

WATER POLLUTION CONTROL ADVISORY COUNCIL
10:00 am, January 29, 2026
Wilderness Room, DEQ Colonial Building & Zoom Meeting

DRAFT MEETING MINUTES

ATTENDEES

Council Members:

Amanda Knuteson (chair)
Ron Pifer (vice chair)
Shannon Holmes
Jeffrey Mark
Adam Pummill
Dennis Teske

Montana DEQ:

Michael Gustafson
Tyler Halligan
Lindsey Krywaruchka
Zach Laibinis
Tiffany Lyden
Katie Makarowski
Miles Monson
Kurt Moser
Hannah New
Mark Ockey
Hannah Riedl
Derrek Schultz
Alanna Shaw
Eric Sivers
Garrett Smith
Christina Staten
Allie Steele
Lauren Sweeney
Andy Ulven
Christine Weaver
Scott Weir

Members of the Public:

Leea Anderson
Ed Coleman
Rosalyn DiLillo Knock
Matt Elsaesser
Tonya Fish
Frank Greenhill
Keith Haskins
Derf Johson
Gabe Johnson
KKennah
Kristeen
Eric Larson
Casey Lewis
Aaron Losing
Aurore Musy
bmagee
Olsen
Quinn Powell
Amelia S.
jschrader
RSchultz
Ben Sorensen
Tom
Margarite Thomas
Ryan Thompson
Paul Yakawich

CALL TO ORDER

Chair Knuteson called the meeting to order and a round-table attendance was taken.

APPROVAL OF AGENDA

Jeff Mark moved to approve the agenda as written. Dennis Teske seconded, all approved.

APPROVAL OF MINUTES

Ron Pifer moved to approve the September 27, 2024 meeting minutes. The motion was seconded by Shannon Holmes, all approved.

BRIEFING ITEMS ON AGENDA

- Thank you/Opening Remarks
- Proposed rulemaking to implement House Bill 685 - Nondegradation feasibility allowances
- Proposed rulemaking to amend Circular DEQ-7 - Montana numeric water quality standards
- Municipal Separate Storm Sewer System (MS4) rulemaking update

THANK YOU/OPENING REMARKS

Lindsey Krywaruchka – DEQ Water Quality Division Administrator

Lindsey thanked members for their participation, relayed message from Lt Governor that new WPCAC appointments will be forthcoming. Requested time at end of agenda for additional remarks.

PROPOSED RULEMAKING TO IMPLEMENT HB 685 – NONDEGRADATION FEASIBILITY ALLOWANCES

Katie Makarowski – DEQ Water Quality Standards and Modeling Section Supervisor

Katie shared a slide presentation. Rulemaking is proposed as a result of legislature passing House Bill 685. Provided background that Montana's nondegradation policy is a core component of state's water quality standards, provides a framework for maintaining and protecting water quality that has already been achieved. House Bill 685 pertains to high-quality waters, specifically applications to DEQ to authorize lowering the quality of high-quality waters. Katie explained that House Bill 685:

- changed terminology from "authorizations to degrade" to "feasibility allowances";
- removed requirement that applicants seeking a feasibility allowance must demonstrate that economic or social benefits exceed societal costs of allowing degradation;
- added language that applicants seeking a feasibility allowance must demonstrate the project will result in important economic or social development in the location of the high quality water;
- directed DEQ to amend Administrative Rules of Montana (ARMs) 17.30.707 and 17.30.708.

During rulemaking, DEQ determined additional amendments to ARM 17.30.201 and 17.30.706 were also needed. Katie reviewed specific proposed language changes to each ARM to comply with HB 685.

Reviewed rulemaking timeline: March 3 file proposal notice with Secretary of State, March 6 proposal notice published in Montana Administrative Record (MAR), March 6-April 21 public comment, April 21 public hearing, August 5 file adoption notice, August 7 adoption notice published in MAR.

