Water Pollution Control Advisory Council (WPCAC) Meeting
May 1, 2008 ~ 11:00 a.m. – 1:53 p.m.
Room 111, Metcalf Building, Helena, Montana

Call to Order

Chairman Dude Tyler called the Water Pollution Control Advisory Council meeting to order on May 1, 2008, at 11:00 a.m.

Council Members Present

Dude had council members introduce themselves for the benefit of Trevor Selch, a new Council member replacing Don Skaar as Fisheries Biologist.

Council Members Present: Dude Tyler (Chair), Earl Salley, Kathleen Williams, Trevor Selch, Michael Wendland, Stevie Neuman, and Terry McLaughlin.

Department of Environmental Quality (DEQ) Personnel Present: Bob Bukantis (Council Secretary) Water Quality Planning Bureau (WQPB), Planning, Prevention and Assistance Division (PPAD); Ann Harrie, WQPB, PPAD; Dean Yashan, WQPB, PPAD; Terry Campbell, Technical & Financial Assistance Bureau, PPAD; John Koerth, Mine Waste Cleanup, Remediation Division; Randy Apfelbeck, WQPB, PPAD; Robert Ray, WQPB, PPAD; Taylor Greenup, WQPB, PPAD; Bonnie Lovelace, Director's Office; Summer Marston, (Administrative Support) WQPB, PPAD.

A quorum was present.

Audience members included Mary Beth Marks, USDA Forest Service, and Allan Kirk, Tetra Tech.

Kathleen Williams asked about the status of the Conservation Group member as Matt Clifford resigned from the Council on 04/21/2008. Bob Bukantis stated he informed the Governor's office. He will be requesting approval on how to encourage people to nominate themselves or others on the Governor's website. Dude asked if nominations can be made on the Governor's website, which can be done.

Approval of Agenda

Dude asked for additions or changes to the agenda and none were requested. A motion was made and seconded to accept the agenda, and the motion carried.

Approval of Minutes

Dude asked for additions or changes to the minutes from December 20, 2007. Stevie Neuman made a motion to approve the minutes and Kathleen seconded. The motion carried.

Conrad UAA

As the first two speakers on the agenda were not yet present, the Council agreed to change the agenda slightly, and Ann Harrie gave an update on the Conrad UAA. DEQ met with the Board of Environmental Review (BER) on April 21, 2008, to request that they adopt the changes for the

DRAFT

amendment of the Dry Fork of the Marias River which would amend ARM 17-30-610(1)(d)(iii) and change the boundary cutoff for the classification change from a B-2 to a B-3. There was a public hearing, and only positive comments in support of the change were received. This information was presented to the BER, and BER agreed to adopt the amendment. The notice was filed with the Secretary of State on April 28 and it should be published on May 8 and effective on May 9, 2008.

Terry M. asked for clarification between the UAA versus the actual classification change. Ann stated that, per the Clean Water Act (CWA), DEQ is required to conduct a Use Attainability Analysis (UAA). The CWA states that a beneficial use may be removed if naturally occurring pollutant is preventing the attainment of that use. In this case, temperature is the naturally occurring pollutant that prevents the cold water fish beneficial use from being attained. Once the UAA was complete, DEQ was able to move forward with the rule change process.

DEQ-7

There were also proposed changes to the DEQ-7, as well as the Administrative Rules of Montana (ARM). DEQ requested that the BER adopt the recent changes. These changes included adopting pesticide metabolites that were detected in Montana groundwater in 2006 and aquatic life standards for diazinon and nonylphenol and specifying the method for calculating toxic equivalency factors for dioxins. As well, there were updates for the way arsenic is presented in the DEQ-7 and DEQ updated the ARM reference reflecting the latest sampling methods published by the Environmental Protection Agency (EPA). BER agreed to adopt all the changes effective on May 9, 2008.

Terry M. asked if numeric criteria were adopted as well, and Ann confirmed this. Terry M. also asked if it was all numeric values. Ann stated that the 304(a) criteria for nonylphenol and diazinon were numeric standards for aquatic life standards. There was a slight modification in how some of the new numeric standards for pesticide metabolites were listed in the DEQ-7 in response to comments to the Montana Department of Agriculture. There is still a standard for the parent compound and the modified language that incorporates the metabolites now reads: "The sum of the concentrations of "chemical x" and the breakdown products, xy and xz, shall not exceed the standards listed." Terry M. asked if the numeric values were replacing existing values. Ann stated they were new. Michael Wendland asked if these numeric values were attainable, and Ann stated that these were based on health advisories on the parent compounds. Kathleen asked if they were detected at levels higher than the new standards, and Ann stated they were not. Terry M. asked these numeric values could conflict with the requirement that Montana cannot adopt a value more stringent than federal without justification.

