

Steve Kilbreath
Montana Department of Environmental Quality
Subdivision Section
March 9, 2009

Testimony for HB 285

Mr. Chairman and Members of the Committee my name is Steve Kilbreath and I represent the Montana Department of Environmental Quality. I am the Section Supervisor for the Subdivision Section; we are responsible for review of all subdivisions in the State under the Sanitation in Subdivisions Act. We review the water, wastewater, storm drainage and solid waste facilities in all subdivisions with lot sizes less than 20 acres. I am here today to provide testimony supporting HB 285.

- DEQ has drafted rules for gray water reuse systems and we have had a very difficult time with these rules because there are many other sections of existing rules that interact with gray water reuse.
- HB 285 simply clarifies that the gray water reuse statute applies to shared, multi-user, and public systems instead of single family residences. For your information shared is two, multi-user is 3 – 14 and public is 15 service connections or 25 people 60 days out of the year.
- DEQ has drafted rules for gray water reuse that include all of these uses so this clarification is important and timely for our rule adoption.

Amendment to 75-5-317

- One of the more difficult items we had to deal with is the nondegradation review that must be conducted when any type of wastewater system discharges waste that may eventually reach state water. State water is defined as both surface and ground water.
- This amendment to HB 285 provides an exemption to the nondegradation requirements for the installation of small gray water reuse systems that serve non-public and commercial properties. There is already an exemption for public systems in 75-5-317 (h).
- DEQ believes that gray water reuse provides a reasonable method to discharge part of the wastewater generated by homes and commercial entities. The gray water discharge is limited to the growing season so nutrient uptake will be maximized. This coupled with the requirement for adequate soils to provide pathogen removal will not risk impairment of water resources or affect public health.

- This amendment does not compromise the environment or public health because the draft gray water rules the DEQ is completing already addresses the nondegradation of the existing or proposed wastewater treatment systems associated with the parcel. In situations where a lot is served by a community or municipal wastewater treatment system the ground water and surrounding ground water users are protected by limiting the discharge to the growing season to maximize plant uptake of nutrients and also have the same soil and ground water separation requirements as a regular onsite wastewater system so pathogen removal is not an issue.
- There is a fiscal note attached to this bill and the amendment does not change it.