

## **Water Pollution Control Advisory Council Meeting Minutes**

**Room 111 Metcalf Building Helena**

**April 30, 2009**

**10:00 A.M.**

### **CALL TO ORDER**

Chair Dude Tyler called the Water Pollution Control Advisory Council meeting to order April 30, 2009 at 10:05 a.m.

### **COUNCIL MEMBERS PRESENT**

Council Members present in Room 111: Trevor Selch

Council Members joined by a Teleconference: Dude Tyler (Chair), Karen Bucklin Sanchez, Terry McLaughlin, Roger Muggli, Stevie Neuman, Earl Salley, Michael Wendland, and Kathleen Williams

Department of Environmental Quality (DEQ) Personnel Present: Bob Bukantis (Council Secretary), Water Quality Planning Bureau (WQPB), Planning, Prevention and Assistance Division (PPAD); Kari Smith, Water Protection Bureau (WPB); Jenny Chambers, Water Protection Bureau (WPB); John North, Legal; Barb Kingery, Permitting and Compliance Division (PCD), Public Water Supply (PWS); Steve Kilbreath, Permitting and Compliance (P&C), Subdivision Section; Terry Campbell, Planning Prevention and Assistance (PPA), Technical & Financial Assistance (TFA); Carrie Greeley, Administrative Support, Planning, Prevention and Assistance (PPA), Water Quality Planning Bureau (WQPB); Vanessa Redmond, Administrative Support, Planning, Prevention and Assistance (PPA), Water Quality Planning Bureau (WQPB).

Dude asked for the council members to state their names and a quorum was present.

### **AGENDA**

Dude asked for additions or changes to the agenda. Nobody had any changes so the agenda was approved by voice acknowledgment.

### **MEETING MINUTES**

Dude asked if everybody had read the meeting minutes from the February 26 meeting, then asked if there were any changes or corrections. Referring to the last paragraph under the heading Meeting Minutes, Karen mentioned that it says 'Karen stated that there needs to be more detail than what is actually occurring in the discussion.' Karen believed it was Kathleen who said that and Kathleen agreed that it was she who said that & not Karen.

Kathleen brought up that she had a couple of changes. She mentioned that on pg. 4, second paragraph, last sentence, under the State Revolving Fund topic, it says 'Kathleen does not feel justified'; that sentence didn't make sense to her so she wanted it taken out. Kathleen also brought up a few typos; such as, on pg. 9, third paragraph, where it says 'Mike said that the temporary nutrient criteria might possibly apply at the end of the

mixing zone, but more likely at the end-of-pope.’ The next error she found was intended for Trevor’s input on pg. 12, second paragraph, that says ‘Trevor said in stream flow treatment plants want the grey water as it’s cleaner than other wastewaters.’ Kathleen believed he meant to say was ‘in stream flow advocates want the grey water as it’s cleaner.’ In regards to that, Trevor said he would look at that and let her know briefly. Terry stated that it would make more sense if the treatment plants just want the grey water because POD loading is lighter and is easier to process.

In keeping with edits & changes, Kathleen had a few other changes that she would like to make. The next one was also on pg. 12, on the third sentence farther down the page, the sentence says ‘it’s cool, but’; she would like to take out the slang and have it instead changed to say ‘she advised to.’ The other change was on the last page under the heading Agenda Items. The change she would like to make is after Kathleen says she would like to add in the second line after ‘Kathleen said the EPA has a healthy watershed program and it’s a new program they are starting to launch’ and then add the words ‘to protect clean water, thereby’ after the word launch. Roger asked Kathleen to repeat her last change which Kathleen complied with. Carrie asked her to repeat a change two changes before, to which Kathleen also complied.

Trevor then came back with his change per Kathleen’s recommendation and said to just take out the words ‘in stream flow.’

In the same paragraph, Karen noticed a wrong acronym, which was TFX, but should be TFS.

Dude asked Carrie if she understood how the minutes were to be amended, wherein Carrie responded that she did understand. Dude then asked for a motion to approve change of minutes as suggested. Motion was moved.

