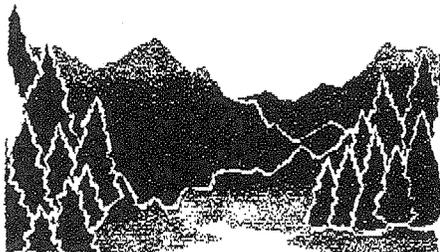


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LAKE COUNTY ENVIRONMENTAL HEALTH

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January 20, 2013

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To	Rep Lea Whitford	From S. Brueggeman
Co.	MT House of Rep	Co. Lake County
Dept.		Phone # 406-883-7237
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Representative Mike Cuffe, Chair
Joint Appropriations Subcommittee on Natural Resources and Transportation
Montana House of Representatives
P.O. Box 200400
Helena, Montana 59620-0400

RE: HB2 – LETTER OF SUPPORT
Base Funding for the DEQ Subdivision Section

Dear Chairman Cuffe and Members of the Joint Appropriations Subcommittee on Natural Resources and Transportation:

On January 16th, I sent a letter in support of base funding for the Montana Department of Environmental Quality Subdivision Section. I understand the hearing has been delayed, and I would like to provide some additional reasons such base funding is necessary. I have over ten years experience as a certified subdivision reviewer for Lake County which is contracted under DEQ to provide local subdivision review.

Subdivision fees are meant to cover only the cost of reviewing subdivision applications. But, the responsibilities and services the Subdivision Section provide are far more than just reviewing applications. Listed below are examples of these responsibilities and duties:

1. Keeping existing subdivision rules updated. ARM 17.36 SubChapters 1 and 3. No rule is perfect, and it is critical that subdivision rules are routinely updated for improvement and clarification. From my experience, such updates are generally a benefit to the property owner without compromising public health and safety.
2. Keeping existing rules on state minimum standards for on-site wastewater system updated. ARM 17.36 SubChapter 9 and Circular DEQ4. SubChapter 9 is the state's minimum standards for wastewater treatment systems that must be adopted by local Boards of Health. Circular DEQ4 provides the technical standards for on-site wastewater systems (septic systems) that are part of the minimum standards adopted by local Boards of Health. So, every county in the state is connected with these rules as we permit septic systems.
3. The Subdivision Section is responsible for processing appeals when a decision by a local Board of Health on a variance request is contested. Lake County has recently had two appeals to DEQ, and such appeals take a great deal of DEQ staff time to process.
4. The Subdivision Section is responsible to bringing new technologies into the on-site wastewater treatment system rules. Some recent examples include the use of re-use of gray water for irrigation purposes and the use of drip irrigation technology for wastewater disposal. In Lake County, drip irrigation has proved to be a viable option for some properties that were otherwise not developable.
5. The Subdivision Section staff is an important resource to county environmental health staff as we implement our on-site wastewater programs. Lake County often communicates with the state

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- staff as we strive to correctly interpret state regulations for septic systems and subdivisions. The state expertise provided guidance in technical, regulatory, and legal areas.
6. Lake County, and many other counties, have existing subdivisions that are not in compliance with their subdivision approvals. The Subdivision Section staff has been invaluable in helping the local environmental health departments bring these subdivisions back into compliance through non-regulatory means. I have found the Subdivision Section staff to be innovative and flexible in finding creative solutions to some very difficult situations. These efforts take considerable DEQ staff time often spanning multiple years.
 7. Local environmental health departments and private environmental consultants have greatly benefited from training provided by the Subdivision Section. Over the years I can recall training on soils, subdivision exemptions, subdivision review, pressure-dosing for drainfields, stormwater management for subdivisions, and conducting non-significance determinations under the Montana Water Quality Act. Without base funding to provide base staffing, the Subdivision Section is very limited in its ability to provide such training. And, there is no other entity in the state that typically provides such training. It is critical to local environmental health departments that both our existing and new staff members have the opportunity for such training so that we can provide better services to property owners and the environmental consultants with whom we work.

I would also like to add that, in my experience with the Subdivision Section, I have found the staff to be dedicated to serving the public, the county departments, and the environmental consulting community well, promptly and respectfully. Subdivision review can be contentious at times for many reasons. The local environmental health department staff is often in the middle of projects that include the DEQ staff, the property owner, and the property owner's environmental consultant. I have been impressed with the professionalism, respect and courtesy of the Subdivision Section staff in performing their responsibilities. They are a credit to the State of Montana.

Thank you for your consideration of my comments.

Sincerely,



Susan K. Brueggeman, R.S.
Director