



Montana Board of Environmental Review

P. O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • Website: www.deq.state.mt.us

MINUTES

July 26, 2013

Call to Order

The Board of Environmental Review's regularly scheduled meeting was called to order by Chairman Shropshire at 9:00 a.m., on Friday, July 26, 2013, in Room 111 of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana.

Attendance

Board Members Present: Robin Shropshire (Chairman), Joan Miles, Chris Tweeten, Larry Mires, Joe Russell, Marietta Canty

Board Members Present via Teleconference: Heidi Kaiser

Board Attorney Present: Katherine Orr, Attorney General's Office, Department of Justice

Board Secretary Present: Joyce Wittenberg

Court Reporter Present: Laurie Crutcher, Crutcher Court Reporting

Department Personnel Present: Tracy Stone-Manning (Director); Tom Livers (Deputy Director); John North, Norman Mullen, and Carol Schmidt – Legal; Judy Hanson – Permitting & Compliance Division; Jon Dilliard, Eugene Pizzini, Barb Kingery – Public Water Supply & Subdivisions Bureau; Tom Reid – Water Protection Bureau; Julie Merkel and Hoby Rash – Air Resources Management Bureau; John Arrigo – Enforcement Division; Mark Bostrom, Mike Suplee, Eric Regensberger, and Eric Urban – Water Quality Planning Bureau; Todd Teegarden – Technical & Financial Assistance Bureau

Interested Persons Present (*Disclaimer: Names are spelled as best they can be read from the official sign-in sheet.*): Deb Wolfe, Wolfe Water Management, Inc.; Mark Lambrecht, Treasure State Resource Industry Association; Tina Laidlaw, Environmental Protection Agency; Clayton Elliott, Northern Plains Resource Council

Mr. Livers introduced new DEQ Director Tracy Stone-Manning, and new Board members Marietta Canty, Joan Miles, and Chris Tweeten. He congratulated Robin Shropshire on her new appointment as Chairman, and thanked Joe Russell for his years of leadership.

Chairman Shropshire echoed Mr. Livers, thanking Mr. Russell for his leadership.

I.A.1 Review and approve May 17, 2013, Board meeting minutes.

Mr. Mires noted that the approval of minutes at I.A.1 stated that the May 17 meeting minutes were approved. This should be corrected to reflect that it was the March 22 minutes that were approved.

Mr. Mires MOVED to approve the May 17, 2013, meeting minutes with the correction noted. Mr. Russell SECONDED the motion. The motion CARRIED with a 7-0 vote.

II.A.1.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. *(No discussion took place regarding this matter.)*

II.A.1.b In the matter of violations of the Sanitation in Subdivision Act by Levi Britton at the 80th Street Estates Subdivision, Billings, Yellowstone County, BER 2013-03 SUB.

Ms. Orr said she understands the parties have reached settlement and that a stipulation for dismissal and proposed order should be presented at the next meeting.

II.A.2.a In the matter of the request for hearing by Hawthorne Springs Property Owners Association; H Lazy Heart, LLC; Patchy, Inc.; and other residents regarding Opencut Mining Permit No. 2258, issued to Farwest Rock Products, Missoula County, BER 2012-09 OC. *(No discussion took place regarding this matter.)*

II.A.3.a In the matter of the request for hearing by William E. Smith, on behalf of Mike Adkins, regarding Park County's denial to validate Adkins Class III waste Tire Monofill License No. 517, BER 2012-05 SW.

Ms. Orr said the District Court had determined that MEPA was not followed correctly and remanded the matter back to DEQ. The court ordered DEQ to correct the Environmental Assessment and then

perform an Environmental Impact Statement. She suggested with general consensus of the Board that she confer with all the parties and report back to the Board.

- II.A.3.b 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.

Ms. Orr reported that there had been a substantive motion for intervention, as well as briefing and a hearing, and she expected to issue a decision for that soon. She also said there was a motion for pro hoc vice to admit John Martin, and that she had granted that motion.

- II.A.3.c In the matter of the request for hearing by Montana Environmental Information Center and Sierra Club regarding DEQ's issuance of Montana Air Quality Permit No. OP2953-07 for the Colstrip Steam Electric Station, Colstrip, BER 2013-01 AQ. (*see II.A.3.d*)

- II.A.3.d In the matter of the request for hearing by Montana Environmental Information Center and Sierra Club regarding DEQ's issuance of Montana Air Quality Permit No. OP0513-08 for the JE Corette Steam Electric Station, Billings, BER 2013-02 AQ.

Mr. Livers said the parties in these matters (BER 2013-01 AQ and BER 2013-02 AQ) have conferred and agreed to combine the hearings. He discussed the week of January 13, 2014, but there were some possible conflicts. The Board then discussed the following week. The Board agreed to begin with the January meeting on January 21, 2014, and following it with the hearings for these matters, possibly going through January 24.

- II.B.1 Nutrient Reduction Strategy Briefing

Mr. Bostrom introduced some of his staff and provided background information on the development of numeric water quality standards, which he said had been going on for more than a decade.

Mr. Suplee delivered a PowerPoint presentation and provided an overview of the draft numeric criteria, as well as the implementation process being developed. He responded to questions from Board members.

II.B.2 Legislative Briefing

Mr. North distributed a document that highlighted the 2013 bills that affect the Board, and briefed the Board on those bills.

II.B.3 Current Rulemakings Briefing

Mr. Livers said only one rulemaking has been initiated that this Board will need to act on: DEQ-4.

Ms. Kingery briefed the Board on the DEQ-4 rulemaking and responded to questions from the Board.

III.A.1 In the matter of the notice of appeal and request for hearing by City of Whitefish regarding DEQ's notice of final decision for its MPDES Permit No. MT0030414 issued for Whitefish Water Treatment Plant, BER 2013-04 WQ.

Ms. Orr provided information about the appeal.

Mr. Russell MOVED to assign this matter to Ms. Orr. Ms. Miles SECONDED the motion. The motion CARRIED with a unanimous vote.

IV. General Public Comment

Board members and Ms. Orr provided information regarding their educational and professional backgrounds.

Chairman Shropshire called for general public comment.

Mr. Lambrecht said SB 364 passed this last session regarding an EPA requirement for coal ash to be managed as a hazardous waste. He also talked about the numeric nutrient criteria rulemaking.

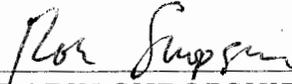
Mr. Livers reminded that the next Board meeting is scheduled for October 4.

V. Adjournment

Chairman Shropshire called for a motion to adjourn. Mr. Mires so MOVED. Mr. Tweeten SECONDED the motion. The motion CARRIED with a unanimous vote.

The meeting adjourned at 11:33 a.m.

Board of Environmental Review July 26, 2013, minutes approved:



ROBIN SHROPSHIRE
CHAIRMAN
BOARD OF ENVIRONMENTAL REVIEW

10/4/2013
DATE