Comments and Questions from WPCAC members

Dennis Teske expressed concern about rising costs and fees. Lindsey commented rulemaking to implement HB 685 does not change fees or fee structures. Amanda clarified that while the ARMs in the meeting materials contained fees, the proposed rulemaking changes (shown in underline/strikethrough) do not change those fees. Lindsey commented that historically there have only been 1 or 2 entities that have applied to DEQ for this authorization.

Public Comments

Derf Johnson (MEIC) commented that rule package should only address the name change. Lindsey invited written comments and input, DEQ is implementing bill language from the legislature. Katie referenced the specific MCA 75-5-303 language that HB 685 amended.

Shannon Holmes asked about gap between public hearing and filing. If edits are made, will they be presented back out for additional public comment? Lindsey responded DEQ will go back out for public comment if there are substantive changes.

Amanda asked why there is no definition of a feasibility allowance. Katie and Lindsey clarified DEQ did not sponsor the bill, the legislature did not include a definition. Amanda and Adam Pummill raised

concerns about ambiguities and vulnerabilities of not having the term defined.

PROPOSED RULEMAKING TO AMEND CIRCULAR DEQ-7 – MONTANA NUMERIC WATER QUALITY STANDARDS

Katie Makarowski – DEQ Water Quality Standards and Modeling Section Supervisor

Katie shared a slide presentation. Provided background that Circular DEQ-7 contains Montana’s numeric water quality standards for hundreds of pollutant elements and chemical compounds. Circular DEQ-7 was last amended in June 2019. Katie explained DEQ reviews water quality standards, adopts and modifies standards as appropriate; required to hold public hearing to review standards every 3 years (triennial review). Proposed changes to Circular DEQ-7 were spurred by public comments received during 2020 and 2023 triennial reviews and internal DEQ review.

Katie explained “Circular DEQ-7 June 2019 edition” is referenced in multiple ARMs. Katie reviewed the 10 ARMs that will need updated date citations.

Lauren Sweeney – DEQ Water Quality Standards and Modeling Section

Lauren reviewed proposed changes to Circular DEQ-7 for cyanide. DEQ is proposing to express the human health standard for cyanide in groundwater as “free cyanide” rather than “total cyanide”, to align Montana’s groundwater standard with federal Safe Drinking Water Act regulations. Proposed changes include a reporting value and a trigger value. No changes proposed to the numeric criteria.

Allie Steele – DEQ Water Quality Standards and Modeling Section

Allie reviewed proposed changes to Circular DEQ-7 for lead. DEQ is proposing to lower the human health standard for lead in surface and groundwater from 15 ug/l to 10 ug/l to align Montana’s human health standards with federal Safe Drinking Water Act regulations. Proposed changes include updating references to improve clarity of the source used to derive the criteria.

Allie reviewed proposed changes to Circular DEQ-7 for four pesticides to correct errors made in calculations of the human health water quality standards adopted in 2017:

- Chlorsulfuron: change human health water quality criteria in surface and groundwater from 100 ug/l to 300 ug/l. Corrects reference dose used in prior calculation.
- Imazapic: change human health water quality criteria in surface and groundwater from 3,000 ug/l to 913 ug/l. Corrects reference dose used in prior calculation.
- Nicosulfuron: change human health water quality criteria in surface and groundwater from 8,500 ug/l to 8,330 ug/l. Corrects a rounding error made in previous calculation.
- 1,2-Dibromoethane: change human health water quality criteria in surface and groundwater from 0.017 ug/l to 0.2 ug/l. Corrects a decimal placement error made in previous calculation.

Allie provided an overview of additional proposed changes to Circular DEQ-7 related to grammar, wordsmithing and technical edits in order to improve readability and accuracy. Rulemaking timeline: April 22 file proposal notice with Secretary of State, April 24 proposal notice published in Montana Administrative Record (MAR), April 24-June 8 public comment, June 8 public hearing, September 23 file adoption notice, September 25 adoption notice published in MAR.

