

**WATER POLLUTION CONTROL ADVISORY COUNCIL**  
**10:00 am, January 26, 2024**  
**Room 111 DEQ Metcalf & Zoom Webinar**  
**FINAL MEETING MINUTES**

**ATTENDEES**

*Council Members:*

Amanda Knuteson (Chair)  
Ron Pifer  
Eric Campbell  
Shannon Holmes  
Adam Pummill  
Dennis Teske

*Montana DEQ:*

Rachel Clark  
Tatiana Davila  
Meagan Gilmore  
Heather Henry  
Lindsey Krywaruchka  
Tiffany Lyden  
Katie Makarowski  
Kyle Milke  
Eric Regensburger  
Eric Sivers  
Michael Suplee  
Lauren Sweeney  
Elise Thiel  
Andy Ulven

*Members of the Public:*

Jaden Voth  
Abby Indreland  
Karli Johnson  
Kelly Lynch  
L. Anderson  
Matt Vincent  
Sarah Zuzulock  
Scott Buecker  
Vicki Marquis  
Alan Olson  
John Iverson  
Sam Carlson  
Ed C.  
Harlow

**CALL TO ORDER**

Chair Knuteson called the meeting to order.

**APPROVAL OF AGENDA**

Chair Knuteson moved to approve the agenda as is. She noted the action items may need to be postponed if there is not a quorum. The agenda was seconded by Adam Pummill, all approved.

**APPROVAL OF MINUTES**

Chair Knuteson moved to approve the December 13, 2023, meeting minutes. The motion was seconded by Dennis Teske, all approved.

**BRIEFING ITEMS**

Updates on the 3-major rule packages that were presented mid-December.

1. **OVERVIEW: Lindsey Krywaruchka – DEQ Water Quality Division Administrator**

Lindsey thanked the WPCAC members and members of the public that are participating. Due to a lot of information presented at the December 13<sup>th</sup> WPCAC meeting, it was decided that we would come to the January meeting to provide a brief update and an opportunity to hear from WPCAC members regarding questions or concerns about the three rule packages after additional review time. At the December meeting, we agreed to bring a list of bulleted items to highlight any changes that have been made since that meeting through the public comment process, or initial drafting process. Tiffany Lyden emailed WPCAC members the agenda and memos regarding each rule change. Today the plan is to have folks go over those rules at a high level and give updates on what changes have been made.

There is one important update to the timeline – during attendance at the Water Policy Interim Committee last week, which is a legislative committee, we were asked to provide an update on the narrative nutrient standard rulemaking process. This is a step in the MAPA process. These rules haven't been introduced to the Secretary of State's office yet, so this is a pre-drafting phase. She stated that they want to be open and have involvement and input. At the meeting, the Water Policy Interim Committee requested that we pause for a few months to give people time to read the information.

There is new information, but the bulk of the DEQ-15 and the circular information has been out and accessible and available, and the new technical documents were the last piece of the process to come out. We answered that yes, we can pause and step back in order to allow people to review. It has been about 6-months that the guidance document and the circular have been out and available for review. We have received good feedback in meetings and are grateful for the input. There is a new timeline, just for the narrative nutrient standard. Lindsey shared a slide, information provided below:

**TIMELINE**

*\*Dates subject to change*

*WPCAC – Water Pollution Control Advisory Council*

*WPIC – Water Policy Interim Committee*

*SOS – Secretary of State*

*MAR – Montana Administrative Record*

2021 to 2023 – Conceptual Review and initial drafting.

December 5, 2023 – Provide materials to WPCAC

December 13, 2023 – Rulemaking presentation to WPCAC

January 16, 2024 – Rulemaking overview to WPIC

January 26, 2024 – Rulemaking update to WPCAC

March 2024 – Rulemaking overview to WPIC

March 15, 2024 – Rulemaking update to WPCAC

April 16, 2024 – File proposal notice with SOS

April 26, 2024 – Proposal notice published at MAR

April 26 – June 10, 2024 -Public Comment Period

June 10, 2024 – Public Hearing

Respond to comments; modify adoption notice

September 24, 2024 – File adoption notice

October 4, 2024 – Adoption notice published in MAR

Note: There is a blackout period for a new rule adoption prior to a legislative session, so the last few months of 2024 is prior to a legislative session, and we are not able to adopt rules while in that timeframe.

Lindsey asked if there were any questions, and there were none.

