

WATER POLLUTION CONTROL ADVISORY COUNCIL
10:00 am, Friday, January 28, 2022
Zoom Meeting

DRAFT MEETING MINUTES

PRESENT

Council Members Present:

Amanda Knuteson (Chair)
Ron Pifer (Vice Chair)
Chad Bauer
Shannon Holmes
Mike Koopal
Teri Polumsky
Adam Pummill
Dennis Teske

Council Members Absent:

Lee Bruner
Eric Campbell
Jeffrey Mark

Montana Department of Environmental Quality Staff Members Present:

Darryl Barton
Moirra Davin
James Fehr
Amelia Flanery
Autumn Frey
Theresa Froehlich
Jane Madison
Christy Meredith
Hannah New
Nick Danielson
Greg Olsen
Galen Steffens
Amy Steinmetz
Lauren (Sullivan) Sweeney
Eric Trum

Members of the Public Present:

Mitchell Leu
Jason Mohr
Trevor Selch
Karen Sanchez
Trevor Watson

CALL TO ORDER

Chair Knuteson called the meeting to order.

APPROVAL OF AGENDA

Teri Polumsky moved to accept the agenda, and Adam Pummill seconded the motion. All were in favor. Amanda Knuteson stated the agenda was approved.

APPROVAL OF MINUTES

Teri Polumsky moved to accept the November 19, 2021, minutes, and Ron Pifer seconded the motion. All were in favor. Amanda Knuteson stated the minutes of November 19, 2021, were approved.

BRIEFING ITEMS

1. Water Quality Division 101 – Amy Steinmetz, DEQ Water Quality Division Administrator

Amy Steinmetz introduced herself and encouraged everyone to ask questions, suggest ideas for presentations and fully engage in the Water Pollution Control Advisory Council.

Amy gave a high-level overview of the Water Quality Division

DEQ's New Mission Statement: ***To Champion a Healthy Environment for a Thriving Montana*** – The department is held to a very specific regulatory structure under which we carry out our mission. There is the science and regulation aspect, and then roles of the advisory council members are just as critical as the DEQ employees.

Amy went over the DEQ's Organizational Chart.

Under Director Chris Dorrington:

- A. Deputy Director
 - 1. Enforcement Program
 - 2. Financial Services
 - 3. Human Resources
 - 4. IT
 - 5. Public Policy
- B. Air, Energy & Mining Division
 - 1. Air Quality
 - 2. Energy
 - 3. Mining
- C. Waste Management and Remediation Division
 - 1. Contaminated Site Cleanup
 - 2. Federal Superfund & Construction
 - 3. Waste, Underground Tank Management
- D. Water Quality Division
 - 1. Engineering
 - 2. Public Water Supply
 - 3. Water Protection
 - 4. Water Quality Planning
- E. Chief Legal Council

Amy Steinmetz stated that the Water Quality Division Vision is ***Clean Water from Peaks to Prairies for all Montanans.***

Water Quality Planning Bureau – The foundation of water quality in Montana.

- Water Quality Standards – three main components.
 - a. Beneficial uses, such as recreation, aquatic life, drinking water, agriculture. DNRC is based on water QUANTITY, and DEQ is based on water QUALITY. Beneficial uses include, drinking, recreation, aquatic life, agricultural, industries.
 - b. Water quality criteria (Federal term) / DEQ water quality standards (numeric and narrative).
 - c. Nondegradation = protection of high-quality waters
 - d. Authority is under the Montana Water Quality Act (primacy under the Federal Clean Water Act) submit to EPA for review and approval.
- Monitoring and Assessment – collect samples, write assessment methods, and conduct assessments
- Total Maximum Daily Loads (TMDL) - where the source of pollution is coming from
- 319 program and nonpoint source protection/stream restoration; wetland protection

Water Protection Bureau – The defenders. This bureau makes sure that a point-source discharger will be protective of the beneficial uses by ensuring water quality standards are met.

- Permitting
 - a. Surface water
 - b. Ground water
 - c. 401 water quality certification – State certification for any permit or license issued by a federal agency for an activity that may result in a discharge to state waters
 - d. 318 authorization – temporary turbidity
- Technical assistance and wastewater system inspections
- Source water protection program – reviews new public water systems that want to use a water supply.

