

Montana MS4 Working Group
Helena Chamber of Commerce, 225 Cruse Ave.
Meeting Summary September 22, 2015

Attendees: The following member/entities were present; Butte-Silver Bow, City of Billings, City of Bozeman, City of Gt. Falls, City of Helena, City of Kalispell, City of Missoula, Montana Department of Environmental Quality, U.S. Environmental Protection Agency. Yellowstone County, Malmstrom Air Force Base, and MEIC were also represented. Beck Consulting and HDR Inc. are under contract to support the group and were present. Please see attached sign-in sheet for individual attendees at this meeting.

Meeting Outcomes

- 1) Group is current on related permit discussion with counties, MDT, and DEQ.
- 2) The Technical Sub Group has reported on their activities.
- 3) The working group has agreed to language in MCM 6: b.iv.
- 4) The group has continued review of MCM 4: Illicit Discharge and MCM 7: Pollution Prevention and Good Housekeeping.
- 5) The group has reached general agreement on the Scope of Services for the manual.
- 6) The public has had the chance to observe and offer comments to the working group.

Welcome

Facilitator Beck reviewed the meeting outcomes and agenda. Participants introduced themselves.

Follow up Items from August Meeting

All items have been worked on and many—such as information sharing—have been completed. Several items were discussed during today's meeting. Some items are ongoing or scheduled for future meetings. Items that need additional action can be found in the table at the end of these notes.

Jon Kenning reported visiting with DNRC about the water re-use and potential conflicts with water rights issue. DNRC responded that legislation would likely be necessary to address this. DNRC would like to continue to be involved in the discussions. Millie Heffner is the DNRC contact. Vern will talk with Tim Burton at the MLC&T to see how this could be approached.

Updates from Other MS4 Permittees

Mike Black, Yellowstone County, reported that the counties have not been active on MS4 over the past month. The counties were contacted by Christian Schmidt, the DEQ's new Division Administrator for Planning, Protection, and Assistance Division. DEQ is undergoing a reorganization and Kenning's Water Protection Bureau joined the PPA Division which is led by Christian Schmidt. The intent is still for DEQ and county legal staff to get together. This will not likely happen before the end of October. The counties have access to all of the work of the MS4 Working Group so they can understand implications of the language that will appear in the new permit.

No activity with the Malmstrom AFB or MDT permits. MDT printed a short article in their most recent newsletter stating they have submitted an application for an individual MS4 permit.

Disinfected Water Permitting (Amanda McInnis, HDR)

Amanda found an AWWA Guidance manual that discusses how all 50 states handle disinfected water permitting. Most Region 8 states do not have a separate disinfected water permit like Montana does. The State of Colorado has a "minimized" General permit that covers disinfected water.

TMDL Language

Rainie noted that the TMDL language may need to be revisited and may need some minor revisions. If DEQ is ready they will discuss this at the October meeting.

Technical Subgroup Update (Matt Peterson)

The subgroup has been working on the Table of Contents for the BMP Manual. It's not quite final. Matt will be sending out one more revision to the subgroup. Once the Table of Contents is done, HDR can finalize the Scope of Work. HDR is recommending the subgroup plan on in-person meetings for developing the manual. The subgroup agreed to meet in-person the day following each Working Group meeting. The working group agreed that the subgroup is the right one to develop the manual.

Most of the standardized forms have been completed. The form for MCM 5 ERP is still in draft and Matt would like comments back before the October Working Group meeting. A draft of the form for MCM 2 and 3 has been sent out and will be discussed at the next technical subgroup meeting (which is a table of target pollutants and target activities).

Matt asked the group if an outfall inspection form would be useful, even though it is not specifically required for MCM 4. Kalispell has a form they have been using. Matt will circulate this to the subgroup for review.

There may be additional standardized forms needed as the Working Group continues their discussions on the remaining MCMs. For example, a form to address ERP and illicit discharge, criteria for MCM 6 off-site treatment, and miscellaneous checklists or forms for MCM 7 or other parts of the permit such as the annual report.

DEQ agreed to help come up with inspection forms and provide training. DEQ asked that the cities make an effort to attend the training sessions offered. It's particularly valuable to have members of this working group in attendance at the training sessions to offer feedback. It would be optimal to tie the training directly to the permit requirements.

MCM 6: Post Construction Site Storm Water Management

Rainie DeVaney and Matt Peterson edited the language in Part III.B.6.b.iv based on the August Working Group meeting. There was discussion about situations that could arise, for example a downtown redevelopment, where storm water could not be treated either on-site or off-site.

Carolina Davies reported that there is no statutory definition of "on-site" or "off-site." The Administrative Rules of Montana (ARMs) do define "site." ARM 17.30.1102 (22) "Site" means the land or

water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity. The group felt comfortable with the proposed permit language in light of this definition.

The group agreed that it wasn't a reasonable expectation for the permit to specifically address every possible situation that could arise. Common sense will be used to develop an approach when these situations occur. Final language was agreed to by the Working Group. This can be revisited as needed during the final full review of the permit language, but is considered done until that time.