**2. GROUND WATER DISCHARGE RULEMAKING UPDATE: Eric Sivers – DEQ Water Quality Division Policy Analyst**

Eric provided updates made to the ground water rule package. At the December meeting, he provided rulemaking updates, subchapter 10, of the administrative rules of Montana, 17.30 subchapter 10, which is the Montana ground water pollution control system permit. There are a number of changes that we wanted to make to primarily close a loophole, and to provide some clarity and administrative updates. At the time, I previewed that there was going to be one change that we anticipated making by removing a couple of proposed definitions. The full changes that we have made in response to public comment – are essentially 3 changes. We deleted 3 definitions from the definition subpart. In December, I said we were removing the definition of advanced treatment system, and removing the definition of conventional treatment system. In response to comments, we also removed the definition of cumulative, in large part to provide clarity. There were concerns expressed that there would be confusion between our use of the word cumulative (i.e. total) requirements of wastewater treatment from a development, versus analysis of cumulative impacts under the non-degradation subchapter or under MEPA, so we chose a different word in response to comments.

In 10.22, the exclusions from permit requirements, we struck use of the word cumulative, or cumulatively, and replaced it with aggregate, in response to comments addressing potential confusion. In 17.30.1024, which are the review procedures, we unstruck language that we had proposed for deletion, based on comments that requested we hold that for certainty for permit applicants and clarity on our process.

The file adoption notice is out of the department. It is with the Governor's office now. It will be filed with the Secretary of State on the 30<sup>th</sup>, and published in the MAR (Montana Administrative Record) on February 9<sup>th</sup>, and the rules will be effective on February 10<sup>th</sup>. When it is published in the MAR, you will be able to see the adoption notice with our response to comments.

Amanda Knuteson thanked Eric, and asked if there are any questions from members of the public, either in person or online, regarding the ground water package. There were none.

**3. NARRATIVE NUTRIENT RULEMAKING UPDATE: Katie Makarowki, DEQ Water Quality Standards and Modeling Section Supervisor**

Katie reviewed the changes that were made to the rulemaking materials provided in December. She noted the changes are listed in the updated agenda form members received yesterday. The changes are detailed, little tweaks.

She noted that 3-of-the-6 changes that she will review today were touched on during the December meeting presentation. The first two changes pertain to the proposal notice. They pertain to some of the rule amendments that we are proposing.

In ARM 17.30.715, (1)(c), we had initially proposed to add language “*except as specified in 1D, from this rule*”. We opted to remove this proposed addition, because it doesn’t pertain directly to the rulemaking that we have at hand, the narrative nutrient standards rulemaking. This was a cleanup action that we opted to remove from our current proposal notice, so as not to cause any confusion. This cleanup action can be addressed in future rulemaking efforts that are more directly related to non-degradation rules or through our water quality standards triennial review rulemaking efforts in the future.

The second change that was made to the proposal notice is that in ARM 17.30.516(3)(d), we identified a typo that we made when compiling our proposal notice for the rule amendment. We had indicated 25% of the seasonal 14Q5 would be used for nutrients, total nitrogen and total phosphorus, in dilution calculations. However, it should be 100% (which is what the department previously and currently uses), so we made that change from 25% to 100% to be accurate and correct that typo.

The remaining changes were made to the draft Circular DEQ-15. Early in the document, we added a sentence to Part I, page 3 to clarify the applicability of narrative nutrients standards translators. We noted that translators in Part I do not apply to ephemeral water bodies, but they do apply to intermittent and perennial water bodies. This change was made to improve clarity of the applicability of those translators, and in response to questions received from folks about their applicability.

The 4th change, also in DEQ Circular-15, was we removed a row from Table 4-1, pertaining to aquatic life use for large rivers. This laid out ranges of values that we know thus far to be protective for large rivers, more generally in the State, and we opted to remove that at this time. The reason is that for large rivers, additional work (e.g. modeling) will be necessary to identify and adopt appropriate causal variable and response variable thresholds for specific large river segments in the State, and those would then need to be adopted and could be added into Circular-15 at that time. We received feedback that having it in Table 4-1 could potentially be misleading, that we were trying to adopt those values without the intention of additional work being done to refine those. So we removed that row to make it clear which large river segments and the portions of the large river translator are applicable at this time.

The fifth change, also in Circular DEQ-15, was that we updated two text boxes in Figure 1-1. This is a process-flow diagram we have been refining as we have presented to the Nutrient Work Group, and coordinated with stakeholders. With some feedback from stakeholders, we considered changes to improve clarity, specifically to note that the Adaptive Management Program (AMP) is a compliance option with interim limits, and that final targets will be calculated using ecoregional range values.

