

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

BOARD MEETING)
JUNE 3, 2016)

TRANSCRIPT OF PROCEEDINGS

Heard at Room 111 of the Metcalf Building
1520 East Sixth Avenue
Helena, Montana
June 3, 2016
9:00 a.m.

BEFORE CHAIRMAN ROBIN SHROPSHIRE,
BOARD MEMBERS MARIETTA CANTY,
DR. ROBERT BYRON, MICHELE REINHART-LEVINE;
And CHRIS TWEETEN (By telephone)

PREPARED BY: LAURIE CRUTCHER, RPR
COURT REPORTER, NOTARY PUBLIC

1 WHEREUPON, the following proceedings were
2 had and testimony taken, to-wit:

3 * * * * *

4 CHAIRMAN SHROPSHIRE: Good morning. It
5 is 9:05, and I'll call this meeting of the Board
6 of Environmental Review to order. So George, do
7 you want to take roll.

8 MR. MATHIEUS: Good morning, Madam
9 Chair. Sure, I'd be happy to. Roll call. Joan
10 Miles.

11 (No response)

12 MR. MATHIEUS: She's absent. Dr. Byron.

13 DR. BYRON: Here.

14 MR. MATHIEUS: Marietta Canty.

15 MS. CANTY: Here.

16 MR. MATHIEUS: Roy O'Connor.

17 (No response)

18 MR. MATHIEUS: Absent. Michele
19 Reinhart-Levine.

20 MS. REINHART-LEVINE: Here.

21 MR. MATHIEUS: Robin Shropshire.

22 CHAIRMAN SHROPSHIRE: Present.

23 MR. MATHIEUS: Chris Tweeten.

24 MR. TWEETEN: Present by phone.

25 CHAIRMAN SHROPSHIRE: Thanks. The first

1 thing on the agenda is the review and approval of
2 minutes. Does anybody have comments on the
3 minutes?

4 (No response)

5 CHAIRMAN SHROPSHIRE: Is there a motion
6 to approve?

7 DR. BYRON: Madam Chair, so moved.

8 CHAIRMAN SHROPSHIRE: It has been moved
9 by Dr. Byron. Do I have a second?

10 MS. CANTY: I'll second.

11 CHAIRMAN SHROPSHIRE: Any other
12 comments?

13 (No response)

14 CHAIRMAN SHROPSHIRE: Hearing none, all
15 those in favor, signify by saying aye.

16 (Response)

17 CHAIRMAN SHROPSHIRE: Opposed.

18 (No response)

19 CHAIRMAN SHROPSHIRE: Motion carries
20 unanimously. The next thing are briefing items,
21 and then Ben, do you want to give us a contested
22 case update, please.

23 MR. REED: Yes, Madam Chair. There are
24 quite a few contested cases currently in front of
25 me, but this has more to do with procedural

1 hang-ups than it does to any sort of log jam of
2 cases.

3 Highlander Bar and Grill, it says an
4 order vacating scheduling orders. That's not
5 quite right. This case had gone off of the
6 parties' radar, and has just been rescheduled.
7 Counsel for the Department had passed away, and so
8 we just had to get that back on track. That's
9 been done.

10 For (b) and (c), I've requested the
11 parties propose a revised hearing schedule,
12 revised hearing schedules. The parties had sort
13 of fallen behind a bit on their hearing schedules.

14 In (d), for Buscher Construction, that
15 matter is still on course with its original
16 hearing schedule.

17 And those are the contested cases that
18 are currently before me.

19 As far as non-enforcement cases, the
20 stipulation to stay appeal is still ongoing. The
21 appeal is currently stayed while the parties are
22 working together.

23 For Columbia Falls Aluminum Company,
24 there has been a couple of orders issued, one on
25 Columbia Falls' motion to compel production of

1 documents, and one on a motion that DEQ had
2 requesting summary judgment. We're going to have
3 another telephonic scheduling conference on June
4 22nd.

5 In Heart K Land and Cattle, the matter
6 has gotten -- I won't say complicated -- but there
7 are now about twice as many attorneys involved in
8 the matter as were originally, and so it has
9 gotten more -- what is probably a nice way to say
10 complicated -- more festive, I'll say. I'm
11 expecting a new scheduling order from the parties,
12 or the parties will conform with the new
13 scheduling order that was just issued.

14 There is a second prehearing order that
15 has been issued in the matter of Westmoreland
16 Resources that gives the parties a little more
17 room to negotiate a settlement, and if not, to
18 propose a scheduling order by the middle of
19 November.

20 In the MPDES, in the matter of the
21 Laurel Refineries MPDES permit, that matter has
22 been extended.

23 In Payne Logging, there are a couple of
24 cross motions to dismiss and for summary judgment.
25 We're awaiting a reply brief from Payne, and then

1 the matter may well be decided on motions.

