



## Water and Wastewater in Subdivisions

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## Subdivision Acts

- Subdivisions in Montana are Regulated by two separate laws
- The Subdivision and Platting Act, 76-3 MCA, covers the nuts and bolts of how a Subdivision must be designed and constructed. This includes zoning, lot sizes, shapes, roads, impacts to local services to name a few.
- The Platting Act is administered by local government and includes review by a planning board if one exists, county planning staff and ultimately the county commissioners.
- Preliminary plat (3 yrs + 1 yr)
- Final plat is not granted until all preliminary conditions are met or bonded for and only after final plat approval is granted may lots be sold.
- General water and wastewater decisions are approved at the local level in the preliminary plat approval.
- DEQ review is one of the preliminary plat approval items that must met prior to final plat approval.



## Subdivision Acts

- The Sanitation in Subdivisions Act, 76-4 MCA, pertains to the water supply, wastewater system, nondegradation, solid waste, and storm drainage in the Subdivision. Must have Platting Act approval or exemption prior to DEQ approval.
- Sanitation Act review is conducted by DEQ staff in three offices or by 23 contracted counties.
- DEQ will be concerned about:
  - Issuance of a Certificate of Subdivision Approval for filing and the COSA is required by statute to be given to the lot purchaser containing details on
    - Proper lot layout
    - Water quality, quantity, and dependability
    - Proper design and functioning of the wastewater system
    - Non-degradation of state waters
    - Storm water drainage
    - Solid waste



## DEQ Process

- When DEQ receives a file we have a 60 day time frame by statute.
- We split up the file depending on content.
- Public water supply given to PWS.
- Discharge permits given to WPB – final approval withheld until permit issued.
- Subdivision Section puts together the final approval statement and incorporates the other approvals.
- DEQ can't make a final determination until it has the public comments.



## Five+ Years - Water

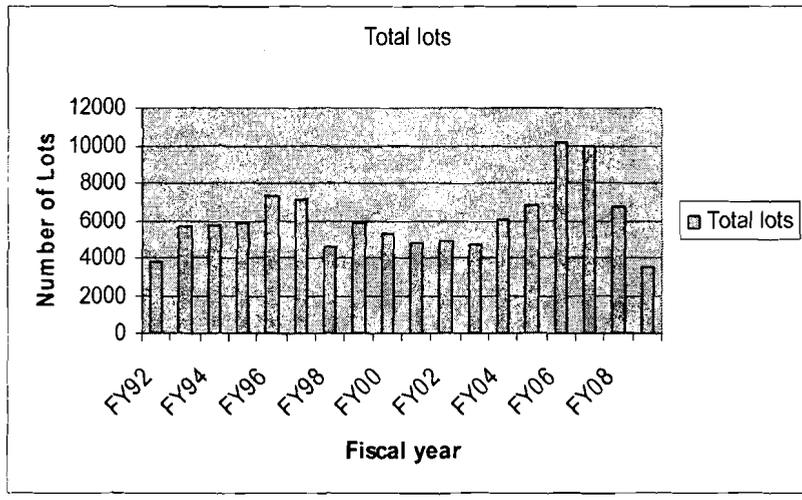
- 5480 applications with 27487 lots
- Exempt wells – 4645 apps with 16,835 lots with a 4.0 avg lot size
- 17,730 lots with onsite septic systems
- Multi-user wells – 64 apps with 430 lots with a 2.8 avg lot size
- New public – 89 apps with 3385 lots with a .88 avg size
- Extensions – 551 apps with 6092 lots with a .88 avg size
- MFE's – only 3 ½ years of data showing 323 applications with 5,662 lots about a .4 acre average



## Trends

- Dramatic decrease in number of lots in the last 3 years
- 10,000 to 6,500 to 3500
- FY10 on projection to be lower
- Decrease in the number of new public water supplies associated with subdivisions – closed basins or economics – probably some of both
- Projects from 3 - 4 years ago losing preliminary plat approval so some percentage of the overall number of lots are not real
- Smaller and simpler is cheaper right now

# Numbers



# Numbers continued