The sixth change, made in Circular DEQ-15 and in the guidance document, was a terminology change to provide clarification and avoid confusion. Rather than use the term *naturally occurring*, which is formally defined in rule, we’re using the term *natural background* with respect to evaluating potential effects of specific conductance on the biotic index scores, the macroinvertebrate scores that are built into the translators.

Amanda Knuteson thanked Katie, and asked if there were any questions.

**Ron Pifer:** stated he thinks some positive changes have been made since the last meeting and attorneys are giving insight with terminology. He said someone pointed out that during the December meeting he was looking at the spring information data, rather than the small and medium sized rivers. In terms of

what is being proposed, is it the middle to upper range of the collected water quality data, that is being proposed for total nitrogen and total phosphorus? Were you making recommendations at the higher end of the range?

Katie Makarowski replied she will provide an initial response, and then other folks may want to add additional information. In Part I of the Circular we're adopting translators for specific types of water bodies. Specifically for spring creeks in western and transitional ecoregions, which have all been inventoried and identified, we specify a single value for total phosphorus concentration for various ecoregions. For total nitrogen, we do lay out ranges of total nitrogen values that could be applied when applying this translator. For specific applications of the translator for decision-making purposes, the exact value that is selected from any of these ranges may depend on the application at hand, so what value is used for making beneficial use support determinations may or may not match the exact value selected from the range, for example, reasonable potential analysis or permit limit considerations from our permitting programs.

Tatiana Davila replied to provide a little bit of information from the permitting side. For permitting, yes, Ron, you are correct, we would be looking at the higher end of the ecoregional range for that initial permit cycle, and then using the response variables to look at the combined criteria approach to see the downstream data, i.e. how do the bugs look, to inform where we are in the ecoregional range, and was that limit appropriate, or does it need to be more, or less, stringent.

Ron Pifer replied that it makes sense, and he appreciates that approach, because flexibility is important too, and furthermore, being trained and working in aquatic ecology, he loves the nutrient standards, or the standards where we test for vegetation and macroinvertebrates, because that is where the proverbial rubber meets the road. Even if we take water samples for total phosphorus and total nitrogen, even if they're higher than we think they should be, and there isn't a problem with macroinvertebrate biodiversity or with algae build up, then it's a good thing. He went on to say that he likes the general approach.

Tatiana Davila responded that she really appreciates the comments, and she echoes his enthusiasm about this. We are all excited about the combined criteria approach, exactly for the reasons laid out.

Amanda Knuteson asked if there were any more comments or questions from council members on the narrative standard updates. There were none. She asked if there were any questions or comments from attendees in the room or participating online, or by phone.

**Alan Olson, Montana Petroleum Association:** stated that he is disappointed that the information that was shared with the WPCAC members wasn't available earlier, and due to that, it makes it difficult to comment on. He emphasized that they really need information sharing. He went on to say that we really want to participate, but we cannot if we don't know what is going to be in the discussion.

Amanda Knuteson responded that she anticipated that someone may have this concern, and while the council appreciated the updates were sent in advance of the meeting, she agrees that if they were making a vote or decision, it wouldn't have been adequate notice, and she agrees that it's not adequate for purposes of having a chance to meaningfully participate in this meeting. She asked that in the future, anything that is going to be up for discussion at WPCAC meetings, be up on the website accessible to the

public 48-hours ahead of time, at a minimum. She thanked Mr. Olson for his comment.

**Vicki Marquis:** stated that she wanted to echo the same comment that Alan Olson made, and went on to say it is extremely frustrating, especially the ongoing communication that we've tried to have with DEQ, to show up at a meeting and for the first time hear about the changes that are in writing somewhere, where we literally can't find them on the website. The Board of Environmental Review (BER) have a hard stop deadline for things on their agenda, and it must be available on their website one week in advance, so there are common practices to avoid this happening in the future, and she expressed she is glad WPCAC is looking to do something similar for future meetings.

Ron Pifer followed up with what Vicki stated and said that one week is a lot better than 48-hours, particularly if it's extensive information. If it is just one or two pages, then 48 hours may be acceptable, however, a week's notice to digest and analyze and provide feedback would be far better.

Amanda Knuteson replied that 48 hours would be the bare minimum in a public proceeding, but a week is preferable, and more defensible.