2 And finally, in this most recent Western
3 Energy Company Rosebud Strip Mine, that matter is
4 still in the throes of being scheduled.

5 The contested case not assigned to a
6 Hearing Examiner is this WECO case that if the
7 Board will remember, had been under review by the
8 Fourth Judicial District, by Judge Seeley over in
9 Missoula.

10 She's just issued a memorandum and order
11 on the remaining issues that were before her. The
12 parties had settled many of the issues, but there
13 were some issues that were pending summary
14 judgment. She's issued an order that frankly I
15 haven't -- she's essentially brought the decision
16 back to the Department of Environmental Quality.
17 However, judgment has been not been formally
18 entered, so at this point the Board doesn't need
19 take any action one way or another on the matter.

20 And that concludes my briefing. If the
21 Board has any questions, I'd be pleased to answer
22 them.

23 CHAIRMAN SHROPSHIRE: Thanks, Ben. Any
24 questions from the Board?

25 (No response)

1 CHAIRMAN SHROPSHIRE: The next item on
2 the agenda are new contested cases. The first one
3 is in the matter of LT Trucking, LLC, appeal
4 Riverside Contracting, Inc. reclamation bond
5 release permit No. 2083. First any questions from
6 the Board related to that?

7 (No response)

8 CHAIRMAN SHROPSHIRE: Are you able to
9 take on these new contested cases?

10 MR. REED: Yes, Madam Chair, I am.

11 CHAIRMAN SHROPSHIRE: So at this time we
12 can appoint Ben as a permanent Hearing Examiner.
13 Is there a motion?

14 MS. REINHART-LEVINE: So moved, Madam
15 Chair.

16 CHAIRMAN SHROPSHIRE: It has been moved
17 by Michele. Do I have a second?

18 DR. BYRON: Second.

19 CHAIRMAN SHROPSHIRE: Seconded by Dr.
20 Byron. Any questions?

21 (No response)

22 CHAIRMAN SHROPSHIRE: Hearing none, all
23 those in favor, signify by saying aye.

24 (Response)

25 CHAIRMAN SHROPSHIRE: Motion carries

1 unanimously. In the second one, in the matter of
2 appeal of the denial of nondegradation review EQ
3 No. 16-1698 Sanders County, Montana. Any
4 questions on that new contested case?

5 (No response)

6 CHAIRMAN SHROPSHIRE: Do I have a motion
7 to assign Ben as the permanent Hearing Examiner?

8 MS. REINHART-LEVINE: So moved, Madam
9 Chair.

10 CHAIRMAN SHROPSHIRE: Moved by Michele.

11 MS. CANTY: I'll second.

12 CHAIRMAN SHROPSHIRE: Seconded by
13 Marietta. Any questions?

14 (No response)

15 CHAIRMAN SHROPSHIRE: All those in
16 favor, signify by saying aye.

17 (Response)

18 CHAIRMAN SHROPSHIRE: Motion carries
19 unanimously.

20 MR. REED: Thank you very much, Madam
21 Chair.

22 CHAIRMAN SHROPSHIRE: The next thing on
23 the agenda is initiation of rulemaking to amend
24 ARM 17.8.102, to incorporate by reference updated
25 federal and state statutes and regulations, and

1 ARM 17.8.103 to update references stating where
2 these documents may be obtained electronically.

3 Is there a presentation?

4 MR. MATHIEUS: Madam Chair, there is.
5 Today we have Rebecca Harbage representing DEQ.

6 MS. HARBAGE: Madam Chair, members of
7 the Board, for the record, my name is Rebecca
8 Harbage. I'm here representing the Department's
9 Air Quality Bureau this morning. I'm here to ask
10 that the Board initiate rulemaking to adopt the
11 current editions of federal and state air quality
12 statutes, rules, and regulations that are
13 incorporated by reference into the Administrative
14 Rules of Montana.

15 This is an annual rulemaking that we do
16 to ensure Montana's air quality rules are at least
17 as stringent as current federal regulations, to
18 maintain federal delegation of Montana's air
19 quality program, and the adequacy of Montana's
20 State Implementation Plan, and also to ensure the
21 timely implementation of federal emission
22 standards.

23 Today the Department is requesting that
24 the Board incorporate revisions that were
25 published in the July 1st, 2015 edition of the

1 Code of Federal Regulations, the 2014 edition of
2 the United States Code and the Administrative
3 Rules of Montana as they existed on September
4 30th, 2015.

5 We have reviewed the updated regulations
6 to be incorporated, and there is also a summary
7 table of the major changes included in your packet
8 today.