Terry than made a suggestion to Carrie to have the minutes issued in draft form so that the edits can be sent back to and made by Secretary w/out being advised through the meeting. Bob then commented that changes are being made to speed up the delivery of the minutes. Bob asked Carrie if we could get the minutes out to the council in a timely manner. Carrie responded by asking if they would have track changes on everything which was responded by a yes. Carrie then addressed Vanessa and asked if we could have it down in 2 wks or less wherein Vanessa agreed; after which, we would send the draft out for the council to make their changes. Carrie than stated that they would have to be back to her at a certain point so she could get them posted. Terry suggested that minutes are made available to Council member and that he’s not so much concerned about the speed they’re sent out, but more so the feedback the Secretary gets so things are captured correctly; a lot of detail. Terry’s suggestion was agreed upon.

### **MEMBERSHIP**

Bob said that he has been trying to work with the Governor & Director’s office in getting the slots filled. He said that an update was received 1.5 weeks ago indicating that the Governor’s membership appointee had a name to run by the Governor for the

conservation organization and was also doing some follow-up work for regarding the public works director position. This person had a plan to pull MT cities and towns' perspective on who should be in the public works position. Bob said those two positions are in the works and have been recognized as a priority by the Governor's office and that they expect to have those seats filled soon. The person of contact for interest in those positions is no longer Parry Keebler, but the DEQ Director Richard Oppen whom can be reached at 406.444.2544.

## **ACTION ITEMS**

### **Rules for Grey Water Design Standards and Reuse (Presentation)**

Steve Kilbreath and Barb Kingery of the Permitting and Compliance Division gave a presentation on the rules for Grey Water Design Standards and Reuse. Steve started out by answering a few questions; the first question had to do with the S.A.V.E foundation. Steve said that the SAVE foundation is a local organization of Student Advocates for Valuing the Environment foundation, whom are very big on proposing the grey water rules.

Steve also brought up HB 285 which was passed by both the House and Senate & signed into law by the Governor. HB 285, which was passed, was the amendment to the first grey water legislation that allowed grey water reuse to be used in any kind of a setting, not just single family residences; such as, commercial, multiple family, subdivisions. There was also an amendment to the non-significant portion of the water quality act for a non-degradation that said grey water systems designed and installed according to this chapter, and used seasonally, are exempt from non-degradation.

The next suggestion from Council that Steve brought up, was talking with DNRC. Steve said that when he & Barb talked with DNRC they discussed what impacts grey water might have to water rights. Steve said they met with Terri McLaughlin, Jan L'engle and Candi West and talked about grey water reuse systems. The discussion went from impacts, which the DNRC could find none, to senior water right users or in flow use. The thought behind that was that any reuse of grey water for irrigation would result in a lesser quantity of water diverted out of a public water supply or individual well; so there would probably be a wash on any impacts to water right users. The DNRC's concern was the concept of rain water harvesting to use to add to a grey water system for more irrigation water. DNRC had a concern that users might start using rain water for irrigation and at a 1/10 of an acre per yr rain water diversion, the DNRC requires a permit. Barb said that the number was not a hard number, DNRC said that it was a policy they have. Barb said that what she & Steve did with their DEQ 4 chapter, was add a line that says to contact DNRC if using rain water to supplement your grey water system.

Terry asked if rain water is deemed to be waters of the state and wanted to know how the State has authority over rain water. Steve said that users would take the downspout from houses & direct it into the subsurface cistern and that when he & Barb got into that discussion, that was when DNRC came up with the .1 acre fee. Barb said that DNRC

didn't have clear policies in place. Barb thought that there should be something in place for the future regulations.

Kathleen commented about the rule that says to contact DNR if a water user is using rain water to supplement grey water system. Kathleen suggested that the line be changed to if you're considering otherwise the users in violation. Barb responded that it's not in the rules, it's in the DEQ 4 which are guidelines. Barb also mentioned that she believed to have given everyone a copy of the new DEQ 4 that had the new language that was added, if not on the website. Kathleen asked if they felt that the adopting of the ability will induce growth or additional water consumption. Kathleen then cleared up the question by saying what she meant was if it will be easier to get new developments approved? Barb said that she didn't believe so because they're applying for any system that would have a grey water system that would also be able to handle black water according to the current regulations. Barb said that she can't foresee a lot that might not be developed now to grey waters that might suddenly become a viable development location for a house. In addition to Barb's answer, Steve said that people will really have to want to do grey water because of the extra cost on development. Steve also said that there will also be those people that will want to use grey water no matter what the cost. Steve felt that we will see the possibility of a few greener subdivisions that will have grey water reuse systems that can be used for park irrigation; however, because of the cost it will have to be planned upfront.