**Dennis Teske:** stated he works in government in Prairie County as a county commissioner and he believes that open government is the best, and in our county, we interact with our citizens and so many times instead of having 3 people at the table, we have 50 and we really come up with good ideas, and good practices, and we follow those as a county, and its citizen participation is ultimate. We just need to be clear and bring that to the discussion. Sometimes we are locked in for reasons, but 50 people in the room discussing an issue is better than 3 commissioners trying to figure out the right way.

**Kelly Lynch, Montana League of Cities and Towns:** stated she agrees with the previous comments about being able to see the memo beforehand, but she did want to note that an immediate concern that comes to mind is the new sentence that this will now apply to intermittent streams. The conversation with DEQ a few days ago about how we have moved from the standards applying to wadable streams and certain segments of large rivers in 12A, to now in the draft of DEQ Circular 15 to medium rivers, and now it appears to add intermittent streams. She believes that is the first conversation about that. She expressed that she does appreciate the earlier conversation from the council about the biotic index and the use of the response variables. She stated that they are pretty excited about it, but the concern is that we don't know how that is going to translate into permits, and there is an indication in some of the language, and some of the conversations we've been having, that in fact, it will translate in a way that ends up just getting us a number in our permit. Instead of really being a true AMP program, we are very concerned still that it is turning into going back down the variance route, and that is not the intent of SB 358, and we don't think that is the right way to clean up our rivers. More to come from us once we are able to look through the information.

Amanda Knuteson replied she would definitely like for us to plan on having an agenda item for updates on this at our March meeting. She asked Tiffany to make a note so that this would be a dedicated agenda item.

**Lindsey Krywaruchka:** addressed the comments regarding providing materials in advance. She stated there are a couple of things to keep in mind. These rules are not yet even with the Secretary of State. This is a drafting process amongst the nutrient work group, the team here, meetings with smaller groups,

constituents, and permittees. We are very busy and we're doing good work, and our understanding was that today's meeting with WPCAC was to bring a bulleted list of changes, that would give further time, for those interested parties and members of the council, to look at that bulleted list, and if that was not the direction, then we can clarify.

Speaking to the new timeline, our intent is to give a rulemaking overview to the legislative Water Policy Interim Committee (WPIC) at their March meeting. That date to yet to be determined, it is up to their legislative policy analyst, and there is a rulemaking update already scheduled for March 15<sup>th</sup> to WPCAC. Our intent is to communicate, the best we can, and we will. Our understanding is that for today's meeting we were simply bringing a bulleted list to talk through with WPCAC members, and following that, the bulleted list, and the memos, as everything has been, will be posted on the website. If that needs to change, then we need to agree on those expectations for future meetings. We have had to prioritize other work with the extended timeline, and we'll continue to do so.

In addition, she added intermittent streams were always part of 12-A. She added that she thinks this merits more conversation amongst that smaller group, which is exactly why we're having these meetings. She said she would defend the work of her team, and they have been transparent. She stressed that they have been communicating, and working really hard to do a great job, and have something that is protective. Right now the focus is the permittees that are going to take these standards and implement them, and they are spending a lot of time with that group, as that is really important.

Amanda Knuteson replied that she thinks the DEQ staff did exactly what was requested in terms of the bulleted list that was prepared, and that anything that is going to be discussed at the meeting should be, and typically is, posted along with the agenda in advance. WPCAC members recently received an updated bulleted list for nutrients, and she went on to say that she understands that the team is stretched and working hard and doing good work, but to the extent people are setting aside hours of their day on a weekday, and maybe even traveling to come to the meeting, that having information up on the website at the same time as it's transmitted to WPCAC, would be great. She went on to say, in the past, they have done a good job of posting agendas and general information in advance of meetings. She requested that something that is prepared to be a discussion topic at the next meeting be posted at the same time it is transmitted to the members, so that the public can have a chance to review it in advance of the meeting.

Lindsey Krywaruchka replied that they will aim to have the information for the March 15<sup>th</sup> meeting up on the website on March 8<sup>th</sup>.

Amanda Knuteson asked if there were any additional comments.

**Vicki Marquis:** commented that these rules stem from Senate Bill 358 passed during the 2021 legislative session, and she believes that law required the rules be adopted in consultation with the Nutrient Work Group (NWG). She added she didn't believe the NWG has met for quite some time, and that she is not on the NWG, but does communicate with several people who are. She said there is another layer of review and consultation before WPCAC, which is the Nutrient Work Group, and they haven't seen this latest version, and they don't have an upcoming meeting scheduled.

