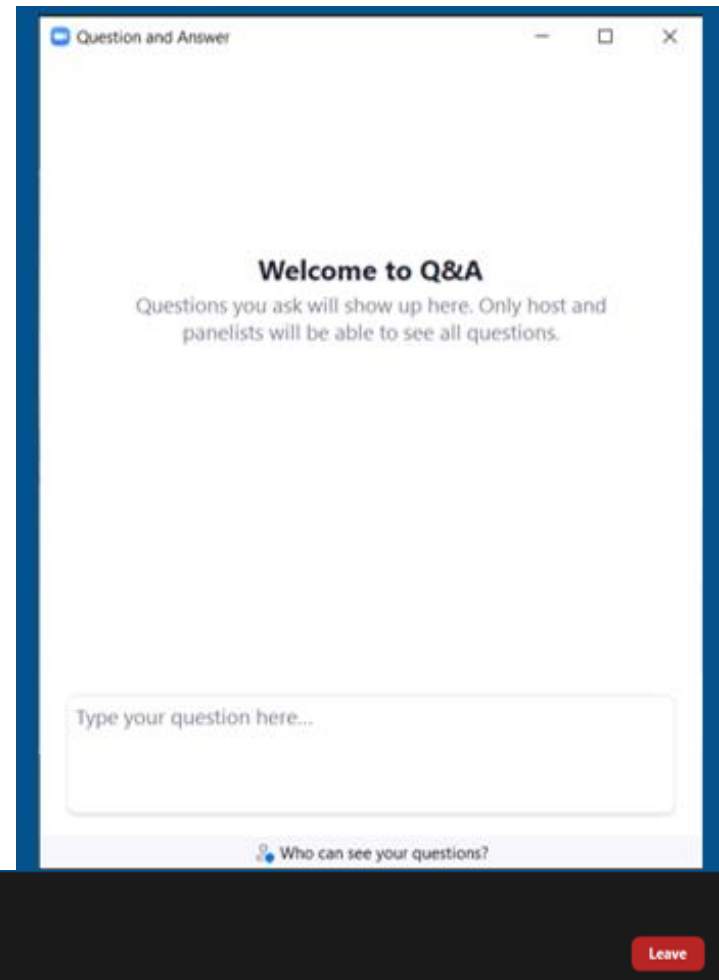
July 27, 2022



Subdivision Advisory Task Force

Welcome!

- This meeting has been converted to a Zoom webinar
- Only Task Force members are 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

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

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.

Agenda

Meeting Goal:

Continue dialog with stakeholders and gather valuable, solution-oriented feedback on process and rules

DEQ Updates

- WQD Transition & Hiring Plans
- Housing Advisory Task Force
- MFEs
- Strategies to Improve Timelines – Status
- Online Subdivision Application
- CSKT Water Compact

