



DEQ Subdivision Review Process

Presented to the WPIC
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Subdivision Acts

- 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, solid waste, and storm drainage in the Subdivision. Must have Platting Act approval or exemption prior to DEQ approval.



Review overview

- DEQ review
 - Helena office and 3 field offices
 - 10 FTE - 4 PE, 1 EIT, 2 Environmental Science, 2 Hydrogeologists, 1 Supervisor
 - 21 contracted counties
 - Review Authority comes from
 - MCA 76-4 Sanitation in Subdivisions Act
 - ARM 17.36.100 – 800 Rules



Review Focus

- DEQ will be concerned about:
 - Issuance of a Certificate of Subdivision Approval for filing and required by statute to given to the lot purchaser containing
 - 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



County Process

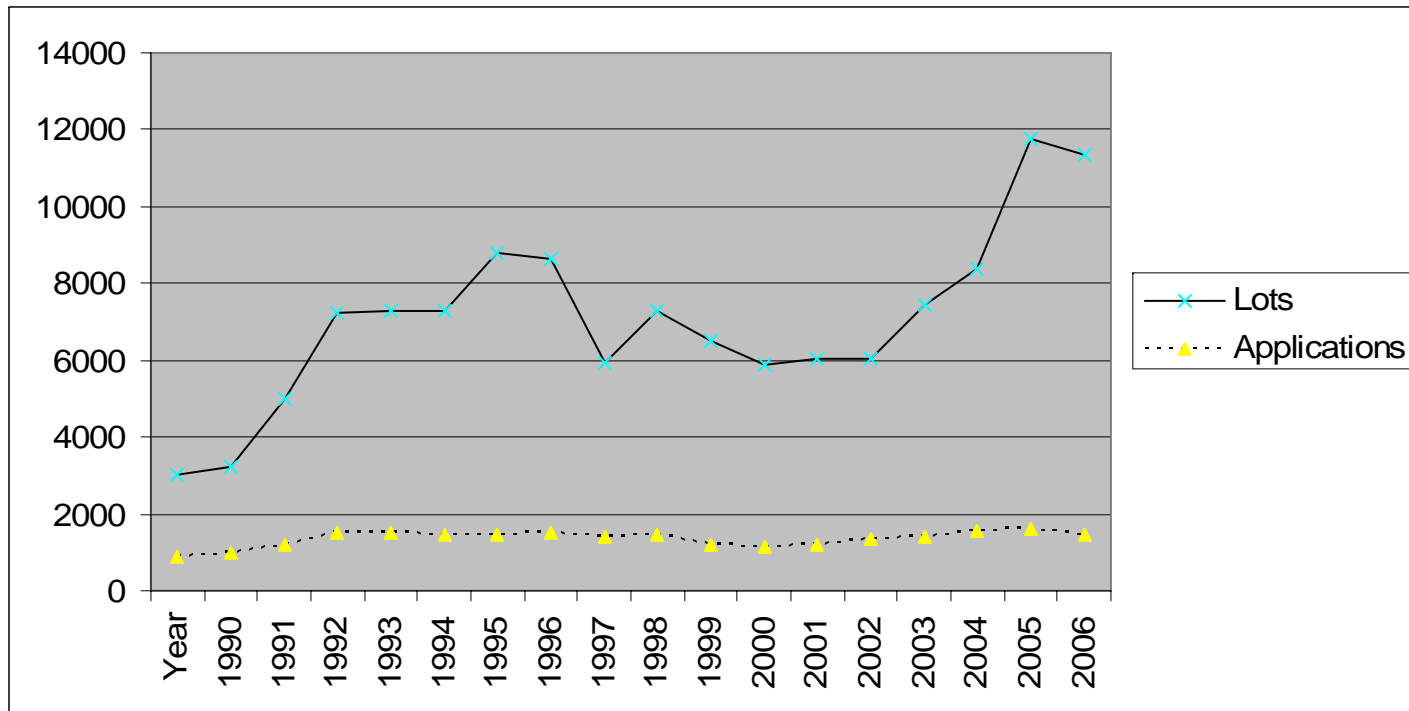
- Contracted County Review
 - 50 days by rule and 10 days at DEQ = 60
 - Full review conducted at the county level
 - Immediately pull parts of review they are not contracted for and send to DEQ
 - Anything requiring a PE
 - Waivers/Deviations
 - PWS plans, multi-family water systems, etc
 - Certain types of water or wastewater systems



DEQ Process

- 60 day time frame by statute
- Denial stops the clock
- Resubmittal restarts a new 60 day clock
- 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

Workload





Five years by denial

- Five fiscal years – 2885 DEQ files & 4501 Contracted files for a total of 7386 files (37,604 lots)
- Data only from DEQ 60 day files
 - 873 approved with 0 denials 30%
 - 1311 approved with 1 denial 45%
 - 444 approved with 2 denials 15%
 - 187 approved with 3 denials 6%
 - 63 approved with 4 denials 2%
 - 16 approved with 5 denials <1%
 - 10 approved with 6-8 denials <1%
 - 21 abandoned <1%