Bob Bukantis stated that the Montana Agriculture Chemical Groundwater Protection Act provides direction to DEQ and the Department of Agriculture (DOAg). DOAg monitors for pesticides around the state. When DOAg finds pesticides in the groundwater for which there are no standards, they notify DEQ. DEQ works with EPA toxicologists and existing data to come up with a value. Part of the act is to upgrade that science as the science develops. Therefore, it is different than 304(a) criteria where EPA does the science and provides a number to protect aquatic life, human health, etc. In this case, there is no federal standard for comparison.

DRAFT

Kathleen asked where the metabolites were found. Ann was unsure as DOAg is monitoring the wells. Terry M. asked if these were from a single sample or if a second sample was taken for confirmation. Bob stated he believes a single result is enough to trigger DOAg's notification to DEQ. Stevie asked about followup. Bob stated that if pesticides are detected, a plan is developed to address the pesticide issue. Stevie asked about if the contamination source is not on your property. Bob stated process identifies a safe level, and county extension agents and health departments can then have reference number. There is a process to address pesticides when they reach a certain level. Bob stated this topic could be a possible briefing item for the next meeting. Kathleen suggested that a staff person at DOAg could give a briefing. Terry M. asked if these were aquatic life standards. Ann stated they were human health standards.

On a side note, Dude asked about Ann's future plans. Ann stated she will be attending law school in the fall.

TMDL Update

Dean Yashan is the Watershed Management Section Supervisor in WQPB. His group is referred to as the Total Maximum Daily Load (TMDL) Development Group and he has worked with the TMDL program for 8 years. Dean handed out a map and an educational handout to go with his presentation.

Under the Clean Water Act (CWA), DEQ assesses the health of streams across the state to identify the pollutant problems limiting a beneficial use, such as sediment, excess nutrients, metals, and temperature. The streams with identified pollutants are included in the Integrated 305(b)/303(d) Water Quality Report. For each pollutant identified in the stream, DEQ attempts to determine the sources, natural or human-caused, and develops a TMDL to determine the total acceptable loading (how much pollutant the water body can hold). The amount of data is variable.

In 1999 there was a lawsuit that gave a completion date (originally 2007, currently 2012) for a certain number of TMDLs based on a listing date of 1996. Some problems have been resolved; however, more problems have been discovered. There are currently approximately 1,600 TMDLs to be developed by 2019. TMDLs are developed through a watershed approach, as is indicated on the map, into TMDL Planning Areas (TPAs). A TMDL is developed for each stream with pollutant impairments in the TPA. Usually, a TMDL is developed for the whole water body; however, some waterbodies are divided up into more manageable sizes. In addition, the TPAs may be modified and the TMDLs are adaptive.

There is a public process and a stakeholder process as described in the handout. The TMDL section does their best to identify the problems and solutions, get input on it, and hopefully have a period of implementation. Robert Ray's Watershed Protection Section becomes involved with implementation processes.

There are over 100 TMDLs submitted to EPA waiting for EPA approval. A document may contain numerous TMDLs or may only have one. About two-thirds of the work is focused on western Montana in the Upper Missouri and the Clark Fork, in part because there is a great deal

DRAFT

of growth in the western part of the state and there are higher stream densities and more identified pollutant impairments in western Montana.

TMDLs do not create any new authorities, regulations, or laws. The can assist with enforcement of existing laws, a TMDL can be used as justification to drive a modification to a permit. Most nonpoint source activities are voluntary in Montana, and the TMDLs deal with voluntary best management practices (BMP) implementation activities.

Earl Salley asked about the reservations on the TMDL map and if DEQ has access to the reservations. Dean stated that access can vary regardless of whether it is tribal land or not. The TMDL includes water body pollutant combinations within the boundaries of that TPA. However, to really see where the problems are coming from, the entire watershed needs to be examined and the full scope of the TMDL may extend into Canada and Wyoming. The TPAs are where Montana has responsibility for the pollutants. However, DEQ has no responsibility for pollutants within the boundaries of tribal lands.

