

EXHIBIT 4
DATE 1/17/11
HB 28

January 17, 2011

Gordon Hendrick, HD 14
Montana House of Representatives
PO Box 200400
Helena MT 59620-0400

RE: House Bill 28 Requiring Drainfield Mixing Zones to be Located within the Subdivision

Mr. Chairman:

I represent Mineral County as their Registered Sanitarian whose responsibility it is to review applications for lifting sanitary restrictions for divisions of land less than 20 acres in size. One aspect of this review is to assure that the proposed drainfield(s) will comply with the non-degradation rules that include a mixing zone that will model the potential impact to State's water. While this is a complex modeling process, the assignment of a mixing zone has been determined to be an equitable measure to evaluate the nutrient contribution of new drainfields. The mixing zone direction is to correlate to the direction of the groundwater flow under the drainfield.

In Mineral County there is very limited area for new development, as approximately 83 percent of the land area is Forest Service and another six percent is State of Montana land, with the recent acquisition of 43,000 acres by the Montana Fish Wildlife and Parks in the Fish Creek Drainage. Mineral County is bisected by an Interstate Highway and a railroad. Often when development of new lots is proposed, it is near or has common borders with Federal or State land or right-of-ways. Another unique aspect is that a majority of private land is adjacent to either the Clark Fork River or the St. Regis River. These two waterways have a significant impact on the direction of the groundwater gradient flow. Oftentimes the gradient flow is with or parallel to the rivers. When a proposed subdivision has a common boundary with Federal or State lands, often a mixing zone would extend off the property into Federal or State land. The potential for obtaining an easement from Federal or State land management would be cumbersome and very unlikely, in my opinion.

Please consider amending the Bill's language to allow mixing zones to extend into Federal or State lands and or right-of-ways that have no development potential. I agree that mixing zone easements must be obtained from adjoining private landowners to allow a mixing zone to extend into their private property. I am opposed to the current wording in House Bill 28 for the revision of the mixing zone language, as it will most likely have a very negative impact in regard to private land development within Mineral County.

Sincerely,

Tim Read, R.S.
Mineral County Environmental Health and Planning Department.

cc: Mineral County Commissioners
Mineral County Board of Health