Amanda Knuteson asked DEQ if there were any plans to recommence NWG meetings, or loop them in now that there is a protracted timeline?

Lindsey K replied that yes, there is an email going out soon to the NWG about the timeline, as well as to interested parties. She pointed out that they are waiting for their legal staff to finalize the dates and then we will have discussions with that group and our team to determine whether another meeting of the NWG is necessary. The main thing we have been asked for is time to review, and as a group we decided smaller working groups with specific questions submitted, were more useful than a full NWG. We've done a lot of outreach to different parts of the NWG, we've had other meetings with all the members, and I'm very comfortable saying this rule package has been made in consultation with the NWG. She noted that it hasn't even been filed with the Secretary of State at this time.

Amanda Knuteson replied that she thinks the takeaway would be to make sure that everyone is signed up for the notices, if you are not a member of the Nutrient Work Group. It is unknown yet if you're going to engage the entire NWG or have subgroup meetings that people could participate in remotely.

Lindsey K. replied all the NWG information goes out on the interested parties list, so please sign up for that if you aren't already.

Amanda Knuteson asked for any other remarks or questions, there were none.

- 4. NONDEGRADATION RULEMAKING UPDATE: Rachel Clark, Water Quality Engineering Bureau Chief**  
Rachel stated this is an update to the nondegradation and mixing zone rule revisions. She reminded council members that these are for systems that don't need a permit, for how we run nondeg analysis.

First, the schedule changed slightly. We anticipate the Montana Administrative Record notice will be published March 8<sup>th</sup>. The public comment period will go from March 8-24, and the tentative date for the public hearing is April 23<sup>rd</sup>.

On the memo provided, the first bulleted change is to require pressure dosing. All drainfields applying for the nonsignificance criteria, except those in Category 9 (lots over 20 acres), will require pressure dosing, because pressure dosing does a better job at distributing the effluent than a standard gravity system.

Bullet number two explains that for Category 9 (lots over 20 acres), we're going to change the required background nitrogen concentration to 4 mg/L instead of the originally proposed 5 mg/L. This change is to be consistent with the existing groundwater nonsignificance limit, and not allow further development when the background concentration is approaching the existing 5 mg/L limit.

Bullet number 3 is a change to category 3, which is the category that allows the most dense wastewater systems. This rule currently requires a 500-foot separation between the subdivision boundaries and an existing or approved subsurface wastewater treatment system. In the rule package that you saw in December, we had changed that to 200-feet, but we're proposing to revert back to the current existing 500-feet to minimize the chance of cumulative impacts occurring.

Bullet number 4 explains we added a clarification to the footnotes that when you have a grey water system, while the grey water system may qualify for the nonsignificance criteria, they're also required to



have a traditional alternate drain field, in case something goes wrong. That alternate drain field would have to qualify, or not, for the nonsignificance criteria on its own, it can't just be rolled into the grey water system criteria.

Bullet number 5 explains we are proposing to change the term “*categorical exclusion*” to “*nonsignificance criteria*”. There is no change in intent or meaning. The word “*exclusions*” and “*exemptions*” are used throughout the Sanitation Act, and we thought that this would minimize any confusion with those terms.

Bullet 6 explains we're proposing to clarify that if a petition is successful, lots within the boundaries of the petition area would still need to meet the criteria under administrative rule 17.30.715, they can't use the nonsignificance criteria, or formally categorical exclusions, in 716.

The 7<sup>th</sup> and last bullet says monitoring frequency, which is an error, it should say inspection frequency. This is clarifying that the inspection schedule doesn't apply in this particular rule, it doesn't apply to systems that require a permit, regardless of the size. Under the new groundwater rule, a system may require a permit, even if they're less than 5,000 gallons a day, if they have conventional or high strength waste. In those circumstances, the discharge permitting rules regarding inspections would apply instead of these rules.

Rachel Clark concluded saying she would be happy to answer any questions.

Amanda Knuteson asked if any council members have any comments or questions.

**Ron Pifer:** asked if they are on sound legal ground reducing the nitrogen level from 5 mg/L down to 4? Is that something that current legislation is requiring specifically, or is that something DEQ came up with in order to protect the groundwater aquifers?

Rachel Clark responded that right now in statute, the 5 mg/L is in statute as the nonsignificance criteria for conventional (not level 2), treatment systems. That has been in the statute since around 1993, so that hasn't changed at all. She went on to say that they feel like they are on solid legal ground because if the background level was 4.9 or something, with the installation of a drain field they'd automatically be over that 5 mg/L nonsignificance category. All of the rules are reviewed by our legal staff prior to going out for public comment.