Trevor Selch asked how DEQ determines the natural versus anthropogenic sources and how much is unknown. Also, what does DEQ do if the natural sources are greater than the criteria? Dean stated that most of the water quality standards are narrative relating to pollutant with naturally occurring levels, and TMDLs are not to correct natural causes. There is a process where the impairment determination is reconsidered in streams that are naturally polluted. A lot of information is available for Montana watersheds through modeling based on data from other states, the Forest Service, and other entities. In-stream data is collected, as well.

Michael asked about DEQ's status pertaining to the deadline to get the TMDLs done and if the first ones have been revisited as was the intent. Dean stated that this is going on to some extent. To help address that, Robert Ray's section is slated to do the 5-year review process.

Terry M. complimented Dean on the brochure. Dean stated a lot of time was spent in the creation and he feels it is informative. Kathleen asked if she could get some copies for the local watershed group in her community, and Dean stated he could provide her with some.

Terry M. stated that WPCAC has had TMDL presentations before, and asked if any members had questions. There is a big difference between TMDL development and TMDL implementation. Dude stated that many people in his industry are looking at TMDLs to assist with subdivision planning. Terry M. stated he anticipates conflicts between property rights and TMDL requirements, and the focus is going to be balancing the budget on the backs of point-source dischargers because the legislature has made nonpoint source activities voluntary. Montana has not seen court cases on this to date; however, he anticipates that TMDLs are going to be challenged by property owners. Earl added that this topic is both political and economic.

Kathleen asked about a voluntary TMDL becoming mandatory. Terry M. stated he was involved with a voluntary nutrient reduction program (VNRP) put together by the municipalities of Butte, Deer Lodge, Missoula and Smurfit Stone Container Mill. They obtained research on nitrogen and phosphorus targets (not standards) and worked out a VNRP with legal review to be sure it would meet federal requirements. The State of Montana did not have regulations at that time. That

DRAFT

voluntary effort was accepted by the State and submitted to the EPA. EPA accepted it as a functional equivalent to a TMDL. They were given a 10-year window which will expire in August of 2008. Since then, the state has adopted regulations to govern TMDL implementation, and the VNRP's nutrient criteria were accepted as a standard. Stevie stated that the State will have to do something legislatively. She commented about subdivisions in her county that have wells and septic systems and that there are concerns about the runoff. Kathleen stated the watershed group in the Gallatin is working on proposed development guidelines for water-friendly development, which may be the first in the state, and she would be happy to share them with the group.

Waste Water Reuse

Terry Campbell of PPAD works in the State Revolving Fund Program. Terry mentioned that he had been asked to present an update on water reuse as a follow-up to a presentation he gave to the Council in the fall of 2007. He noted that this presentation should not be called "reuse" but "better reuse" since water is a limited resource being reused all the time in one form or another. Reuse in Montana has been allowed for several years primarily with respect to agricultural land application projects. About a year ago, he began development of a standards and guidance document for reuse of effluent from municipal wastewater systems in order to establish practices that would help in situations such as tighter TMDLs and restrictive discharge limits. It would establish other uses for the effluent in lieu of discharge to a stream segment, such as a "purple pipe" system for lawn irrigation. DEQ is also looking at the protections that need to be in place. Terry C. researched reuse in other states, as well as what EPA has done. California and Florida are the leaders in reuse decisions. Florida reuses over 45% of their effluent. Montana's primary reuse right now is agricultural land application systems. The first reuse land application system was put in about 10 years ago, and there are now about 60 of those in smaller communities throughout the state. There are also approved golf course irrigations systems in Montana as well.

One of the big issues addressed in the reuse document is groundwater augmentation, for example to help enhance a water right in a closed basin. Another issue is surface water augmentation to restore or maintain a fishery. The City of Bozeman has submitted an application for a new wastewater treatment facility, anticipated at nearly $60 million by the time it is completed, largely to address growth issues and TMDLs with restrictive discharge limits. Terry C. mentioned this cost to emphasize the cost of treating water to such a high standard. Reuse may be a way for communities to recoup some of that cost, if the mechanism is there to allow for that level or recycling. Terry C. stated he anticipates the bigger and medium-sized communities will lead in reuse efforts and eventually it will catch on with smaller developments. Many "green" developers have expressed interest in putting in reuse systems in the planning phase.