A question was brought up regarding "common plan of development" for developments which span multiple permit cycles. For instance, if a development was started under this permit cycle, but was not finished until the next permit cycle, would it be subject to the new water quality requirements? DEQ did not have an immediate answer and said they would need to discuss this internally.

MCM 4: Illicit Discharge

Rainie DeVaney and Matt Peterson revised and edited the language in section 4.e.i, ii, and iii based on discussion at the August Working Group meeting. The group discussed this language and made further changes. The group then worked through the rest of MCM 4. Matt will track changes and bring back to the Working Group in October.

MCM 7: Pollution Prevention and Good Housekeeping

The cities went back home after the August meeting to consider the requirements in this MCM. Conversations were initiated with affected departments. The other departments primarily affected by these requirements appear to be public works and parks and recreation. Facilities with industrial permits that have their own SWPP do not need to prepare a Facility Pollution Prevention Plan. They are not excluded from the Minimum Measure.

The requirements in MCM 7 will generate a huge workload. This MCM was a part of the existing permit, but now has additional requirements. Most of the cities were generally unsuccessful in meeting the requirements in the past/existing permit.

The group asked "What is the definition of a facility?" For example, would one park be a facility or would the park system be one? The group discussed where roads and streets would fall under this MCM. The consensus of the group including DEQ was that roads and streets would fall under Part b. Part a focuses on facilities and Part b focuses on operations and maintenance (activities). The cities decided they would want a standardized inspection form for facilities and instructed the technical working group to create one. The cities also asked for clarification of what a FPPP is, more specifically, what is the expected content for a FPPP. DEQ stated that the FPPP would likely be a scaled down SWPPP. The Cities requested clarification on this within the permit.

There have been problems implementing the requirements under MCM7 because of cities' reporting structures. Other departments do not report to those responsible for storm water management. The cities asked what the consequences might be for not accomplishing these requirements. DEQ could and would likely audit, and suggested that EPA may even do the audit for and/or with them. Either DEQ or EPA could cite, with or without fines. No one present was suggesting that this would happen.

Given that the cities were not successful in meeting the requirements of this MCM in the past, they would like to determine what steps they need to take to be successful in meeting the requirements in

this MCM in the next permit cycle. When asked, Greg Davis with EPA in Region 8 responded that the cities are permittees and EPA has not lowered expectations of the cities because of their departmental organization. Different city departments need to work together under city administration to accomplish these requirements.

Public Comment

There were no public comments.

October Agenda Items

- 319 Grants
- Disinfected water permitting (DEQ)
- BMP Manual Scope of Services
- Finalize TMDL language
- Revisit language in 4.e.ii
- Continue work on MCM 7: Pollution Prevention and Good Housekeeping
- Theoretical approach to monitoring
- Training—if time allows

City of Billings will provide lunch.

Action Items and Follow-up

What	Who	When
Contact Tim Burton at MLCT about addressing conflict re: water re-use and water rights	Vern Heisler	October
Look through MCMs for consistency on implementing and updating, and certifying and signing to make them all consistent.	Rainie DeVaney	October
Distribute data base contract with scope of work to Working Group.	Vern Heisler	October
Make edits to TMDL language. Provide to Vern for distribution ahead of October meeting (if possible.)	Rainie DeVaney	October
Discuss approach to common plan of development that occurs over extended period of time as relates to on and off-site treatment	Jon Kenning	October
Frame Scope of Services discussion for decision	Vern Heisler, HDR	October
Wordsmith MCM 4: e.ii. and bring back	Matt Peterson	October
Hold internal discussion on inspection of industrial facilities as related to 7.a.iii high priority facilities. Also discuss requirement for an FPPP for each facility or by type. What is best title for FPPP? Contents of an FPPP?	DEQ	October
Continue work on developing standard forms or checklists for MCM 2 and 3	Matt Peterson/ Technical Sub Group	October
1) Do an assessment of current situation related to MCM 7: a.iv. 2) Generate ideas for steps and how to be successful implementing MCM 7	Each city	October

requirements. 3) Review MCM 7 language to see if there is adequate flexibility to move forward.		
Review MCM 7 language to see if there is adequate flexibility to move forward. Consider whether a minimum number would be good.	DEQ	October
Develop form or checklist for facility inspection as per MCM7: a.iv	Matt Peterson/ Technical Sub Group	October
Work with DEQ to utilize new data base to improve coordination on administration and termination of permits for sites > one acre	Technical Sub Group	On-going
Technical Sub Group work with DEQ on addressing coordination of permits through data base design	Vern Heisler/Matt Peterson	On-going
Work on checklist for offsite treatment	Technical Subgroup	Fall
Invite DEQ for MS4 system/stormwater infrastructure review as desired.	Each City	As appropriate

**Montana MS4 Working Group
Helena, MT.
September 22, 2105**

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