Terry asked if it was ever possible, where you have a grey water system, to have reason why they'd be considered a point source discharge. Steve said that he doesn't think so at this time because individual on-site waste water systems are no considered point sources & this would be wastewater reuse on the site. Steve also mentioned that it could be a point source if it were a larger system & actually required a discharge permit that hit a 5,000 gallon per day threshold. Steve said that the other point of interest happened in their rulemaking process when they sent out an email to Vaia aleck Hansen asking what the municipalities would allow to have a few grey water reuse systems & a few responded no, Missoula said no they wouldn't allow it all. The responses showed Steve & Barb that there are some conflicts with their rules allowing grey water reuse & within boundaries of cities & towns and local jurisdictions that would say 'no you can't do it'; but that is something that would have to be worked out at the local level. Terry said that the underlying reason to his question had more so to do with nutrients.

Kathleen asked if grey water reuse will add to consumption of water if grey water is discharged. Kathleen also suggested that on the memo to the board on the second paragraph add that you talked with DNRC & also what was discussed. In response to Kathleen's question, Steve said that adding to the water consumption is probably an even wash for extra water you will not be using for irrigation out of a potable system. Kathleen stated that the even wash is nice because of the fact that grey water reuse is a good idea, she would not like it if something such as more water consumption was a negative factor.

Motion was made for other questions, nobody had any, so a motion was made to move forward the design package to the board and the motion was approved by voice acknowledgement.

## **BRIEFING ITEMS**

### **Legislative Update**

John North from DEQ's legal unit gave an update on the bills that were either passed or dead & that a list will be distributed. George Mathieus was unavailable so Bob Bukantis filled in. These are the bills that affected water quality:

**SB 95 Temporary Nutrient Criteria**-Provided a method for gradual implementation of numeric nutrient standards that EPA is requiring states to adopt & that the board will need to adopt in the next year or two. The numeric nutrient criteria are liable to be set at a level that won't be possible at this point for communities to meet, from both a technological and economical standpoint because of the cost. Bill is designed to provide an out for dischargers & the out is temporary nutrient criteria, which can be devised & would applicable to an individual discharger on a stream to which the numeric nutrient criteria standards apply which would be in effect up to 20 yrs. This bill would also provide a mechanism so that the discharger could comply and continue to discharge. Last update, the department would do the analysis & prepare temporary nutrient criteria on a discharger by discharger basis, which would then go to the Board who would adopt those criteria & they would become a rule once they were voted in. The Bill was modified to show that the rule making function was transferred from the Board to the department. The bill was also amended to require a nutrient work group composed of dischargers to devise on the development of base nutrient standards, numeric standards, & also the development of the temporary nutrient criteria, & finally the implementation of the nutrient criteria. The department will have advice from this group & from the work group. The bill will also require dept to report on status of numeric criteria to EQC by July 1 of each year & then September 1 of each year preceding legislative session the cumulative results of the efforts.

Kathleen asked if the work group requirements would slow down DEQ's process. Bob said that it might and that sometime late this year or next year they're going to bring the base numeric nutrient standards to the Board; which, he believes to be alright as it will engage the stakeholders in the process and will include different interests. It was Bob's opinion that this focus advisory group will provide more detailed involvement with the other groups and allow issues to be worked out before going to the Council or Board. Bob also said that he sees benefits to it & he thinks it may slow things down a little bit.

Michael Wendland asked about the status of SB 95 and John said that it was signed by the Governor and passed on August 17<sup>th</sup>.

Terry commented that he appreciates John being able to summarize SB 95 due to its significance and that Bob's input is appreciated as well.

Karen asked if the legislation specify or provide guidance for the work group. John said it's supposed to be point source dischargers & NPS. The definition of the work group is 'advisory work group is convened by the dept. representing publicly and privately owned point source/non-point sources of discharge of pollution and other interested parties.'

**SB 200**-Was on the list last time and hasn't changed. This bill bans the distribution and sale of cleaning agents that contain phosphorus for household use in counties in which a water body exceeds numeric algal biomass or total phosphorus criteria. John said it was his understanding that currently the only water body that has that is the Clark Fork basin to Warm Springs down to the confluence with the Flathead.