Five years by time

- Five fiscal years – 2885 DEQ files & 4501 Contracted files for a total of 7386 files
- Data only from DEQ 60 day files
 - 60 days 720 25%
 - 120 days 790 28%
 - 180 days 505 18%
 - 240 days 205 7%
 - 300 days 123 4%
 - 360 days 83 3%
 - +360 days 153 5%
 - Pending 297 10%



Denial horror stories

County	EQ	Lots	Acres	Submit	Approve	Days	Denials
Flathead	062755	4	8.711	03/29/06	12/11/06	257	5
Broadwater	061340	4	3.62	08/24/05	06/27/06	307	5
Ravalli	032205	1		03/03/03	01/07/04	310	5
Ravalli	041894	17	10	12/12/03	10/28/04	321	5
Sanders	061127	1	1	09/27/05	09/11/06	349	5
Flathead	071459	28		09/06/06	09/22/07	380	5
Granite	053074	1	5.9	06/24/05	07/25/06	396	5
Madison	031141	37		07/26/02	12/02/03	494	5
Gallatin	052564	361	134.112	04/08/05	11/07/06	578	5
Missoula	041343	14	6.18	08/26/03	06/02/05	647	5
Beaverhead	032423	5	0.14	04/10/03	07/27/06	1203	5
Missoula	041472	28	1.5	09/22/03	05/13/04	234	6
Beaverhead	031743	11		11/20/02	02/24/04	461	6
Broadwater	052033	29	75.56	12/22/04		#VALUE!	6
Lewis & Clark	041979	60	91	03/29/04	08/29/05	518	7
Flathead	051558	158	89.94	01/03/05	01/09/07	736	7
Yellowstone	041431	1	5.165	09/15/03	09/27/06	1108	7
Gallatin	062669	67	40.408	03/20/06	03/16/07	361	8



Time horror stories

County	EQ	Lots	Acres	Submit	Approve	Days	Denials
Ravalli	041342	60	25.2	08/27/03	02/16/06	904	4
Flathead	042602	25	118.8	04/29/04	10/24/06	908	2
Yellowstone	041431	1	5.165	09/15/03	09/27/06	1108	7
Sanders	063273	2	19.17	06/12/03	08/11/06	1157	1
Broadwater	031225	2	5.001	09/06/02	11/25/05	1177	2
Madison	032517	26	18	05/02/03	08/02/06	1188	3
Beaverhead	032423	5	0.14	04/10/03	07/27/06	1203	5
Sanders	032835	1	10	06/25/03	10/19/06	1212	1
Lincoln	031705	3	20.1	11/15/02	05/17/06	1279	3



Subdivision Top 10 Denial List

1. No local Platting Act approval.
2. No local health approval.
3. Lot layout problems – missing information.
4. Drainfield sizing and soils descriptions.
5. Engineering discrepancies on plans.
6. Storm drainage design issues.
7. No water quality sampling information.
8. Water availability and aquifer testing.
9. Nondegradation problems.
10. Fees are wrong.



How do we fix it.

- SWAT – subdivision web application tool
- MSU Extension Contract for soils class
- Rule and circular changes
 - Mixing zones on lots
 - Lot size
 - Waivers and deviations
 - Aquifer testing standards
 - Clarify rules and design standards

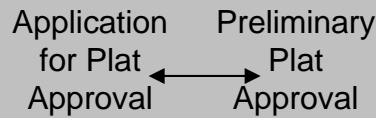
Development and Planning

1 year ahead of process

Construction

*Roads first, then water, sewer and storm water facilities.

LOCAL GOVERNMENT

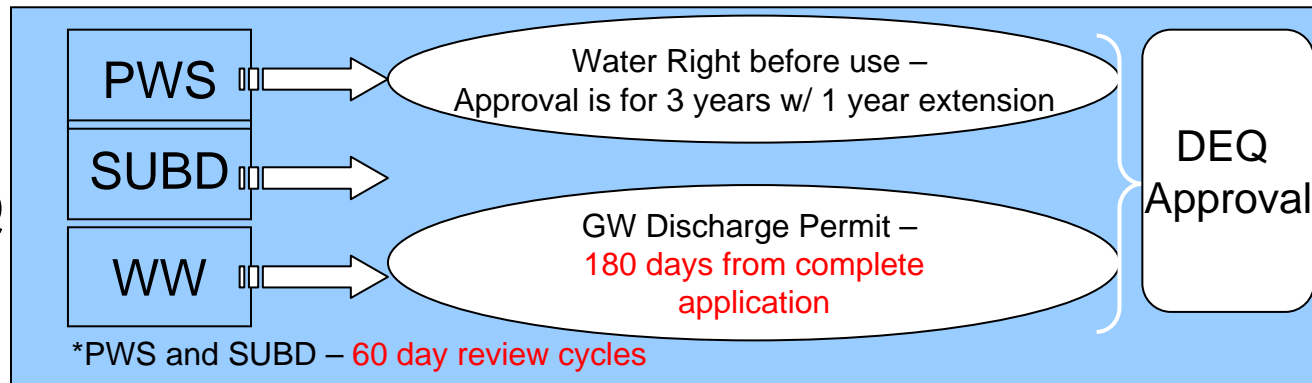


60 days

Water Rights from DNRC varies from jurisdiction

3 years approval with possible 1 year extension w/ bond

DEQ



DNRC

