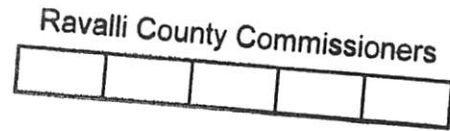




Bitterroot Valley Board of REALTORS®
 The voice of real estate in the Bitterroot Valley



JUL 02 2020



July 1, 2020

Re: Proposed Ravalli County Subsurface Wastewater Treatment and Disposal Regulations

Dear Ravalli County Board of Health Members,

The Bitterroot Valley Board of REALTORS® (BVBOR) and The Missoula Organization of REALTORS® (MOR) strongly support the Constitution of Montana that provides that the state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations. On behalf of our memberships we want to express our Associations’ opposition to proposed rule changes in Article 7 of the Ravalli County Subsurface Wastewater Treatment and Disposal Regulations as currently drafted.

The underlying purpose of the subsurface wastewater treatment and disposal regulation is to ensure public health, safety, welfare of the public, to prevent the spread of communicable disease and protection of natural resources. We disagree with the premise that a functioning wastewater treatment system is a public health and safety hazard simply due to the fact that it is non-conforming. No data has been made publicly available demonstrating non-conforming systems in Ravalli County are a public health hazard.

At first glance there are several items that should be of concern for any homeowner.

- The language in 7.1, “unless public health and safety are directly endangered.”, appears to give the Department sole discretion to decide if public health and safety is endangered by an existing system.
- Proposed rule changes do not provide a homeowner the opportunity to appeal or obtain a waiver/variance that an existing system has not failed and is satisfactory.
- Proposed rule 7.1.2 states, a non-conforming system may not be lawfully used, yet primary enforcement is on homeowners at the time of sale (rule 7.1.3).
- Rule 7.1.3.c.2 requires any system that is found ‘non-compliant’ must be brought into compliance with-in 12 months of the date of certificate.
- No timeline is proposed for when, after a sale, a home would be ruled as ‘non-compliant’ septic.



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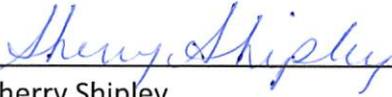


- There is no defined process for a certificate of compliance.
- The proposed rules only focus on home sales (4.35% of housing units in 2019) for enforcement, and does not address potential non-compliance in the 95% remaining housing units not for sale

Generally significant changes such as the ones proposed would be supported by data. How many systems have failed (using the industry standard definition)? Of those failed, how many presented a public safety hazard.

BVBOR and MOR remain committed to a strong public private partnership for solutions addressing any actual health and safety issues to ensure high water quality in the Bitterroot valley. We support solutions that inform Seller and Buyers of the obligations of owning a septic system and assist them in making informed decisions regarding real estate transactions.

Respectfully,



 Sherry Shipley
 President
 Bitterroot Valley Board of
 REALTORS®



 Derek Smith
 President
 Missoula Organization of
 REALTORS®