Terry commented that SB 200 is a very forward piece of legislature in that communities in MT will reap the benefits down the road because it is a preventative type of action that will help in the future since it was done in advance. Terry also said that this bill will help community costs & he's glad that the bill is in legislation.

Kathleen agreed with Terry, she also brought up that it was tabled the last time the Council met & asked if it was passed. John said that the bill was passed.

**HB 41**-This bill modifies the law regarding aquifer recharge. The laws that existed before HB 41 stated that if there was an aquifer recharge plan that provided a full or direct injection of water from a sewage treatment; if it was going to be directly injected into an aquifer in a closed basin than it had to meet the more stringent of either drinking water or non-degradation standards at the point of discharge. This bill expanded that law to include all aquifer recharge plans. This bill would also include all infiltration galleries, septic systems, etc.

Kathleen asked if they went to re-injections, would this have any relation to coal bed methane? John said it wouldn't with regard to the standards because the standards are there for septic; but, if they are going to use it as a recharge they would have to get a permit. John also said that he believes in this bill, but that the permit would have already been in there anyways.

**HB 285 Grey Water**-This bill expands the provisions for reuse of grey water from just in single family residences to other residences; such as apartment buildings. This bill provides that the reuse of grey water, in accordance with the rules that have to be adopted by the Board, is not significant for purposes of non-degradation.

**SB 498 Carbon Sequestration Bill**-The other bill, the one that did not pass, provided that the permitting agency for the carbon sequestration bill was going to be the DEQ's. This bill provides that the administered by the Board of oil & gas conservation. The bill provides a permitting system; it requires that demonstrations and proposed biologic carbon sequestrations zones would retain the carbon dioxide. Once the injection has been completed, there's a 15 year period. At the end of the 15 year period, the person can apply for a certificate of completion. When that is granted the state assumes the liability for carbon dioxide. There is then an additional bonding period for another 15 years so the

state is indemnified. This bill modifies the water quality act provided that the injection of carbon dioxide into a carbon sequestration that contains water, doesn't constitute pollution of the water as long as it remains in that zone and doesn't require a water discharge. The permit from the Board of oil & gas is sufficient for that purpose. The bill doesn't become effective until the Board of oil & gas is granted primacy to regulate carbon sequestration by the EPA. The bill also provides that it has to be consistent with rules adopted by the EPA for injection & protection of drinking water. By EPA's rules, any source of potable water has to be protected & injections into zones that tend to be brackish & have unusable water.

Kathleen made a comment about the work groups for the temporary nutrient criteria. She suggested that the work group, when you set it up, that it broad representation, not just dischargers that might be affected, but also people that are interested in low nutrients in our streams & rivers.

Duder brought up that there was a scheduled break on the agenda, but a motion was made to just keep moving forward.

### **Wastewater Reuse**

Terry Campbell, from the Technical Financial Assistance Bureau in the Planning Prevention and Assistance Division, gave a brief update on wastewater reuse. Terry said that since the last meeting of the council, 90% of the document has been reviewed by an internal work group. Terry stated that there's one chapter left that needs an overview and then the internal draft will be complete and at that point in time he would like to have it put out for public comment. Terry said his goal for getting it out to the public is June of this year. The document, at this time, is still going to be a guidance document in addition to what is already there for current rule structures. Once the guidance has been made available to the public for a period of a year, and they've gotten feedback from consultants and others who are having to apply the guidance, it would be revised and the approach would then be to try and implement a final rule package in about 2 years once legislative authorization is secured in 2011. After that final rules would be compiled and brought to the Council and then to the Board for adoption. Terry said that his team felt that the legislation needs to be in place for them to be authorized to go forward with the rulemaking, which will need to be accomplished in the next legislative session. Terry said that the statutory authority needed must be secured before the rules can be developed for this program. Terry said they've reduced the guidance document from 220 pgs to Kathleen asked if the Council would be briefed on the contents of the document before it went out to the public so their input can be added. Terry responded that they would as soon as he & his team get the final internal review completed. Terry then asked if that was something that the rest of the Council would be interested in doing.

Dude asked if the document was something that could be available via e-mail. Terry responded that it's only in print right now, but once it's been PDFd he could send it out in e-mail form.

Kathleen suggested instead of having the document read word for word, send out a synopsis or memo of what the guidance is. Terry said he could prepare one for the next council meeting.

