

**BOARD OF ENVIRONMENTAL REVIEW  
MEETING MINUTES**

**JUNE 21, 2024**

**Call to Order**

Chair Simpson called the meeting to order at 9:00 a.m.

**Attendance**

**Board Members Present**

By Zoom: Chair Dave Simpson; Vice Chair Stacy Aguirre; Board Members Julia Altemus, Amanda Knuteson, Jon Reiten, and Joe Smith.

Roll was called and a quorum was present.

**Board Attorney Present**

Terisa Oomens

**DEQ Personnel Present**

Board Secretary: Sandy Moisey Scherer

Board Liaison: Deputy Director James Fehr

DEQ Communications: Mae Vader

DEQ Enforcement: Chad Anderson

DEQ Legal: Catherine Armstrong, Sarah Christopherson, Loryn Johnson, Sam King, Jeremiah Langston, Kurt Moser, Aaron Pettis, and Abby Sherwood

DEQ Air, Energy and Mining: Zach Ashauer, Whitney Bausch, Ruby Hopkins, Emily Lodman, Sonja Nowakowski, Anne Spezia, Madeline VerWey

DEQ Water: Joe Vanderwall

**Other Parties Present**

Laurie Crutcher, Crutcher Court Reporting

Elena Hagen, Montana DOJ Agency Legal Services Bureau

Samuel Yemington, Holland & Hart

Frank Tabish, LHC MT

Russell Batie, Todd Briggs, Bob Smith - Westmoreland

David Smith, MT Contractors Association

Ken Stoeber, TMC-Belgrade

Barbara Chillcott, Western Environmental Law Center

Cale Fisher, Riverside Contracting

Roger Noble

Representative Steve Gunderson

**I. ADMINISTRATIVE MATERIALS**

**A. Review and Approve Minutes**

**A.1. The Board will vote on adopting the April 19, 2024, Meeting Minutes.**

Board member Altemus moved to APPROVE the April 19, 2024, meeting minutes. Board member Smith SECONDED. The motion PASSED unanimously.

There was no board discussion or public comment.

**II. BRIEFING ITEMS**

The Board did not have any questions.

**III. ACTION ITEMS**

**a. In the Matter of Sidney Sugars Incorporated Appeal of Montana Pollutant Discharge Elimination System Permit No. MT0000248, BER 2021-07 WQ.**

Chair Simpson asked if the parties were present. Jeremiah Langston of DEQ was present and briefed the Board.

Discussion ensued.

Vice Chair Aguirre moved to ADOPT the Hearing Examiner's Order on Unopposed Motion to Dismiss Appeal. Board member Reiten SECONDED.

The motion PASSED unanimously.

**b. In the Matter of: Renewal of MPDES Permit No. MT0000264, Issued September 30, 2022, to CHS, Inc., for Discharges from the Laurel Refinery, BER 2022-07 WQ.**

Chair Simpson asked if the parties were present. Kurt Moser of DEQ was in attendance, and he briefed the Board about the stipulation and motion. Chair Simpson mentioned there was an intervenor in the case and asked if legal counsel for the intervenor was present. Ms. Chillcott of the Western Environmental Law Center said that they are not opposed to the settlement as agreed to between CHS and DEQ.

Discussion ensued.

Vice Chair Aguirre moved to ADOPT the recommendation and issue a final agency decision on the agreement and stipulation. Board member Altemus SECONDED.

The motion PASSED unanimously.

- c. **In the Matter of Appeal and Request for Hearing by the Dairy Subdivision, Missoula County EQ #23-1751, BER 2023-04 SUB.**

Chair Simpson asked if the parties were present. Board Counsel Oomens and Aaron Pettis of DEQ were in attendance and briefed the Board.

Discussion ensued.

Board member Reiten moved to adopt the Hearing Examiner's Order of Dismissal Without Prejudice and issue a Final Agency Decision dismissing this appeal. Board member Smith SECONDED.

The motion PASSED unanimously.

#### IV. GENERAL PUBLIC COMMENT

None.

#### V. BOARD CHAIR UPDATE

- a. Open cut informational items and status of open cut hearing.

Chair Simpson provided an update and indicated that DEQ declined to participate in an open cut informational public hearing as approved by the Board at the April 19 meeting. In lieu of a briefing by the department, background information on the opencut regulatory program was included in the board package for review by the Board members. Chair Simpson polled the Board members regarding sufficiency of the informational items and the consequent need for a public hearing. Representative Gunderson offered comment regarding HB 599 per Chair Simpson's request.

Discussion ensued.

Vice Chair Aguirre motioned NOT to proceed with a public hearing. Board member Altemus SECONDED.

Discussion ensued.

The motion passed 5-1, with Board member Knuteson dissenting.

Chair Simpson polled the Board members regarding the Dryland Permit rules. Discussion ensued and no motion was offered.

- b. General Board business, procedural matters, and questions from Board Members.

None.

**VII. ADJOURNMENT**

Board member Smith MOVED to adjourn the Board Meeting; Board member Altemus SECONDED.  
The motion PASSED unanimously. The meeting was adjourned at 11:12 A.M.

Board of Environmental Review June 21, 2024, minutes approved:

/s/ David Simpson  
DAVID SIMPSON  
CHAIR  
BOARD OF ENVIRONMENTAL REVIEW

August 23, 2024  
DATE