At this point, DEQ has developed a 220-page draft document. Due to workloads and other commitments, DEQ employees have not been able to contribute as much as hoped, so they have gone to the director's office to ask for a work group to begin the internal discussions on the document. The director's office has given a time frame of early fall 2008 to take this to the BER to gain support. Terry C. stated that there are about 6 sister agencies and federal agencies that need to participate in this process, such as DNRC on the water rights issue, NRCS with their agriculture backgrounds, and the EPA. While EPA has published information on land application systems and some reuse criteria, they have not developed a reuse document themselves. There

DRAFT

has been a movement in that direction, however, at this point in time, DEQ is relying on other states that have gone ahead of Montana as a basis for developing this document. DEQ has tried to take the best components of all the various agencies and compile it into one document so they can begin sorting through it. Terry C. is anticipating possibly going to the next legislature looking for authorization to implement reuse regulations or standards.

Earl asked how one determines the cost per gallon for reused wastewater. Terry C. stated that engineers are typically doing it now as alternatives for treatment. A cost analysis is done to figure out what the cost associated with reuse, the cost of the irrigation equipment, and the cost of setbacks that must be established. That is evaluated from a cost perspective compared to the other alternatives, such as installing a mechanical plant to achieve the nutrient levels required. Earl asked if the revenue would reduce the amount paid by the users of the facility. Terry C. stated this could likely be the case. In California, in order to initiate their process, they mandated reuse if it is available.

Kathleen asked if the work is focused on design standards. Terry C. stated it is a little more involved, but there is as much guidance involved. The document is about two-thirds guidance and one-third regulatory. Kathleen asked if the guidance includes toilet-to-tap. Terry C. stated it does, such as second-flush type systems. Kathleen also asked if WPCAC could make a recommendation to BER to assist Terry C. in getting the attention needed to meet his fall deadline. Terry C. stated he would like to give the request to the director's office a chance to run its course. However, by the next WPCAC meeting, he would be happy to give another update and would welcome the Council's input at that time. Dude suggested this would be a good action item for the next meeting. Bob Bukantis stated that Terry C. could mention that the Council has expressed interest in seeing this brought forward as an action item at the next meeting. Terry C. stated that the counsel's interest in moving this project forward was expressed to the Director's office. Kathleen asked if a motion from WPCAC would be helpful, and Terry C. stated it would. Kathleen then proposed a motion that "WPCAC is supportive of DEQ moving forward with guidance on reuse with the schedule of getting the draft document to the Board by early fall." Terry C. stated that would be fine, although he questioned whether DEQ could achieve it in the time frame. However, he stated that WPCAC's support to develop a review committee for the draft document without the time constraint could be helpful. Kathleen withdrew the motion and provided a substitute motion that WPCAC "supports the work of DEQ in developing the reuse guidance and standards and encourages the creation of an inter- and intra-agency work group to facilitate the timely adoption of the standards." Earl seconded. Dude asked for discussion. There was a voice vote, all in favor, and the motion carried.

Stevie asked when the AWWA/WEF Reuse meeting was in Great Falls, and Terry C. stated it is part of an American Waterworks Association conference at the Heritage that starts on May 14, and he is speaking on the Reuse topic at that event.

Gallatin ORW Update

Bob Bukantis gave a brief background of the Gallatin ORW. In December of 2001, American Wildlands petitioned BER to designate a portion of the Gallatin River as an Outstanding Resource Water (ORW) which would put restrictive limits and basically allow no increase in pollution loads from permitted dischargers to the river. In 2002, BER directed DEQ to do an

DRAFT

Environmental Impact Statement (EIS) to develop this issue. In the fall of 2006, BER initiated rulemaking after the issue was brought to WPCAC, the EIS was done in January of 2007, and in spring of 2007 they acted on the rulemaking. Public comment demonstrated interest from local groups to take control. BER chose to extend the comment period to allow the local groups to resolve the issue. Subsequently, every 6 months BER has acted to extend the comment period to allow time for the local groups to work it out. The last extension was at BER's January 4, 2008, meeting and the period was extended to July 18, 2008. DEQ has been intermittently involved with Blue Water Task Force, Big Sky Water and Sewer District, individual land owners, and conservation groups. American Wildlands was very involved and initiated the petition; however, they have recently dropped their water program and leadership has been handed over to the Greater Yellowstone Coalition. This group has been meeting on about a monthly basis, and has funded a feasibility study to look at more comprehensive alternatives to give the local groups more control. They want the ORW designation kept alive as this is an incentive for full participation. BER is comfortable that things are moving forward and will be looking at it again.