9 The proposed rulemaking and the summary
10 table were discussed with our stakeholders of the
11 Clean Air Act Advisory Committee at their meeting
12 last week, and the summary table of changes will
13 also be made available for public review should
14 you initiate rulemaking this morning.

15 With that, Madam Chair, the Department
16 recommends that the Board initiate rulemaking, and
17 issue a notice of proposed amendment with no
18 public hearing contemplated. A hearing would be
19 scheduled upon request as described in the draft
20 notice. I'm available if you have any questions.

21 CHAIRMAN SHROPSHIRE: Thank you. Any
22 questions from the Board?

23 (No response)

24 CHAIRMAN SHROPSHIRE: Any public
25 comment?

1 (No response)

2 CHAIRMAN SHROPSHIRE: I will accept a
3 motion to initiate rulemaking in accordance with
4 the notice of proposed amendment that is attached
5 to this executive summary.

6 MS. CANTY: So moved.

7 CHAIRMAN SHROPSHIRE: It's been moved by
8 Marietta.

9 MS. REINHART-LEVINE: Second.

10 CHAIRMAN SHROPSHIRE: Seconded by
11 Michele. Any further discussion?

12 (No response)

13 CHAIRMAN SHROPSHIRE: All those in
14 favor, signify by saying aye.

15 (Response)

16 CHAIRMAN SHROPSHIRE: Opposed.

17 (No response)

18 CHAIRMAN SHROPSHIRE: Motion carries
19 unanimously.

20 The next thing we have on the agenda --
21 this is a final adoption, correct -- to amend ARM
22 17.8.610, 612, 613, 614, 615, 749, and 1210
23 pertaining to open burning permits, issuance or
24 denial of permit, and general requirements for an
25 air quality operating permit in response to

1 changes to the Clean Air Act of Montana.

2 MR. MATHIEUS: Madam Chair, Rebecca is
3 going to do this one as well.

4 MS. HARBAGE: Once again, for the
5 record, my name is Rebecca Harbage, and I'm
6 representing the Air Quality Bureau here at DEQ.
7 This morning we're asking that the Board take
8 final action to amend several of the air quality
9 rules that make them consistent with changes that
10 have been made to the Clean Air Act of Montana.
11 And just as a quick refresher, Section 75-2-211,
12 75-2-213, and 75-2-218, Montana Code Annotated,
13 contain procedures for appeals of permits for
14 construction, installation, alteration, use, and
15 operation of facilities under the Clean Air Act of
16 Montana.

17 Specifically those statutes provide,
18 one, that a person who is directly and adversely
19 affected by the issuance or denial of a permit may
20 request a hearing; that a request for hearing does
21 not stay the Department's decision on an
22 application unless the Board orders a stay; three,
23 that depending on the applicable statute, an
24 appellant must file an affidavit supporting their
25 request for hearing, either with the request or

1 within thirty days after the issuance or denial of
2 the permit; and finally that a separate process is
3 available for challenges to energy development
4 projects in 75-2-213, MCA.

5 The proposed rulemaking would amend the
6 Administrative Rules of Montana as listed by Madam
7 Chair to incorporate these provisions, and remove
8 provisions that implement the previous version of
9 those statutes. The Board initiated rulemaking on
10 this package on February 5th, and the public
11 comment period for the proposed amendment closed
12 on May 6th. No comments were received during that
13 time, and a hearing was not requested.

14 The Department now requests that the
15 Board adopt the amendments as proposed and issue
16 the notice of amendment included as a draft in
17 your packet for this agenda item. Also included
18 for the record in your packet are the 521 and 311
19 stringency and takings analysis for this
20 rulemaking. If you have any questions for me.

21 (No response)

22 CHAIRMAN SHROPSHIRE: Questions from the
23 Board?

24 (No response)

25 CHAIRMAN SHROPSHIRE: Remind me, John.

1 Any public comment here? Is there any public
2 comment?

3 (No response)

4 CHAIRMAN SHROPSHIRE: I will accept a
5 motion to accept the House Bill 311 and 521
6 analyses, and to adopt the rule amendments as
7 proposed and as indicated in the notice of
8 amendment that is attached to the executive
9 summary. Do I have a motion?

10 DR. BYRON: So moved.

11 CHAIRMAN SHROPSHIRE: Moved by Dr.
12 Byron.

13 MS. CANTY: I'll second.

14 CHAIRMAN SHROPSHIRE: Seconded by
15 Marietta. Any further discussion?

16 (No response)

17 CHAIRMAN SHROPSHIRE: All those in
18 favor, signify by saying aye.

19 (Response)

20 CHAIRMAN SHROPSHIRE: Opposed.

21 (No response)

22 CHAIRMAN SHROPSHIRE: Motion carries
23 unanimously.

24 I think that brings us to the end of
25 agenda items for the meeting. After I ask if

1 there is any general public comment, I'm going to
2 go ahead and close this meeting, and then we'll
3 open up the hearing. So at this point, is there
4 anybody in the public or on the phone that would
5 like to make any public comment?