Amanda Knuteson asked if Rachel could clarify, what is the difference in the last bullet point, regarding high strength waste, because that's always been a little bit of a gray area how you treat that, could you highlight what the differences between how you treat that now, versus what this new proposed rule would do, and for practitioners, what does that mean? What will be different? What will be maybe better, or worse, from a practitioner's perspective.

Rachel Clark responded that this is not a substantive change. It's not changing the meaning, but it is clarifying things. Right now a grey water system could use the nonsignificance criteria, previously called categorical exclusions. Every grey water system has to have an alternative traditional drain field in case something goes wrong. We just wanted to clarify that the alternative traditional drain field has to either meet the nonsignificance criteria, or not, on its own merits. It's just a clarification, and is not different than the way we currently perform nondegradation.

Amanda Knuteson replied that she confused things by improperly referencing the point she is speaking to. She clarified she was asking about the last bullet about requiring a permit for high strength wastewater, even if it's under 5,000 gallons per day.

Rachel Clark responded that currently, the current ground water discharge permit rules are just static at 5,000 gallons a day. With the groundwater rule update that Mr. Siverson spoke about, we're going to a combined load. So it's possible that somebody could need a discharge permit, even though they're discharging less than 5,000 gallons a day. For example, if they had very high strength waste of nitrogen, of 100 mg/L, instead of level 2 at 24 mg/L, that ratio would require a permit for less than 5,000 gallons a day. We did not want people to misconstrue this inspection schedule that we have in rule for non-permitted facilities, to overwrite those inspection frequency requirements in the permitting rules.

Amanda Knuteson replied that is a big change, and that may be one you will receive comments on. Lindsey K. added that they do think it is a good change and that it is more protective, and that they are in support of that clarification.

Amanda Knuteson asked if any other council members or members of the public have comments or questions, or any need for clarification?

Amanda Knuteson took another roll call to determine if there is a quorum. There were 6 of 10 members present.

## **ACTION ITEMS**

### **WPCAC WORK GROUP FORMATION:**

**Amanda Knuteson** stated this has been largely driven by vice chair Ron Pifer. It has been discussed in the past, and there's been some effort behind the scenes for a few of us to do extra research. In our advisory function, one of our normal functions is to gather and share information with DEQ on issues of concern and our respective areas, not just areas of expertise, but even geographic areas of the State, and both Ron Pifer and I agree it would be useful and would require some significant extra effort. She asked Ron Pifer to share his thoughts.

**Ron Pifer** stated that a good title would be Septic Issue and Strategies. He stated the purpose of the group would be to gather information on septic issues, and in that regard, in Ravalli County Conrad Eckert, who's the chair of a similar council reporting to DEQ for the septic pumpers. He's compiled a lot of information over 5 years that he would like to include in such a subcommittee report. Flathead County has done the same thing, and it involves an increase in demand on our regional wastewater treatment plants, and we'd like to provide some bullet points on what we're finding, or what people in the field are finding, with regard to the issue. We'd like to focus on both the amount of pumpage, and also from the regional wastewater treatment plant. Then, on the strategy side, go into various generic strategies. Ravalli County, through their health Department and with one of their county commissioners, has formed a committee to look into addressing the problem with the disposing of septic waste in our county, and they've come up with a plan, and we would include that in the report. We would also include what Flathead County is doing, and we would propose to work with the newly formed Western Montana Conservation Commission. We don't have a budget for this, and we're all volunteers, so we would keep it minimal in

summary in nature, but the intention would be to provide any findings that we come up with in terms of quantifying issues, and coming up with strategies, and provide that to DEQ, and to some key legislators, and to the Governor's office as well. We want to be practical, and we want to be efficient with our time, and we'd like to have something together by the fall. The intention is to be beneficial and provide helpful information to DEQ, key legislators, county commissioners, engineers, and anybody that would be interested in it, as well as the Governor's office. At this meeting we would like to take a vote to set up and form this subcommittee, and go from there.

**Amanda Knuteson** asked if there were any comments or questions before moving into a vote or motion to form such a committee.

**Ron Pifer** also stated that they would like participation and input from members of the public, which could be duly noted and included in the report.

