

DEQ Subdivision Regulations
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Water Policy Interim Committee

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Subdivision Regulation

- Subdivisions in Montana are Regulated by two separate laws
- The Subdivision and Platting Act covers the nuts and bolts of how a Subdivision must be carved up.
- The Sanitation in Subdivisions Act pertains to the water supply, wastewater system and storm drainage in the Subdivision
- DEQ must have comments from hearings and local approval before issuing final DEQ approval

Time Frames

- DEQ Subdivision Section has 60 days to make comments on the proposed subdivision.
- Once DEQ sends a comment letter, that time frame stops.
- When you send in a reply to those comment letters, the 60 day clock starts again.

Time Frames (con't)

- If the Local County Health Official is reviewing the Subdivision, they have **50** days for review and DEQ has **10** days to concur with their review.
- DEQ has contracts with **21** counties for local review – crucial to our work since it helps with the work load and gives the "local person" on the ground the ability to do the work

Rules, Rules, Rules

- Department reviews pursuant to:
 - Montana Codes Annotated
 - Sanitation in Subdivision Act
 - MCA 76-4
 - Administrative Rules of Montana
 - ARM 17.36.101 - 805
 - Department Circulars
 - DEQ 1, 2, 3, 4, 7, 8, and 17

Sanitation in Subdivisions

- DEQ is concerned about five items:
 - **Proper formatting of the lot layout (setbacks)**
 - **Water quality, quantity, and dependability**
 - **Proper functioning of the wastewater system**
 - **Non-degradation of state waters**
 - **Storm water drainage**

Follow the Lot Layout

Construction of water, wastewater, and storm drain components must be placed in their approved locations

If they can't be placed there, then the engineer should get an amended lot layout
Problems may not arise for many years.

Water

- Most Subdivisions provide water either by connecting to a Public Water Supply or they have on-site wells for water supply
 - A few alternatives, on-site PWS or cisterns exist
- Connections to a PWS must be done at least with public water supply approval
- Well locations are on the lot layout for a reason

Wells

- Dept. reviews well location to ensure they are not placed where they can be contaminated.
- Wells must be drilled where they are located on the lot layout.
- If **changes need** to be made, DEQ must review those **changes**.
- Wells are reviewed for their **ability to provide** enough water, at a **sufficient quality**, for as long as the well **is** needed to be a water source for that home.
- Pump test requirement for dependability

Wastewater Systems

- The design of the wastewater system is reviewed to ensure it will handle the quantity of wastewater generated and will sufficiently treat the wastewater.
- Each component of the system is reviewed: septic tank, dosing tank, pipe, manifold, drainfield pipe, drainfield soils, gravelless chambers, etc., to ensure a proper functioning system

Non-Degradation Analysis

- NITRATE ANALYSIS
 - INDIVIDUAL AND CUMULATIVE EFFECTS
- PHOSPHOROUS BREAKTHROUGH
 - INDIVIDUAL AND CUMULATIVE EFFECTS
- ADJACENT TO STATE WATERS
 - WHEN TO ANALYZE AND HOW

Storm Water Drainage

Each Subdivision is reviewed to ensure that proper drainage of storm water occurs

- Storm water runoff generated by the subdivision is required to be retained by the subdivision
- If you don't complete the storm water drainage that is spelled out on the lot layout, you can cause a lot of damage to future homeowners.