New World Mine Temporary Standards – Triennial Review

John Koerth is the supervisor of the Abandoned Mine Section, Remediation Division, Mine Waste Cleanup Bureau of DEQ. He is the New World Mine coordinator.

About 10 years ago, the federal government bought out the Crown Butte Mines in the Cooke City area. As part of that, in response to many legal cases, there was a consent decree in the settlement document that EPA, US Justice Department, DEQ, US Forest Service (USFS) were parties to. That document laid out a course of work that would be undertaken at the New World Mine cleanup directed by the USFS. Part of the settlement was that all the parties would agree to support an establishment of temporary water quality standards for streams in the New World Mining District that were impacted by mining, and that those standards would be a part of the process that went with cleanup activities. The cleanup activities themselves are a CERCLA action under the Federal Government's CERCLA program delegated to USFS, so it is not an EPA cleanup.

The temporary water quality standards were established in 1999 to run for 15 years. The standards were established by evaluating monitoring data back to the 1970s. DNRC and the mining company were the two main bodies responsible for collecting the data. The standards were determined "by a statistical calculation of the average plus 2 standard deviations" as established by BER. Statutorily, BER is required to review the standards every 3 years. This is the third triennial review, and take place at the May 30, 2008, BER meeting. The triennial review will evaluate progress on the cleanup and the impacts, particularly the temporary standards in relation to underlying water quality standards. The goal was to have the waters eventually meet B-1 standards. BER has three potential action items: No action will continue the temporary standards, they could terminate the standards, or they could modify the standards. DEQ and USFS have had much discussion regarding natural versus anthropogenic causes with regard to the cleanup at New World. He then introduced Mary Beth Marks of USFS, Gallatin National Forest (GNF).

Mary Beth has works out of the GNF supervisor's office in Bozeman. She is the on-scene coordinator for the New World Project under CERCLA. She also was accompanied by Alan Kirk

DRAFT

of Tetra Tech who has been a contractor on the project since the beginning. She began a slide show presentation of the project and pointed out where the project area was on the map (slide 2). The brown area is "district property."

This issue began with a CWA lawsuit that was brought against the mining company for discharges. A settlement agreement was formalized by a consent decree. President Clinton bought out the mining company with tax dollars for $65 million, and $22.5 million of that was put into an interest bearing account to fund the cleanup of the site. The consent decree also stated that the funds could only be spent on district properties. The temporary WQS were established on June 4, 1999, and were applied to Fisher Creek, Daisy Creek, and a portion of the upper Stillwater River, and seven monitoring stations were established.

The cleanup activities began in 1999 with planning, identification, and ranking of over 150 waste sites. First cleanup in 2001 involved removal of mine waste to a USFS engineered repository with a liner on the bottom and an impermeable liner on the top. Stevie asked about the elevation of the repository, and Mary Beth stated probably 8,000-9,000 feet and the mines are up to 10,000 feet. Kathleen asked if Miller Creek was included in the consent decree. Mary Beth stated that Miller Creek was pretty clean and there was no need for temporary standards.

The McLaren Pit area contained 67% of total waste rock. It was placed in open pit and covered with an impermeable cover placed over waste to eliminate the infiltration of snow melt through the waste and into the streams. Photos of the cleanup process were presented in the slide show.

The Glengarry Adit closure took 3 years to complete, and was the number one polluter in the District. It was a historic discharge into Fisher Creek. The project consisted of grouting of inflow structures, placement of watertight plugs in the workings, and backfill of select portions of the mine which resulted in the elimination of the adit discharge at this site. This project budget was $4 million making state-of-the-art closure work possible. Slide show photos were presented before, during, and after cleanup, as well as a photo of stalactites that formed in the mine due to the high iron content. Stevie asked if the water was going underground and what the quality was where it emerged. Mary Beth stated this was a common question, and that the water is going where it historically went, into the bedrock. Many people predicted springs, but none have developed to date.

The Miller Creek drainage contained four sites. Waste dump areas that were coming into contact with surface water were identified and were either removed or surface drainage control was put into place. The soil was amended with lime and waste dumps were revegetated. Mine openings were closed.