Comments and Questions from WPCAC members

None

Public Comments

Derf Johnson (MEIC) asked what prompted the switch from total cyanide to free cyanide. Katie

responded it stemmed from public comments DEQ received during triennial review to align state and federal standards and to account for analytical methods applicable to free cyanide.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) RULEMAKING UPDATE

Tyler Halligan – Stormwater Program Coordinator and Permit Writer, DEQ Montana Pollutant Discharge Elimination Section (MPDES)

Tyler shared a slide presentation. Provided an overview of stormwater regulations and Municipal Separate Storm Sewer Systems (MS4s). Explained federal regulations require urbanized areas to obtain permit coverage to implement stormwater management programs and best management practices to reduce stormwater pollutants. Stormwater is regulated because of high concentrations of pollutants, often conveyed directly to state waters without treatment. Tyler explained the two subcategories and currently regulated MS4s in Montana:

- Current federal automatic MS4s: City of Billings and Yellowstone County, City of Missoula and Missoula County, City of Great Falls and Cascade County
- Current state discretionary MS4s: City of Bozeman, City of Butte, City of Helena, City of Kalispell

Tyler explained proposed rule changes reflect federal terminology change to “urbanized areas” and designation outcomes from the 2020 Census. He reviewed proposed rule changes to three ARMs including updated MS4s from the 2020 Census:

- Updated federal automatic MS4s: City of Billings and Yellowstone County, City of Bozeman and Gallatin County, City of Great Falls and Cascade County, City of Missoula and Missoula County, City of Helena and City of East Helena and Lewis and Clark County
- Updated state discretionary MS4s: City of Butte, City of Kalispell, City of Belgrade

No changes to fees, fee schedules or fee applicability. No changes to MS4 designation criteria, thresholds or authority.

Comments and Questions from WPCAC members

None.

Public Comments

Matt Elsaesser (Upper Missouri Waterkeeper) asked for timeline and commented this is an opportunity to address ‘forever chemicals’ and the role of green infrastructure and low impact development as a cost-effective way to address emerging chemicals of concern.

Tyler commented that MS4 permittees and interested stakeholders have been participating in a year-long MS4 working group to help develop the next MS4 general permit; new MS4 designees were included in the process. The new MS4 general permit is expected to go into effect April 2027. Tyler commented the timeline for this rulemaking will likely follow the Circular DEQ-7 rulemaking timeline, with adoption in September.

Lindsey explained this rulemaking will go through public notice and hearing, and the MS4 general permit will also go through a separate public notice and hearing.

Shannon Holmes expressed support for stormwater and shared the City of Livingston’s preparations for becoming a future discretionary MS4. Expressed interest in participating in the working group.

UPDATES FROM WPCAC MEMBERS

Ron Pifer shared an update from Western Montana Conservation Commission (WMCC). Septic committee has interviewed health departments in western Montana about septic permit data and information. Hosted septic system meetings with realtor associations. Allocated funding to Butte area for green stormwater infrastructure, also City of Missoula library and a school in Anaconda.

PUBLIC COMMENT

Casey Lewis (WMCC) shared that next commission meeting will be held May 20-21 in Hamilton.

AGENDA ITEMS FOR FUTURE MEETING

Lindsey asked for feedback from council members about future participation and purpose of WPCAC moving forward. Amanda shared interest in having WPCAC meet regularly as a resource to DEQ, beyond rulemaking feedback. Lindsey shared rulemaking public participation processes and contributions of staff time. Amanda suggested increasing WPCAC member participation in task group meetings. Ron commented that WPCAC meetings provide a public venue for input, suggested moving to quarterly meetings, acknowledged time spent by council members. Amanda and Shannon suggested continuing this discussion as an agenda item for a future meeting.

ADJOURN

Amanda Knuteson adjourned the meeting.