6 (No response)

7 CHAIRMAN SHROPSHIRE: I will adjourn
8 this meeting, and we'll move to the hearing.

9 I've got some stuff I'm going to read
10 here, so just bear with me. So John, can I just
11 simply open up the hearing, simple as that?

12 MR. NORTH: Yes.

13 CHAIRMAN SHROPSHIRE: I'll open up the
14 hearing. I'm going to read a few things here.

15 This is the time and the place set for
16 the triennial review hearing for Montana's water
17 quality standards. This hearing is held pursuant
18 to Section 75.5.301(3) Montana Code Annotated,
19 which provides that the Board shall from time to
20 time review and revise established classifications
21 of waters and water quality standards.

22 In order to assist the Board in this
23 review, we're holding this hearing to solicit
24 public comment on water quality classifications
25 and standards that should be reviewed or revised.

1 We request to the extent possible commenters
2 identify the classification or water quality
3 standard at issue, any suggested revision to the
4 classification or standard, and the basis for the
5 suggested revision including technical
6 information.

7 So at this time I'll accept testimony or
8 written comments that any person wishes to
9 provide, but I'm just curious how many people are
10 planning to testify or present comment.

11 (No response)

12 CHAIRMAN SHROPSHIRE: Just in case I
13 missed somebody. Anybody?

14 (No response)

15 CHAIRMAN SHROPSHIRE: Any questions from
16 the Board?

17 (No response)

18 CHAIRMAN SHROPSHIRE: So do we just
19 close the hearing?

20 MR. NORTH: Yes.

21 CHAIRMAN SHROPSHIRE: All right. Well,
22 I guess before I close, I just want to thank you
23 guys for traveling here. I will close the
24 hearing. Hearing closed.

25 (The proceedings were concluded at 9:24 a.m.)

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MONTANA)
: SS.
COUNTY OF LEWIS & CLARK)

I, LAURIE CRUTCHER, RPR, Court Reporter,
Notary Public in and for the County of Lewis &
Clark, State of Montana, do hereby certify:

That the proceedings were taken before me at
the time and place herein named; that the
proceedings were reported by me in shorthand and
transcribed using computer-aided transcription,
and that the foregoing - 16 - pages contain a true
record of the proceedings to the best of my
ability.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal
this _____ day of _____, 2016.

LAURIE CRUTCHER, RPR
Court Reporter - Notary Public
My commission expires
March 9, 2020.