Rulemaking Updates and Timelines

- Phased Rulemaking

Future SATF Meetings

Public Comment & Close of Meeting

WQD Transition & Hiring Plans

Lindsey Krywaruchka
Water Quality Division Administrator

Rachel Clark
Engineering Bureau Chief

Mike Abrahamson
SRF - Wastewater
Acting Section
Supervisor - Helena

Vacant, PE, Helena

Steve Lipetzky, PE,
Helena

Michele Marsh, PE,
Helena

Matt Waite, PE,
Helena

0.5 Position Wade –
ARPA Engineer, PE

Mark Smith
State Revolving Fund
Section Supervisor -
Helena

Robert Ashton,
Analyst, Helena

Sandie Koenig, PE,
Helena

John McDunn, PE,
Helena

Denver Fraser, PE,
Helena

Marc Golz ARPA Engineer, PE
Hired from retired SRF to assist PWS review

Vacant
Public Water Plan Review
Section Supervisor -

Jackie, PE, Helena

Jennifer Warren,
PE Bozeman

Angela Pugh, PE,
Bozeman

Eleanor Goins, PE,
Helena

Jenifer Ramsey, PE,
Helena

Matt Culp, PE,
Helena

Christine – ARPA
Engineer, PE

Margarite Juarez Thomas
Subdivision Review Section
Supervisor - Kalispell

Josh Juarez, RS,
Billings

Jim Erven, RS,
Missoula

Nathan Danz, RS,
Kalispell

Leata English Data
Control Specialist

Dee Dee Fischer,
PE, Subdivisions

Vacant, Modeler

Vacant, RS

Housing Advisory Task Force

- Governor Gianforte created a Housing Task Force and appointed 26 members with DEQ Director Chris Dorrington as Chair.
- The Task Force had its first meeting on July 20 with close to 250 people in attendance in the room and online.
- The Task Force has four subtask groups assigned to work on specific subsets of housing challenges. They are:
 - Regulatory & Permitting
 - Construction
 - Local Impact
 - Economics/Other
- Recommendations are due to the Governor in October & December.
- For more: <https://deq.mt.gov/about/Housing-Task-Force>

MFEs

76-4-127. Notice of certification that adequate storm water drainage and adequate municipal facilities will be provided.

- Currently the statute requires that certifying authorities (mostly cities) provide DEQ as the reviewing authority with certain information.
- The MFE letter tracks that the information required in the statute was submitted
- Average processing time, TBD
 - ✓ Complicated MFEs can take longer.
 - ✓ With current hiring that time should decrease,
 - ✓ Most common issue was failing to state the correct exemption on the plat.

MFEs

76-4-127. Notice of certification that adequate storm water drainage and adequate municipal facilities will be provided.

- Exception to citing exemption on plat example – City of Kalispell signed off on an MFE
 - ✓ 1 Boundary Line Adjustment (BLA) and 1 Certificate of Survey (COS) filed with restrictions
 - ✓ 1 COS exempt
 - ✓ The BLA and COSs were already filed with Clerk & Recorder.
 - ✓ MDEQ checked with Flathead Clerk & Recorder to make sure they would file the MFE without a new plat and they confirmed they would accept it.

Strategies to Improve Timelines

Status & Updates

- Hiring
 - Engineer pay adjustments
 - Internal assistance from Air, Mining, and Permitting
- Technology – online application submittals
- Contracts – city engineers/private engineers
- Rulemaking
- Funding
- Efficiency

Online Subdivision Application

Case Management System

- Testing for first phase application now
 - ✓ First phase is only subdivisions, not PWS or stormwater review
 - ✓ Second phase will include provision for contracted counties, MFEs and other reviews
 - ✓ Second phase to launch in November of 2022
 - ✓ DEQ is working on notifications about initial testing to send to a small group of firms and consultants

CSKT Water Compact

Transition from DNRC to Flathead Reservation Water Management Board (the Board)

- DEQ met with the board 5 times so far and determined that no MOU is needed
- Preauthorization only for new individual and shared wells
 - Working on processes for new multiple-user and PWS and correcting or adding to existing water rights and wells
 - Board decisions are posted online
- DNRC will continue to evaluate existing water rights until the Board and Office of the Engineer are fully staffed
- On the CSKT reservation, the applicant will forward applicable correspondence from DNRC and/ or the Board to DEQ, instead of just the DNRC predetermination letter.

Rulemaking

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.

DEQ Proposed Phases

Phase 1 - Moving forward now

- Includes: Subchapter 1; Portions of Subchapter 3; Circulars DEQ-3 and DEQ-20
- Drafts in final legal review
- Timeline extended for internal legal review.

Phase 2 - Work in SATF subcommittees will resume in September 2022

- Includes: Subchapter 6; Subchapter 9; Circular DEQ-4, and portions of Subchapter 3; Circular DEQ-8
- Nondeg (Circular DEQ-4A) may be included – Subcommittee to be formed soon to discuss further

Phase 1:

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:

Formal Rule Process

November 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:

Rule Adoption

January 2023 – March 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

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.