Public Water Supply Bureau – The Human Health Champions.

- Monitoring and Reporting
- Field Inspections
- Operator Certifications (water and wastewater)

Authority under the Montana Public Water Supply Act (primacy under the Federal Safe Drinking Water Act)

Engineering Bureau – The Nuts and Bolts

- State Revolving Funds (SRF) – DNRC administers the funds, DEQ reviews the engineering plans and specifications
 - a. Drinking Water State Revolving Funds – Public water infrastructure
 - b. Clean Water Act Revolving Funds – Wastewater infrastructure
- Public Water and Subdivision Review
 - a. Public Water and Wastewater (non-SRF) review
 - c. Subdivision application reviews

The Division and the Department are focusing on good customer service, efficiency, outreach, using common sense approaches, being transparent, processes, how to use technology, accountable to public and the work we are doing, and reviewing regulations.

Questions from the Council

Chair Knuteson requested that during the March meeting Amy highlight rules that transitioned from numeric-to-narrative, so that we can see living examples of those rules and how they are applied and enforced. Amy replied what could be helpful is talking about how the department has implemented, or are currently implementing, narrative standards.

Ron Pifer asked about the public comment timeframe in the Missoulian on switching from the numerical to narrative standards. Amy stated that there is a hearing on February 8th on a framework rule that meets the requirements and the intent of SB358. DEQ is moving forward, under state law, and working on drafting rules to repeal our DEQ 12A (numeric nutrient standard) and lay out an instruction/road map for how to implement the narrative standard for Clean Water Act purposes or Montana Water Quality Act purposes. This will include permitting and an adaptive management program.

2. Nonpoint Source Program Overview – Eric Trum, Nonpoint Source Section Supervisor

Eric Trum provided an overview of the Nonpoint Source Section and included highlights from three recent projects. Eric began the presentation with some basic definitions:

- Watershed – a land area that drains to a specific point. Any changes will impact the water at some level.
- NPS Pollution definition – a diffuse source of pollutants resulting from the activities of humans over a relatively large area, the effects of which normally must be addressed or controlled by a management or conservation practice. (ARM 17.30.702(18)).
Types of NPS Source Pollution: Nutrients, Metals (abandoned mines), Temperature, Sediment
- DEQ's Role and Authority
 - Montana Constitution
 - Federal Clean Water Act (CWA)
 - Montana Water Quality Act (Title 75, chapters 5, MCA)
- Nonpoint Source Management Plan Goals – **inform** citizens about NPS pollution, **identify** how NPS is being addressed, **describe** implementation, **articulate** strategies, programs, and resources.
- Overview of DEQ planning process
 1. Develop WQ Standards
 2. Monitor WQ
 3. Assess WQ
 4. Identify Sources of Pollution
 5. Develop Total Maximum Daily Loads (TMDLs) -
 6. Support WQ Improvements
- Project examples:
 - a. Ninemile Creek
 - b. Ruby River
 - c. Flathead Septics

- Education and Outreach – <http://livingonthebank.org>
- Monitoring Effectiveness – measure effectiveness through load reductions, riparian mapping, effectiveness reviews, success stories.

Questions from the Council

Ron Pifer asked, in terms of your sampling program around the state, are you taking total nitrogen and total phosphorus readings for nonpoint source contribution from Forest Service activities and ranching activities, and are you doing it before and after restoration projects? Eric responded yes. He added that what is difficult with NPS pollution is it is widespread, and it is the accumulated effect that is contributing to impairment. Consequently, it is often difficult to measure in-stream water quality changes as a result of these projects. The department is using some models and are moving forward testing some of the models to see how they are contributing to in-stream water quality changes. It is difficult to attribute significant changes within water chemistry to discrete nonpoint source pollution projects. Lower Gallatin will be one of the next focus watershed projects. They work with farmers and ranchers and offer various recommendations, and work to enforce a buffer to keep livestock out of the stream channel (fencing).