1					
111 1:10		11:4, 13:11, 13:16, 14:8	6:7, 6:18, 6:21, 6:24, 7:6, 9:7, 9:10, 9:24, 10:16, 10:22, 12:7, 12:22, 13:9, 13:15, 13:23, 15:19, 15:22, 16:16	3:14, 3:17, 3:19, 6:23, 7:1, 7:8, 7:11, 7:16, 7:19, 7:22, 7:25, 8:6, 8:10, 8:12, 8:15, 8:18, 8:22, 10:21, 10:24, 11:2, 11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	17:21
1210 11:22	9	amendments [2] - 13:15, 14:6	bond 7:4	10:24, 11:2, 11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	Committee 10:11
1520 1:11	9:00 1:14		brief 5:25	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	Company [2] - 4:23, 6:3
16 17:12	9:05 2:5		briefing [2] - 3:20, 6:20	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	compel 4:25
16-1698 8:3	9:24 16:25		brings 14:24	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	complicated [2] - 5:6, 5:10
17.8.102 8:24	A		brought 6:15	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	computer-aided 17:11
17.8.103 9:1	a.m [2] - 1:14, 16:25		Building 1:10	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	concluded 16:25
17.8.610 11:22	ability 17:14		Bureau [2] - 9:9, 12:6	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	concludes 6:20
1st 9:25	able 7:8		burning 11:23	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	conference 5:3
2	absent [2] - 2:12, 2:18		Buscher 4:14	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	conform 5:12
2014 10:1	accept [4] - 11:2, 14:4, 14:5, 16:7		Byron [9] - 1:18, 2:12, 2:13, 3:7, 3:9, 7:18, 7:20, 14:10, 14:12	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	consistent 12:9
2015 [2] - 9:25, 10:4	accordance 11:3		C	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	construction [2] - 4:14, 12:14
2016 [3] - 1:6, 1:13, 17:17	Act [4] - 10:11, 12:1, 12:10, 12:15		Canty [7] - 1:17, 2:14, 2:15, 3:10, 8:11, 11:6, 14:13	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	contain [2] - 12:13, 17:12
2020 17:22	action [2] - 6:19, 12:8		carries [5] - 3:19, 7:25, 8:18, 11:18, 14:22	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	contemplated 10:18
2083 7:5	adequacy 9:19		case [6] - 3:22, 4:5, 6:5, 6:6, 8:4, 16:12	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	contested [7] - 3:21, 3:24, 4:17, 6:5, 7:2, 7:9, 8:4
22nd 5:4	adjoin 15:7		cases [6] - 3:24, 4:2, 4:17, 4:19, 7:2, 7:9	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	Contracting 7:4
3	Administrative [3] - 9:13, 10:2, 13:6		Cattle 5:5	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	correct 11:21
3 [2] - 1:6, 1:13	adopt [3] - 9:10, 13:15, 14:6		certify 17:7	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	Counsel 4:7
30th 10:4	adoption 11:21		Chair [12] - 2:9, 3:7, 3:23, 7:10, 7:15, 8:9, 8:21, 9:4, 9:6, 10:15, 12:2, 13:7	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	County [3] - 8:3, 17:4, 17:6
311 [2] - 13:18, 14:5	adversely 12:18		CHAIRMAN [46] - 1:16, 2:4, 2:22, 2:25, 3:5, 3:8, 3:11,	11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	couple [2] - 4:24, 5:23
5	Advisory 10:11			11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	course 4:15
521 [2] - 13:18, 14:5	affected 12:19			11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	Court [3] - 1:24, 17:5, 17:20
5th 13:10	affidavit 12:24			11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	cross 5:24
6	affixed 17:16			11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	CRUTCHER [3] - 1:23, 17:5, 17:19
612 11:22	agenda [6] - 3:1, 7:2, 8:23, 11:20, 13:17, 14:25			11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	curious 16:9
613 11:22	ahead 15:2			11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	current [2] - 9:11, 9:17
614 11:22	alteration 12:14			11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	currently [3] - 3:24, 4:18, 4:21
615 11:22	Aluminum 4:23			11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
6th 13:12	amend [4] - 8:23, 11:21, 12:8, 13:5			11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
7	amendment [5] - 10:17,			11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
749 11:22				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
75-2-211 12:11				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
75-2-213 [2] - 12:12, 13:4				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
75-2-218 12:12				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
75.5.301(3) 15:18				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
9				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
111 1:10				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
1210 11:22				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
1520 1:11				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
16 17:12				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
16-1698 8:3				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
17.8.102 8:24				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
17.8.103 9:1				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
17.8.610 11:22				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
1st 9:25				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
2				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
2014 10:1				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
2015 [2] - 9:25, 10:4				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
2016 [3] - 1:6, 1:13, 17:17				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
2020 17:22				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
2083 7:5				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
22nd 5:4				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
3				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
3 [2] - 1:6, 1:13				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17, 14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21	
30th 10:4				11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 1	