Circulars (DEQ-4, DEQ-8)

Rules (Subchapter 3, 6, 9)

Future SATF Meetings

Next full SATF meeting on September 22

Subcommittee meetings

- Leads will reach out to schedule
- Contact Margarite if interested in nondeg

Continue SATF meetings every other month?

Task Force Discussion

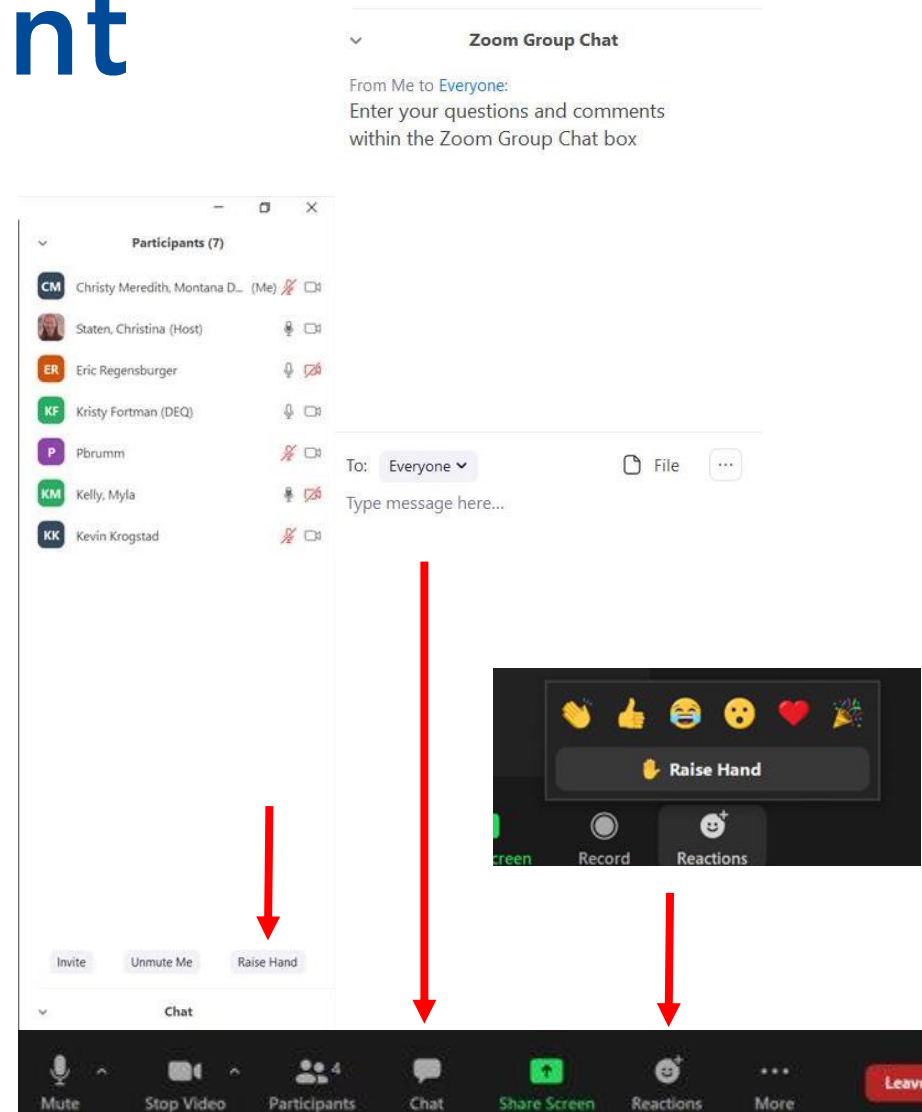
Major concerns with either of the proposed rule packages or timelines?