**Lindsey K.** stated that she wanted to make sure it was on the record that DEQ currently does not have any staff resources to support the subgroup. We are working hard to support WPCAC, NWG, and the Subdivision Advisory Task Force, and other groups for advisory councils in our division, and we are just not resourced to support and staff the subgroup that is being proposed.

**Amanda Knuteson** replied that is noted. She went on to say that she doesn't think there is an ask on DEQ for this purpose, other than DEQ is the keeper of a lot of relevant information. However, if the information requests become excessive or DEQ is unable to honor them, they can be posed to you in the form of a formal information request, and processed in a formal manner that any other member of the public would be. She went on to say that she doesn't think the subgroup would require DEQ to schedule any special meetings, or take a lot of time for extra phone calls. She then asked Ron Pifer what he had envisioned in terms of the demands on DEQ, beyond furnishing the data that we know they have in their supply.

**Ron Pifer** responded, as Lindsey K pointed out, they don't have the budget, and the personnel allocated through legislation to provide input to the proposed subcommittee, and therefore the subcommittee would be gathering information from at least two counties, and the people involved in these projects, to address the septic issues, and it won't require any input from DEQ. He stated that he is sensitive to people's time constraints.

**Dennis Teske:** stated that the best meetings are when there is information sharing and more participation. He noted that he likes it when you can go down to a restaurant and talk to neighbors, and we can discuss the issues that face us, and ours are different than what happens in the north or west, etc. It is always the sharing and the openness of the why, and what, and how do we get there, and does this make sense? What do you do in your area? What do you do differently? Can we use it somewhere else? He said working groups and compiling information makes sense.

**Harlow (online):** stated she is a water quality person and she has a degree in water/wastewater technology, and just recently moved to Helena from Colorado. She stated she is appalled at the number of septic tanks here, and she located a house that wasn't in an area that had septic, but connects to Helena's wastewater treatment plant. She stated she is really concerned about septic systems. The fact that there are so many of them, and what they are doing to the ground water. She went on to say that

she doesn't see anything in any of the DEQ information about septic systems that are over aquifers, and to her that is a big deal. Another thing she added is that we're not looking at the effect on the existing wastewater treatment plants, and if DEQ is asking if new development is close enough to tie into wastewater lines for the city. She went on to say that she believes Helena can't take the impacts of more big developments on their wastewater plants, so how do we provide information and money to these plants? She thinks it's like giving them an unfunded mandate by the State, and she is really concerned that the Governor's office is not taking a look at these big impacts on our wastewater system. She stated she supports this committee.

**Amanda Knuteson** replied thank you for that input. Please feel free to send us your contact information, if you'd like to participate in or observe meetings of the subcommittee, should it be formed.

**Ron Pifer** made a motion to WPCAC council members to form a subcommittee for the purpose of identifying septic issues and strategies, and we include as many people as we can to compile meaningful information that could be helpful to any governmental organizations, including DEQ, and the Governor's office, and the legislatures. I propose that we form this subcommittee, and notices be sent out to people for our first meeting. The proposal is to form a subcommittee on septic issues and strategies.

**Amanda Knuteson** seconded the motion.

**Adam Pummill:** stated this subcommittee should be subject to the same public notification and advertisement requirements as the regular WPCAC meetings.

**Amanda Knuteson** replied that they would have these meetings noticed, and allow people to call in. In terms of public – this will not be a group where action items are voted on. This is a research-based group, and information gathering subcommittee, and it is one where all members may want to convene and present interim findings prior to issuing any kind of report. Should we need to convene in a formal way, and invite the public, and notice it properly, those are logistics that the subcommittee will work out.

**Adam Pummill** replied that addresses his question and the vote can proceed.

**Amanda Knuteson** seconded Ron's motion. A roll call was taken with each person voting, and all were in favor. She continued and said, with that we have formed the WPCAC Septic Issues and Strategies Subcommittee. Further details and logistics of meetings pending, and we will send out notices. She encouraged anyone interested in following the process of this group to send contact information to WPCAC, and all contact information for WPCAC is on the DEQ website.

**Amanda Knuteson** stated one thing she wanted to bring up that was discussed at the special meeting in October, of potentially having WPCAC, either as a whole, or maybe working groups, address some of the emerging issues like PFAS, emerging contaminants, pharmaceuticals, not specifically septic related, but water quality related, nonetheless issues, that they're going to start to look at for purposes of developing regulations. She stated today would be premature to form a subcommittee, but she wanted it on the radar as a possibility, so we aren't narrowly focused on septic issues, although these are issues of the day with everything going on with the legislation, and also looking at water system and municipal water quality issues as well.