<p>delegation 9:18 denial [4] - 8:2, 11:24, 12:19, 13:1 Department [5] - 4:7, 6:16, 9:23, 10:15, 13:14 Department's [2] - 9:8, 12:21 depending 12:23 DEQ [3] - 5:1, 9:5, 12:6 described 10:19 development 13:3 directly 12:18 discussed 10:10 discussion [2] - 11:11, 14:15 dismiss 5:24 District 6:8 documents [2] - 5:1, 9:2 Dr [9] - 1:18, 2:12, 2:13, 3:7, 3:9, 7:18, 7:19, 14:10, 14:11 draft [2] - 10:19, 13:16</p> <hr/> <p style="text-align: center;">E</p> <p>East 1:11 edition [2] - 9:25, 10:1 editions 9:11 either 12:25 electronically 9:2 emission 9:21 energy [2] - 6:3, 13:3 ensure [2] - 9:16, 9:20 entered 6:18 Environmental [3] - 1:1, 2:6, 6:16 EQ 8:2 essentially 6:15</p>	<p>established 15:20 Examiner [3] - 6:6, 7:12, 8:7 executive [2] - 11:5, 14:8 existed 10:3 expecting 5:11 expires 17:21 extended 5:22 extent 16:1</p> <hr/> <p style="text-align: center;">F</p> <p>facilities 12:15 fallen 4:13 Falls [2] - 4:23, 4:25 favor [5] - 3:15, 7:23, 8:16, 11:14, 14:18 February 13:10 federal [6] - 8:25, 9:11, 9:17, 9:18, 9:21, 10:1 festive 5:10 file 12:24 final [2] - 11:21, 12:8 finally [2] - 6:2, 13:2 foregoing 17:12 formally 6:17 Fourth 6:8 frankly 6:14 front 3:24</p> <hr/> <p style="text-align: center;">G</p> <p>general [2] - 11:24, 15:1 George 2:6 gives 5:16 gone 4:5 gotten [2] - 5:6, 5:9 Grill 4:3 guess 16:22 guys 16:23</p> <hr/> <p style="text-align: center;">H</p> <p>hang-ups 4:1</p>	<p>happy 2:9 Harbage [5] - 9:5, 9:6, 9:8, 12:4, 12:5 haven't 6:15 Heard 1:10 hearing [25] - 3:14, 4:11, 4:12, 4:13, 4:16, 6:6, 7:12, 7:22, 8:7, 10:18, 10:18, 12:20, 12:20, 12:25, 13:13, 15:3, 15:8, 15:11, 15:14, 15:16, 15:17, 15:23, 16:19, 16:24, 16:24 Heart 5:5 held 15:17 Helena 1:12 hereby 17:7 herein 17:9 hereunto 17:15 Highlander 4:3 holding 15:23 However 6:17</p> <hr/> <p style="text-align: center;">I</p> <p>identify 16:2 implement 13:8 implementation [2] - 9:20, 9:21 included [3] - 10:7, 13:16, 13:17 including 16:5 incorporate [3] - 8:24, 9:24, 13:7 incorporated [2] - 9:13, 10:6 indicated 14:7 information 16:6 initiate [4] - 9:10, 10:14, 10:16, 11:3 initiated 13:9 initiation</p>	<p>8:23 installation 12:14 involved 5:7 issuance [3] - 11:23, 12:19, 13:1 issue [3] - 10:17, 13:15, 16:3 issued [5] - 4:24, 5:13, 5:15, 6:10, 6:14 issues [3] - 6:11, 6:12, 6:13 item [2] - 7:1, 13:17 items [2] - 3:20, 14:25</p> <hr/> <p style="text-align: center;">J</p> <p>jam 4:1 Joan 2:9 John [2] - 13:25, 15:10 Judge 6:8 judgment [4] - 5:2, 5:24, 6:14, 6:17 Judicial 6:8 July 9:25 June [3] - 1:6, 1:13, 5:3</p> <hr/> <p style="text-align: center;">L</p> <p>Laurel 5:21 LAURIE [3] - 1:23, 17:5, 17:19 least 9:16 Lewis [2] - 17:4, 17:6 listed 13:6 LLC 7:3 log 4:1 Logging 5:23 LT 7:3</p> <hr/> <p style="text-align: center;">M</p> <p>Madam [12] - 2:8, 3:7, 3:23, 7:10, 7:14, 8:8, 8:20, 9:4, 9:6, 10:15,</p>	<p>12:2, 13:6 maintain 9:18 major 10:7 March 17:22 Marietta [5] - 1:17, 2:14, 8:13, 11:8, 14:15 MATHIEUS [9] - 2:8, 2:12, 2:14, 2:16, 2:18, 2:21, 2:23, 9:4, 12:2 matter [11] - 4:15, 5:5, 5:8, 5:15, 5:20, 5:21, 6:1, 6:3, 6:19, 7:3, 8:1 MCA 13:4 meeting [6] - 1:5, 2:5, 10:11, 14:25, 15:2, 15:8 members [2] - 1:17, 9:6 memorandum 6:10 Metcalf 1:10 Michele [5] - 1:18, 2:18, 7:17, 8:10, 11:11 middle 5:18 Miles 2:10 Mine 6:3 minutes [2] - 3:2, 3:3 missed 16:13 Missoula 6:9 Montana [13] - 1:2, 1:12, 8:3, 9:14, 10:3, 12:1, 12:10, 12:12, 12:16, 13:6, 15:18, 17:2, 17:7 Montana's [4] - 9:16, 9:18, 9:19, 15:16 morning [5] - 2:4, 2:8, 9:9, 10:14, 12:7 motion [13] - 3:5, 3:19, 4:25, 5:1, 7:13, 7:25,</p>	<p>8:6, 8:18, 11:3, 11:18, 14:5, 14:9, 14:22 motions [2] - 5:24, 6:1 move 15:8 moved [10] - 3:7, 3:8, 7:14, 7:16, 8:8, 8:10, 11:6, 11:7, 14:10, 14:11 MPDES [2] - 5:20, 5:21</p> <hr/> <p style="text-align: center;">N</p> <p>named 17:9 negotiate 5:17 nice 5:9 non-enforcement 4:19 nondegradation 8:2 none [2] - 3:14, 7:22 NORTH [2] - 15:12, 16:20 notarial 17:16 Notary [3] - 1:24, 17:6, 17:20 notice [5] - 10:17, 10:20, 11:4, 13:16, 14:7 November 5:19</p> <hr/> <p style="text-align: center;">O</p> <p>O'Connor 2:16 obtained 9:2 ongoing 4:20 open [4] - 11:23, 15:3, 15:11, 15:13 operating 11:25 operation 12:15 Opposed [3] - 3:17, 11:16, 14:20 order [9] - 2:6, 4:4,</p>
--	---	--	--	---	---