The Como Basin was similar to the McLaren Pit area except was not a result of mine waste. This area contained sulfide gold deposits at the surface which had been disturbed by drill roads. Water and snow would accumulate, infiltrate into the soils, and run down into the streams. The area was regraded and the top portion of the mineralized soil was removed and amended with lime. A liner was placed, and the amended soil was placed on top of the liner. During the course of the Como Basin work, other waste rock dumps were removed and the waste repository was

DRAFT

expanded to take all the additional waste from the district. The repository was then closed in 2006. About 21 acres of former waste areas were reclaimed.

They also removed waste from McLaren Mill Site and the Great Republic Smelter site. However, as they were not district properties, the cleanup fund was not available to clean those up. As they were a concern to the community, DOAg provided funds to clean those sites up and the waste was put into the existing Repository.

Currently, remaining adit discharges are being evaluated, options for Point Source Discharges are being considered, and there is ongoing monitoring and maintenance. There are 12 long-term monitoring stations. Slides with charts showing copper concentration, as well as the narrative (temporary) and acute standards were presented showing an overall decrease in all metals since the cleanup projects. Since closure of the Glengarry Adit, surface water metal concentrations and loads to Fisher Creek have been significantly reduced in comparison with historic averages. In upper Fisher Creek, changes in metal concentrations have averaged a decrease of 45%. Metals loading decreased about 74% during low flow periods and 42% during high flow periods. Comparison of post- and pre-capping monitoring data indicates significant decreases in metals concentration and load at Daisy Creek. In upper Daisy Creek, changes in have averaged a decrease of 12% during low flow and 60% during high flow. Metal loading in upper Daisy Creek has decreased 74% during low flow and 42% during high flow. In the Stillwater River, there have been improvements to water quality. Copper is the only metal that does not meet aquatic standards.

Terry M. asked about the pattern of concentration versus time compared to the sampling frequency. Mary Beth stated they sampled prior to runoff (low flow), during the runoff event (high flow), and during August. As is evident on the graphs, values vary from station to station whether the high values are recorded during low flow or high flow because the metals are in the sediments.

In looking at temporary water quality standards, there has only been one exceedence between 2005 and 2007, Zinc at CFY-2. No changes are requested for the temporary standards.

As part of the ongoing work, natural background is being examined including regional groundwater quality, spring and seep inventory data, and ferricrete studies with the US Geological Survey (USGS). As well, information being compiled includes a groundwater report containing 20 years of well monitoring data and the spring and seep inventory data. Mary Beth pointed out a photo in the presentation (slide 50) of an example of ferricrete, iron deposits essentially cementing the alluvium.

Trevor asked about the decrease in metals with increased flow at the headwater sites, whereas the lower ones increased with increased flow, and if that was because of dilution and sedimentation. Alan Kirk of Tetra Tech stated that the downstream sites were never as heavily impacted because of dilution of incoming channels from nonmineralized areas. The flow volumes are huge during high flow, and there was a lot of suspended sediment in the stream which shows up in total metals measurements. Terry M. asked if an increase in the raw data averages could be due to the

DRAFT

small adit in that area. Mary Beth stated they have overall seen a concentration decrease for all the metals post closure.

Kathleen asked about the temporary standards being established until 2014, what the plan is from here on out, and if the standards eventually could be reached if the temporary standards are removed. Mary Beth stated the B-1 standard cannot be met because of natural background. They are looking at any remaining work they could do to further improve water quality and then will work with DEQ to meet the regulatory requirements. Kathleen asked if that might happen before 2014 and if the plan is to use the money. Mary Beth stated that a long-term monitoring plan has been put together to ensure the site has funding for maintenance.

Terry M. asked who the permit would be assigned to and what kind of permit it would be, and Mary Beth stated it would be USFS. Terry M. also asked about pre-mining era data. Mary Beth stated the ferricrete study is being done to determine what pre-mining water quality was. The challenge is that this is the head of the watersheds, and there is only one stream that is not impacted by mining that has poor water quality. There is some background groundwater information; however, there is no pre-mining data. Therefore, they are working to make sure they have done everything they can to improve the water quality. A discharge permit is not really an option.