#### **2024 CHAIR AND VICE CHAIR FORMATION:**

**Amanda Knuteson:** stated that there is a quorum, and she said that she has really enjoyed and honored to serve in the chair position. She has learned a lot and appreciates it; however, she doesn't want to displace anyone else that may want to take the reins. She opened the floor to the election and nominations, or discussion on potentially changing-of-the-guard, regarding both the Chair and Vice Chair positions.

**Shannon Holmes:** stated that Amanda has done an amazing job, and he would like to make a motion to have Amanda Knuteson continue as the Chair of this Council.

**Dennis Teske** seconded the motion.

**Adam Pummill** stated that if Amanda is willing to, he concurs with that. **Eric Campbell** stated he agrees.

**Amanda Knuteson** replied that barring anything significant or circumstances change, and she doesn't feel like she can serve in the role, an interim election can be held, but for the time being, she is very happy, and honored, to continue as Chair and she is honored by the nomination. She asked if all in favor, and everyone replied yes.

**Ron Pifer:** stated if the group wants him to continue serving as Vice Chair, he will. He went on to say if something of a personal professional nature came up and he needed to step down, they could take the appropriate steps to replace him, but he is willing to continue to serve unless someone else would like to step up.

**Dennis Teske** nominated Ron Pifer.

**Adam Pummill** seconded the motion. All were in favor.

**Dennis Teske** commented that he enjoys this group very much, and the group has fine leadership. Thank you to all the people at the DEQ. We work in government and sometimes in difficult situations, and trying to make it all make sense. He would like to have a light note here, and it is one of the reasons he got into politics in small towns and counties. "Politics is the yard of looking for problems, finding them everywhere, diagnosing them incorrectly, and applying the wrong remedies." That was a quote by Groucho Marks, a comedian. He went on to say, his point is that we do have a lot of information, some good, and some bad, and we get a black eye in government. Sometimes it is our fault, sometimes not, sometimes it is just a misunderstanding, but there is humorous side, and it really is relationships. We trust one another, because we really are working citizens trying to make everyone's life a little bit better. He went on to say he can't protect everybody, and can't make them safe. People have a responsibility in this too. He appreciates everyone, and the jobs we do, and as we carry on. Thomas Jefferson made a statement, and he was asked by the journalist of the day, "should we question everything of government?" and Thomas Jefferson replied, "yes", and this journalist said, "should we even question God?" and Thomas Jefferson said, "God is big enough to answer any questions you got." Dennis went on to say that he just wants us to be able to answer questions of the whys, and make it make sense, so we can all live with this somehow.

#### **PUBLIC COMMENT**

**Eric Sivers:** stated that he wants to return to the issue of the timing of information and sharing with the Council. We clearly heard the concerns raised about open government, and that's a responsibility that all

of us here take seriously, so I thought it was worth providing some clarity that DEQ understood the council's request for an update on changes that were made through this week. As you heard, these rule changes are being worked on, in real time, as Lindsey pointed out, we're continuing to work with smaller groups and hear their comments and concerns, and make edits. We met with conservation organizations on Monday, and with dischargers on Wednesday. This is still very much a live process, and so I believe we saw sharing what we're doing in real time as providing more open communication, rather than less, was certainly not our intent to seem as though we were springing something on the council. We definitely hear the concerns about having sufficient time to review, and we will take that into consideration moving forward.

**Amanda Knuteson** replied that generally speaking, she thinks DEQ has done a tremendous job of being transparent, getting information out in a timely manner and being responsive to requests for information. She went on to say that we know they are very busy, and every single day you're probably discussing, and drafting, and working internally, to give us a snapshot in time as of yesterday when we received the bullet list is understandable. You were responsive, but to the extent that you had something prepared only a day before the meeting, we would like you to upload it onto the website with the agenda. We understand that the nature of our request would have put you in a position where if you had to have it up on the website a week in advance, then we would have had stale information today. She stated that she sees this as a bit of a fluke, not as a systemic problem at the DEQ level. She went on to say thank you for your hard work and for the information that is provided at every meeting.

**Amanda Knuteson** asked again if any members of the public or council members have any other questions or comments about anything on today's agenda. There were none.

**Ron Pifer** added that he wanted to wish everyone well, and a good rest of the week, and a great weekend, and thank you to everyone for attending and working in the spirit of goodwill.

**Amanda Knuteson** adjourned the meeting.

Respectfully submitted by Theresa Froehlich