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TELECONFERENCE AGENDA

FRIDAY, MAY 30, 2014

METCALF BUILDING, ROOM 111

1520 EAST SIXTH AVENUE, HELENA, MONTANA

NOTE: It is expected that most available Board members will be participating telephonically. The Board attorney and secretary will be present at the location stated above. Interested persons, members of the public, and the media are welcome to attend at the location stated above. Members of the public and press also may join Board members with prior arrangement. Contact information for Board members is available on the Board's Website (<http://www.deq.mt.gov/ber/index.asp>) or from the Board Secretary (406-444-2544). The Board will make reasonable accommodations for persons with disabilities who wish to participate in this meeting. Please contact the Board Secretary by telephone or by e-mail at jwittenberg@mt.gov no later than 24 hours prior to the meeting to advise her of the nature of the accommodation needed.

9:00 A.M.

I. ADMINISTRATIVE ITEMS

A. REVIEW AND APPROVE MINUTES

1. The Board will vote on adopting the March 21, 2014, meeting minutes.

II. BRIEFING ITEMS

A. CONTESTED CASE UPDATE

1. Enforcement cases assigned to the Hearing Examiner
 - a. **In the matter of violations of the Public Water Supply Laws by Trailer Terrace Mobile Park, LLC, Dennis Deschamps and Dennis Rasmussen at the Trailer Terrace, PWSID No. MT0000025, Great Falls, Cascade County, BER 2012-11 PWS.** A *Fourth Order Granting Extension* was issued on December 1, 2013, giving the parties through April 1, 2014, to settle the matter or file a joint proposed prehearing schedule. On April 9, 2014, a telephonic conference was held in which the deadline to file a proposed prehearing schedule or to settle the case was continued until August 1, 2014.
 - b. **In the matter of violations of the Sanitation in Subdivisions Act and Public Water Supply Laws by Roger Emery at the Sunrise Motel, Sidney, Richland County, BER 2013-06 SUB.** On March 20, 2014, the hearing examiner issued the *First Scheduling Order*, setting the contested case hearing for September 10, 2014.

2. Contested Cases not assigned to a Hearing Examiner

- a. **In the matter of the notice of appeal and request for hearing by Western Energy Company (WECO) regarding its MPDES Permit No. MT0023965 issued for WECO's Rosebud Mine in Colstrip, BER 2012-12 WQ.** On April 9, 2014, the hearings examiner issued an *Order Granting the Joint Unopposed Motion for Partial Remand of Permit to Department of Environmental Quality and for Suspension of Proceedings*. On May 14, 2014, DEQ filed a *Status Report* regarding the matter. A modified permit will be made available for public comment on or before June 9, 2014.
- b. **In the matter of the notice of appeal for hearing by Montana Environmental Information Center regarding DEQ's approval of coal mine permit No. C1993017 issued to Signal Peak Energy, LLC, for Bull Mountain Mine No. 1 in Roundup, MT, BER 2013-07 SM.** The following documents have been filed in this matter since the March 21 Board meeting, and resolution of two motions is pending.
 - 3/21/14 – Appellant Montana Environmental Information Center's Unopposed Motion for Extension of Briefing Deadlines
 - 4/01/14 – Appellant Montana Environmental Information Center's Motion to Amend and Join Sierra Club as a Co-appellant and Brief in Support
 - 4/10/14 – Signal Peak Energy LLC's Response in Opposition to MEIC's Motion to Amend and Join Sierra Club as Co-appellant
 - 4/11/14 – Appellant Montana Environmental Information Center's Motion for Summary Judgment and Brief in Support
 - 4/24/14 – DEQ's Unopposed Motion to Extend Briefing Schedule and Memorandum in Support
 - 4/25/14 – Appellant Montana Environmental Information Center's Reply in Support of its Motion to Amend and Join Sierra Club as Co-appellant
 - 5/05/14 – Order Extending Briefing Schedule

B. OTHER BRIEFING ITEMS

1. The department will report to the Board regarding the status of numeric nutrient standards.

III. ACTION ITEMS

A. INITIATION OF RULEMAKING

DEQ will propose that the Board initiate rulemaking to:

2. Amend ARM 17.8.501 Definitions and 17.8.504 Air Quality Permit Application Fees, to adjust air quality permit application fees to more closely reflect the cost of processing a permit application, clarify relevant definitions, and make other housekeeping amendments.

3. Amend ARM 17.8.818 Review of Major Stationary Sources and Major Modifications – Source Applicability and Exemptions and 17.8.820 Source Impact Analysis, to reflect changes to major New Source Review Prevention of Significant Deterioration of Air Quality permitting regulations, Significant Impact Levels (SILs), and Significant Monitoring Concentration (SMC) for PM ^{2.5}.

B. REPEAL, AMENDMENT, OR ADOPTION OF FINAL RULES

1. In the matter of proposed final adoption of amended ARM 17.8.102 incorporating the air quality rules adopted in the 2013 edition of the Code of Federal Regulations and current updates to state statutes and regulations that are incorporated by reference in the rules.

C. NEW CONTESTED CASES

1. **In the matter of the notice of appeal and request for hearing by Yellowstone Energy Limited Partnership (YELP) regarding issuance of MPDES Permit NO. MT0030180 for YELP's facility in Billings, MT, BER 2014-01 WQ.** The Board received the appeal on April 3, 2014. The Interim Hearings Examiner issued the *First Prehearing Order* on April 10, 2012. On April 29, 2014, the attorney for YELP filed *Unopposed Motion to Stay Proceedings*, and on May 6, 2014, the Interim Hearings Examiner issued *Order Granting Motion to Stay Proceedings*, requiring a status report no later than August 1, 2014. The Board may assign a permanent hearings examiner or decide to hear the matter.
2. **In the matter of appeal and request for hearing by Missoula County regarding DEQ's issuance of MPDES Permit No. MT0000035 issued to M2Green Redevelopment's site in Frenchtown, MT, BER 2014-02 WQ.** The Board received the appeal on April 14, 2014. On April 17, the Interim Hearings Examiner issued the *First Prehearing Order*. A *Stipulated Scheduling Order* was submitted by the parties on May 7, 2014. The Board may assign a permanent hearings examiner or decide to hear the matter.
3. **In the matter of the notice of appeal and request for hearing by the Clark Fork Coalition regarding DEQ's issuance of MPDES Permit NO. MT0000035 issued to M2Green Redevelopment's site in Frenchtown, MT, BER 2014-03 WQ.** The Board received the appeal on April 14, 2014. On April 17, the interim hearings examiner issued the *First Prehearing Order*. The Board may assign a permanent hearings examiner or decide to hear the matter.

IV. GENERAL PUBLIC COMMENT

Under this item, members of the public may comment on any public matter within the jurisdiction of the Board that is not otherwise on the agenda of the meeting. Individual contested case proceedings are not public matters on which the public may comment.

V. ADJOURNMENT