<p>5:11, 5:13, 5:14, 5:18, 6:10, 6:14, 15:22 orders [3] - 4:4, 4:24, 12:22 original 4:15 originally 5:8</p> <hr/> <p style="text-align: center;">P</p> <p>package 13:10 packet [3] - 10:7, 13:17, 13:18 pages 17:12 parties [8] - 4:6, 4:11, 4:12, 4:21, 5:11, 5:12, 5:16, 6:12 passed 4:7 Payne [2] - 5:23, 5:25 pending 6:13 period 13:11 permanent [2] - 7:12, 8:7 permit [6] - 5:21, 7:5, 11:24, 11:25, 12:19, 13:2 permits [2] - 11:23, 12:13 pertaining 11:23 Plan 9:20 planning 16:10 please 3:22 pleased 6:21 point [2] - 6:18, 15:3 possible 16:1 prehearing 5:14 PREPARED 1:23 present [3] - 2:22, 2:24, 16:10 presentation 9:3 previous 13:8 probably 5:9 procedural 3:25 procedures</p>	<p>12:13 proceedings [6] - 1:8, 2:1, 16:25, 17:8, 17:10, 17:13 process 13:2 production 4:25 program 9:19 projects 13:4 propose [2] - 4:11, 5:18 proposed [7] - 10:9, 10:17, 11:4, 13:5, 13:11, 13:15, 14:7 provide [2] - 12:17, 16:9 provides 15:19 provisions [2] - 13:7, 13:8 public [13] - 1:24, 10:13, 10:18, 10:24, 13:10, 14:1, 14:1, 15:1, 15:4, 15:5, 15:24, 17:6, 17:20 published 9:25 pursuant 15:17</p> <hr/> <p style="text-align: center;">Q</p> <p>quality [12] - 6:16, 9:9, 9:11, 9:16, 9:19, 11:25, 12:6, 12:8, 15:17, 15:21, 15:24, 16:2 quick 12:11 quite [2] - 3:24, 4:5</p> <hr/> <p style="text-align: center;">R</p> <p>radar 4:6 Rebecca [4] - 9:5, 9:7, 12:2, 12:5 received 13:12 recent 6:2 reclamation</p>	<p>7:4 recommends 10:16 record [4] - 9:7, 12:5, 13:18, 17:13 REED [3] - 3:23, 7:10, 8:20 reference [2] - 8:24, 9:13 references 9:1 Refineries 5:21 refresher 12:11 regulations [5] - 8:25, 9:12, 9:17, 10:1, 10:5 Reinhart-levine [6] - 1:18, 2:19, 2:20, 7:14, 8:8, 11:9 related 7:6 release 7:5 remaining 6:11 Remind 13:25 remove 13:7 reply 5:25 reported 17:10 Reporter [3] - 1:24, 17:5, 17:20 representing [3] - 9:5, 9:8, 12:6 request [6] - 10:19, 12:20, 12:20, 12:25, 12:25, 16:1 requested [2] - 4:10, 13:13 requesting [2] - 5:2, 9:23 requests 13:14 requirements 11:24 rescheduled 4:6 Resources 5:16 response</p>	<p>[29] - 2:11, 2:17, 3:4, 3:13, 3:16, 3:18, 6:25, 7:7, 7:21, 7:24, 8:5, 8:14, 8:17, 10:23, 11:1, 11:12, 11:15, 11:17, 11:25, 13:21, 13:24, 14:3, 14:16, 14:19, 14:21, 15:6, 16:11, 16:14, 16:17 review [9] - 1:1, 2:6, 3:1, 6:7, 8:2, 10:13, 15:16, 15:20, 15:23 reviewed [2] - 10:5, 15:25 revise 15:20 revised [3] - 4:11, 4:12, 15:25 revision [2] - 16:3, 16:5 revisions 9:24 Riverside 7:4 ROBERT 1:18 Robin [2] - 1:16, 2:21 roll [2] - 2:7, 2:9 room [2] - 1:10, 5:17 Rosebud 6:3 Roy 2:16 RPR [3] - 1:23, 17:5, 17:19 rule 14:6 rulemaking [10] - 8:23, 9:10, 9:15, 10:9, 10:14, 10:16, 11:3, 13:5, 13:9, 13:20 rules [6] - 9:12, 9:14, 9:16, 10:3, 12:9, 13:6</p> <hr/> <p style="text-align: center;">S</p> <p>Sanders 8:3</p>	<p>saying [5] - 3:15, 7:23, 8:16, 11:14, 14:18 says 4:3 schedule [2] - 4:11, 4:16 scheduled [2] - 6:4, 10:19 schedules [2] - 4:12, 4:13 scheduling [5] - 4:4, 5:3, 5:11, 5:13, 5:18 seal 17:16 Seconded [4] - 7:19, 8:12, 11:10, 14:14 Section [2] - 12:11, 15:18 Seeley 6:8 separate 13:2 September 10:3 settled 6:12 settlement 5:17 several 12:8 shall 15:19 she's [4] - 2:12, 6:10, 6:14, 6:15 shorthand 17:10 Shropshire [47] - 1:16, 2:4, 2:21, 2:22, 2:25, 3:5, 3:8, 3:11, 3:14, 3:17, 3:19, 6:23, 7:1, 7:8, 7:11, 7:16, 7:19, 7:22, 7:25, 8:6, 8:10, 8:12, 8:15, 8:18, 8:22, 10:21, 10:24, 11:2, 11:7, 11:10, 11:13, 11:16, 11:18, 13:22, 13:25, 14:4, 14:11, 14:14, 14:17,</p>	<p>14:20, 14:22, 15:7, 15:13, 16:12, 16:15, 16:18, 16:21 signify [5] - 3:15, 7:23, 8:16, 11:14, 14:18 simple 15:11 simply 15:11 Sixth 1:11 solicit 15:23 somebody 16:13 sort [2] - 4:1, 4:12 Specifically 12:17 SS 17:3 stakeholders 10:10 standard [2] - 16:3, 16:4 standards [4] - 9:22, 15:17, 15:21, 15:25 state [6] - 1:2, 8:25, 9:11, 9:20, 17:2, 17:7 States 10:2 stating 9:1 statute 12:23 statutes [4] - 8:25, 9:12, 12:17, 13:9 stay [3] - 4:20, 12:21, 12:22 stayed 4:21 stipulation 4:20 stringency 13:19 stringent 9:17 Strip 6:3 stuff 15:9 suggested [2] - 16:3, 16:5 summary [8] - 5:2, 5:24, 6:13, 10:6, 10:9, 10:12, 11:5, 14:9 supporting 12:24</p>
--	--	---	--	---	--

