



## **Recommendations to the Housing Task Force:**

Streamlining and simplifying DEQ review and permitting processes

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**Prepared for:**

The Governor's Housing Task Force

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## **Montana Environmental Health Association**

The Montana Environmental Health Association (MEHA) is a nonprofit group of professionals who work in the fields of food safety, public accommodations, drinking water protection, wastewater treatment, air quality, solid waste disposal and public health complaints. Our membership is comprised of a variety of professionals, including registered sanitarians, also known as environmental health specialists and private consultants. We are an affiliate of the National Environmental Health Association.

### **The Role of Local Sanitarians**

When it comes to land development, local sanitarians play a key role to ensure proper design and installation of on-site water and wastewater facilities. They have a deep understanding of their local community, form relationships with developers, consultants, and septic system installers, and can readily identify and address site-specific design challenges.

Every county is required by Montana law to have a septic permitting program. Sanitarians issue permits using information submitted during the Sanitation in Subdivision review process, or when a parcel has not been subject to the DEQ review, they use site specific information submitted as part of the permit application.

Sanitarians play an important role in the Sanitation in Subdivision process. Some counties contract with DEQ to review subdivision applications, and other counties participate by doing site visits. Currently, 28 local health departments contract with DEQ to review some subdivision applications in their county. Local reviewers are required to be certified by DEQ, after at least one year of reviewing applications under a trained, certified reviewer and passing a comprehensive test on the rules. Sanitarians in these contracted counties serve as local extensions to the DEQ across the state of MT. Many of the local sanitarians have years of experience, are highly trained, and their local knowledge allows them to review projects effectively and efficiently. Increasing their authority to complete reviews can reduce duplicities and help expedite the review timeline.

In the last three legislative sessions, there have been significant changes to the Sanitation in Subdivision Act. However, MEHA agrees that there is still work that can be done to identify requirements that do not a) improve environmental or public health outcomes or b) assure consumer protection. Many sanitarians participate actively in associated work groups, task forces and advisory councils.

In response to the Governor's Housing Task Force, MEHA surveyed its members with the following goals in mind:

- Identify specific solutions to address the concerns presented by the Housing Task Force regarding the DEQ review process
- Maintain protections for public and environmental health

Generally, the MEHA members surveyed agreed on the following objectives to streamline the DEQ review process, and have identified solutions in each category (**Table 1**):

- (1) Reduce the quantity of projects requiring DEQ review, when review is not necessary to protect human health, the environment, or future owners of the property
- (2) Increase authority of and training opportunities for contracted counties
- (3) Improve consistency and quality of review and submittals across the State of MT
- (4) Support DEQ efforts to update Administrative Rules and Circulars

**Table 1.** Summary of MEHA’s Recommendations to the Governor’s Housing Task Force

Objective	Rule or Statute Update Needed	Recommendation
<b>(1) Reduce quantity of projects requiring DEQ review</b>	Deletions within: <b>76-4-102 (23)</b> <b>76-4-103</b>	Increase number of mobile homes exempt from Sanitation Act <b>on parcels &gt; 20 acres</b>
<b>(2) Increase authority of and training opportunities for contracted counties</b>	Add language within: <b>76-4-114 and in 17.36.116</b>	Allow contracted counties to finalize their reviews and issue the approval statements with additional training and certification. Eliminates required 10-day review at DEQ Maintain auditing process for quality assurance
	None	Allow contracted counties to review and approve Municipal Facility Exemptions (MFEs) in accordance with DEQ policy
<b>(3) Improve consistency and quality of review &amp; submittals across the state</b>	None	DEQ to provide more regular and thorough training to contracted county reviewers
	None	DEQ to partner with contracted counties and provide training for developers and consultants. Develop more user-friendly guides and manuals for applicants
	None	DEQ to offer competitive pay to retain qualified and skilled reviewers
<b>(4) Support DEQ efforts to update Administrative Rules and Circulars</b>	Changes within: <b>17.36.355</b>	Simplify review criteria for existing wells to eliminate unnecessary waivers from current well construction requirements
	None	DEQ to prioritize re-writing the Non-Degradation manual into a Circular. Use existing Subdivision Task Force members.