Shannon Holmes asked, does DEQ have adequate resources to properly manage nonpoint source dischargers? Eric responded that it is difficult to attribute to specific projects sites. TMDL's provide broad sources, and resources include all the other agencies that are involved, and he would never turn down more resources. Money and landowner commitment to these projects are two limiting factors for addressing NPS through a voluntary approach.

Shannon Holmes made the following statement. I feel obligated representing the public works directors and point source dischargers in Montana that this NPS has been brought to the forefront of this adaptive management plan process as a result of SB 358. As a member of the nutrient work group (NWG) I feel that DEQ is putting all the pressure on point source dischargers to have used our resources to address stream quality issues that our point source dischargers are in. You are putting us in a position where we, due to the no regulatory authority by DEQ for NPS for point source dischargers to establish relationships with NPS upstream of our point source discharge and potentially even use funding from the point source dischargers. In this case Livingston, to do stream improvement projects upstream of Livingston if indeed it will be cheaper than adding more mechanical equipment to reduce nitrogen and phosphorus. So, I welcome a further discussion in this, and I'm not sure if it is the purview of WPCAC to make a request that DEQ gets more resources, financially and staffing to look at NPS but I certainly welcome a further discussion on the NPS relationship with NPS and their obligation to improving stream quality in Montana. I can tell you that Livingston residents hold the Yellowstone in very high regard, we want to be stewards of the river. We just did a 19 million dollar project in 2017 and as a result of being good stewards of the river, we are over 190% of the target rate for sewer charges for our residents. So, there is a cost associated with improving stream quality. I don't think it is fair that city or discharge customers need to foot that whole bill. I appreciate everybody letting me voice that and I hope you understand where I am coming from. We as point sources, we have invested millions and millions of dollars into improving stream quality and we are very proud to continue to do that but at some point the NPS dischargers need to be part of the discussion on how we solve those problems. Eric responded that the NWG is working through many of these issues currently, and stated much of this is the framework of the Clean Water Act and how it laid out the distinction between point source and really put a lot of the onus there. Eric mentioned the nutrient trading policy that Montana has as well.

Chair Knuteson noted that it would be helpful at a subsequent meeting to go into more detail on the nutrient trading policy. She also spoke to the utility of understanding the relative contributions of the point sources and non point sources in impaired waterways.

ACTION ITEMS

Chair and Vice Chair elections for 2022

Chad Bauer nominated Amanda Knuteson to serve as chair for 2022. Shannon Holmes seconded the motion. All were in favor. The motion passed. Dennis Teske nominated Ron Pifer to serve as Vice Chair for 2022. Amanda Knuteson seconded the motion. The motion passed unanimously.

Calendar for 2022

Lauren (Sullivan) Sweeney walked through the proposed dates for the 2022 calendar year. The proposed dates include January 28, March 11, May 13, July 15, September 23, and November 18. There was discussion about moving the November 18 meeting to December 2. Shannon Holmes made a motion to move the November 18 meeting to December 2. The motion was seconded. The motion passed unanimously. Chad Bauer made a motion to approve the 2022 calendar with the November 18 meeting date change to December 2. Ron Pifer seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

There was no public comment.

AGENDA ITEMS

Lauren (Sullivan) Sweeney asked WPCAC members for future agenda items they would like to have. Lauren summarized agenda items that various Council members voiced interest in during the current meeting. They included the following:

- Information from DEQ on draft rules that may be coming before the Council in the near future
- A presentation on how DEQ is currently implementing narrative standards
- Details on water quality monitoring and testing on public water systems, in particular systems within or near superfund sites
- A presentation on the Lead and Copper Rule
- Information or a presentation on the nutrient trading policy in Montana

Mike Koopal thanked Eric Trum for brining up the septic leachate issue and noted the timeliness of that topic with increased development in Montana. He noted the number of moving pieces in the flathead basin regarding that topic and suggested that it would be helpful if WPCAC heard a summary of that work at a future meeting. Chair Knuteson and Councilmember Holmes voiced support for this topic as well.

Chair Knuteson noted it would be helpful if DEQ had information on the contributions of point sources and non point sources on impaired waterways to provide that to WPCAC.

ADJOURN

Shannon Holmes made a motion to adjourn the meeting. The motion was seconded and passed unanimously. The meeting adjourned at 12:00 pm.