<p style="text-align: center;">T</p> <p>table [3] - 10:7, 10:10, 10:12</p> <p>taken [2] - 2:2, 17:8</p> <p>takings 13:19</p> <p>technical 16:5</p> <p>telephone 1:19</p> <p>telephonic 5:3</p> <p>testify 16:10</p> <p>testimony [2] - 2:2, 16:7</p> <p>thank [3] - 8:20, 10:21, 16:22</p> <p>Thanks [2] - 2:25, 6:23</p> <p>thing [4] - 3:1, 3:20, 8:22, 11:20</p> <p>thirty 13:1</p> <p>throes 6:4</p> <p>timely 9:21</p> <p>to-wit 2:2</p> <p>today [3] - 9:5, 9:23, 10:8</p> <p>track 4:8</p> <p>transcribed 17:11</p> <p>TRANSCRIPT 1:8</p> <p>transcription 17:11</p> <p>traveling 16:23</p> <p>triennial 15:16</p> <p>Trucking 7:3</p> <p>true 17:12</p> <p>Tweeten [3] - 1:19, 2:23, 2:24</p> <p>twice 5:7</p> <p style="text-align: center;">U</p> <p>unanimously [5] - 3:20, 8:1, 8:19, 11:19, 14:23</p> <p>United 10:2</p> <p>unless 12:22</p> <p>update [2] -</p>	<p>3:22, 9:1</p> <p>updated [2] - 8:24, 10:5</p> <p>upon 10:19</p> <p>using 17:11</p> <p style="text-align: center;">V</p> <p>vacating 4:4</p> <p>version 13:8</p> <p style="text-align: center;">W</p> <p>waters 15:21</p> <p>we'll [2] - 15:2, 15:8</p> <p>we're [4] - 5:2, 5:25, 12:7, 15:23</p> <p>WECO 6:6</p> <p>week 10:12</p> <p>Western 6:2</p> <p>Westmoreland 5:15</p> <p>WHEREOF 17:15</p> <p>WHEREUPON 2:1</p> <p>wishes 16:8</p> <p>within 13:1</p> <p>WITNESS 17:15</p> <p>won't 5:6</p> <p>written 16:8</p>				
---	---	--	--	--	--