Terry M. stated he noticed the action required by WPCAC is to make comment and/or make recommendations as appropriate. He gave some background information regarding the temporary standards being brought to WPCAC in 2005 with essentially the same request. At that time, WPCAC recommended that DEQ promote that the temporary standards remain in place. Terry M. suggested a resolution to endorse leaving the temporary standards in place through the next triennium. Earl made the movement as such, and Trevor seconded. Dude asked for further discussion. A voice vote was held, all in favor, and the motion carried.

Stevie asked John about Superfund and if they were putting money forth to clean up abandoned mines. John stated that the Mine Waste Cleanup Bureau has two main and a smaller third program. The first program includes the Federal Superfund (the Clark Fork, Butte, Anaconda, Libby) and Fund-Lead directed by EPA (Parker Hughsville-ASARCO in the Little Belt Mountains, Neihart in the Little Belt Mountains, Rimini, Tenmile Creek, Basin Creek). The agreement on Fund-Lead sites is that the State of Montana will accept 100% of operations and maintenance and match 10% of all of EPA's cost. Therefore, the state is wary of water treatment plants and the associated 100% operation and maintenance, and would rather see more thorough cleanup where Montana matches 10%. The New World is the kind of thing DEQ wants to see happen.

The second program, the abandoned mines program, is funded through the abandoned mines reclamation fee, a federal fee on coal. It is returned to the State of Montana through a grant program for abandoned mine reclamation. DEQ does smaller mine cleanups with those funds.

The third program is the state Superfund, such as the Mike Horse Mine and the Iron Mountain Mine in Superior.

DRAFT

General Public Comment On Water Pollution Control Issues

Bonnie Lovelace of DEQ came forward to state that she has changed positions within DEQ. She will continue to serve as Bob's alternate for WPCAC. She has moved to the Director's office in legislative liaison types of work, special projects. Currently, she is working on carbon sequestration with the legislative Water Policy Interim Committee (WPIC), in addition to assisting where needed with EIS projects. The interim Water Protection Bureau (WPB) Chief is Jenny Chambers, and she has been appointed for the next year. Fee rules and big updates to the MPDES rules will be coming from WPB. Changes are anticipated to mimic federal rules, other than very Montana-specific portions. She left some business cards for WPCAC members. The Council congratulated her on her new assignment.

Agenda Items For Next Meeting

Bob stated he is not aware of any anticipated action items. The next meeting is scheduled for July 10, and Bob requested Bonnie's assistance prior to that as he will be out of the office for a period of time. He reiterated that a more general explanation of the Agriculture Chemical Groundwater Protection Act was requested by the members during this meeting. Stevie suggested an update on the reuse issue and additional TMDL information. Bob also stated there would likely be an update on the nutrient standards. Terry M. stated again that TMDLs have been presented from the DEQ standpoint, and asked if the Council would be interested in a presentation from a point-source discharger standpoint. He gave a presentation to the National Council for Air and Stream Improvement and it may give a different perspective. Kathleen asked about having a case study with multiple perspectives that tracked the process through on one stream. Dude stated he would like to see the presentation Terry M. suggested as Terry M. represents what used to be referred as the "polluter" and now they are part of the solution. Stevie agreed. Bob indicated he will poll the Department and WPCAC members as usual. Dude asked if there were other agenda item suggestions. He also stated that he and Bob would work on the timing for the agenda items as this meeting was running longer than anticipated.

Bob queried the Council regarding potential lunch breaks. Kathleen stated she would rather do a working lunch if we were going to schedule lunch in. Bob suggested that in lieu of the Council members' per diem, we could use the money to bring in lunch ($6 as is the state rate). He asked if the Council should schedule in lunch if the meeting is anticipated to end at 1:00 or assume that members will eat lunch during the meeting. Terry M. asked if the meetings would continue to start at 11:00 a.m. Originally, the 11:00 starting time was set to allow Jon Bengochea and Roger Muggli travel time. As Big Sky Airlines is no longer in business and therefore no longer runs to Helena, they will likely now be traveling by car and arriving the day prior. Terry M. also suggested that Council members could call in for the meetings as well which may be beneficial for Jon and Roger, the down side being that they would not get to see the visual aids. Summer Marston stated she could possibly obtain these aids in advance and email it to members who are unable to attend in person. The Council decided to change the meeting time back to 10:00.

Trevor also stated that he appointed Don Skaar as his alternate.

Adjournment of the Meeting

Dude adjourned the meeting at 1:53 p.m.

DRAFT