- Please be specific
- Provide solutions if possible



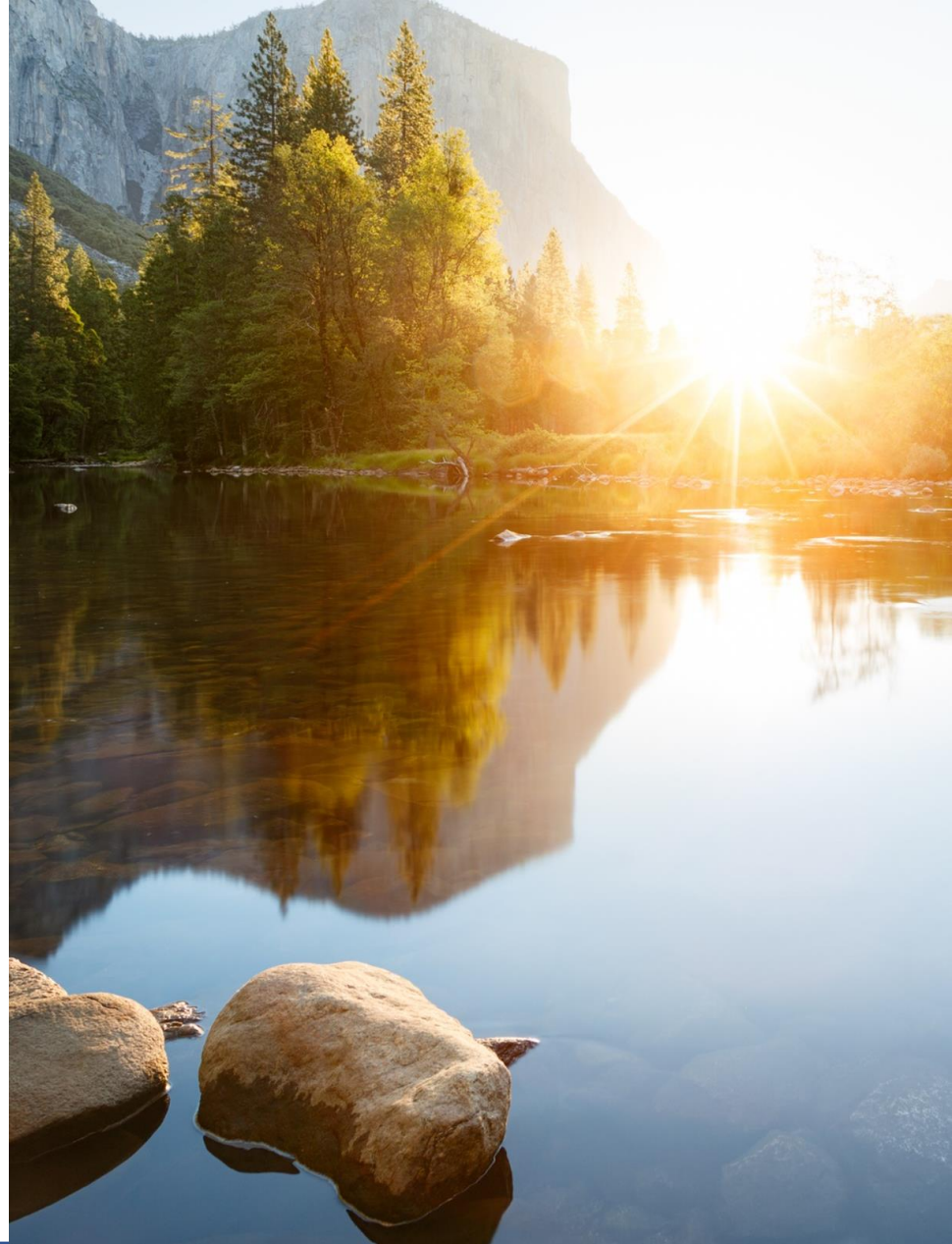
Public Comment

- Raise hand or type questions into the chat
- Please keep your microphone muted until called on
- If calling by phone, press *9 to raise hand and *6 to unmute
- State your name and affiliation before providing your comment



Wrap-Up

- Summarize action items
- Next steps:
 - Scheduling subcommittee meetings
 - Reach out if you have questions and/or additional ideas





Questions?

Contact Margarite Juarez Thomas at:

mjuarezthomas@mt.gov