

BOARD OF ENVIRONMENTAL REVIEW
FRIDAY, JANUARY 5, 2018
METCALF BUILDING, ROOM 111
1520 EAST 6th 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://deq.mt.gov/DEQAdmin/ber/board>) or from the Board Secretary (406-444-5270). 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 lindsay.ford@mt.gov no later than 24 hours prior to the meeting to advise her of the nature of the accommodation needed.

9:00 AM

I. ACTION ITEMS

In the matter of Columbia Falls Aluminum Company's (CFAC) appeal of DEQ's modification of Montana Pollutant Discharge Elimination System Permit No. MT0030066, Columbia Falls, Flathead County, Montana, BER 2014-06 WQ. At its December 8, 2017 regular board meeting, the BER determined that no ex-parte communication had occurred and it would continue to hear this matter. BER found former Hearing Examiner Ben Reed unavailable pursuant to Mont. Code Ann. § 2-4-622. At the request of the parties, the board advised that it would review CFAC's filing of November 20, 2017, and reconvene for a special meeting after counsel for CFAC had an opportunity to discuss options with her client. At this special meeting the Board will determine: (1) whether to set this matter for a new hearing or review the existing record, based on the position of the parties pursuant to § 2-4-622; (2) whether and how to use a hearing examiner for the remaining proceedings and if so, which hearing examiner; and (3) a schedule for the remaining proceedings.

II. 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.

III. ADJOURNMENT