Terry McLaughlin suggested sending out a fact sheet if Terry Campbell or his staff had time to put that together. Terry Campbell said that they may be able to put something similar to a fact sheet together. Terry McLaughlin said he didn't want to put any added burden on them, but it would be useful.

### **MPDES Fee Rule**

Jenny Chambers, from DEQ's Water Protection Bureau, gave an update on the MPDES fee rule & handed out a spreadsheet of the figures.

Jenny said that while the agenda just says MPDES fee rules, it also covers permitting actions within the water protection bureau. She said they're not only addressing the point source MPDES that have discharge permits, but those that would also be under general permits for storm water, storm water construction, industrial storm water, CAFO, any of the groundwater dischargers, and also any of the standard authorizations Jenny & her team do; such as, conservation district reviews. Jenny said that she wanted to hold stakeholder meetings & have a lot of stakeholder groups involved in this process & you'll see that in the month of may timeframe & you'll get the first final rule in June & then come back to WPCAC with a final rule draft package & then take to the Board for approval. The MT water quality act requires the Board of Environmental Review to adopt rules that are sufficient to recover the cost of issuing permits, licenses, and other authorizations listed by the Department.

Jenny said that current fee schedule that her team is operating on now was effective on February 15, 2002 & that the collection of the fees must be sufficient to support the full water quality programs & to target fees to allow her team to have a legislative approved budget. She also said that in preparing the fee proposals she & her team estimated using the 2008 current data on the specific types of permits they expect to manage; including, the development of permits that are limited based of flow based currents, non-degradation analysis, expected authorization staffing level, and our compliance monitoring activities required to maintain the program delegation by EPA.

Jenny then went over the spreadsheet she handed out to explain the fee increase & what percentage it might be. Jenny said that in the WPB 2009 appropriation the WPB will get about \$1.6 in fee revenue and the annual fees are \$1.3. The amount of new applications that come in are a little over \$300,000. Since the amount of new applications that come in can't be budgeted, they are going to do a projection on the amount of annual fees that come in, which is roughly \$1.5 per fee revenue from 2009-2013. Jenny's team gets some money from their partnership with EPA to run the delegated program, which is a little over 300,000, so she projected that out because the grant has gone down to run the MPDES portion. The team gets a little bit of non-point source money from the planning division which funds one operating expenditure for the FTE program to assist with Army Corps of Engineers; conservation districts; Fish, Wildlife & Parks, to look at stream

restoration, repairing edges, bridge crossings, authorizations of short-term turbidity increases from construction; \$97,000 is all they get from that. The team will get some general fund in 2009 which is a little over \$60,000 which would again maybe fund one FTE. In the proposed budget now, they are losing their general fund grant. Because of losing the general fund, the only revenue left are their fees, which are \$1.6; a little bit of PPG from the grant from EPA of \$300,000; non-point source, \$97,000; and currently today a little bit of general funds; which they had to take out from the 2010-2013 MPDES account, which leaves the total revenue for the program a little over \$2mil.

There is a cash fund which is what the programs been running on for the last 3-4 years by pulling money out of the cash reserve, which is from fees we've collected in the past. With our \$200 in revenue our total expenditures are \$2.3, so they also take out around \$3-4 thousand out of cash to run the program. They have expenses from personal services, which goes to about 30 staff, money goes to legal, planning division, enforcement to help run the delegated authority, and operating expenses. Jenny said that they've cut the budget every year, as far as operating expense, but they're getting to the point where they're operating at the basis they can operate at & the majority of that budget is in travel.

Total revenue is about \$2 mil, total expenditures is about \$2.4-2.5, and money gets taken out of cash reserve. With the projection on the spreadsheet, in 2010 they'll have a balance of \$70,000; in 2011 \$-600,000; in 2012 \$-1.3. In 2011, you can't go that far because you'll just keep going because you'll have a deficit & it doesn't have a number to tie up on. Jenny said that they're going to assess annual fees based on volume & concentration for major dischargers. She also said they're going to expand the definitions section to make it clearer. They are also going to try to differentiate between an application fee; we have existing companies that pay a renewal fee & others that pay an application fee. They are going to have different fees for renewals & new applications & maintain fee assessment based on outfalls and clarify assessment based on receiving water & compliance monitoring; those are for their point source activities. Jenny said they're going to have a flat rate to determine if a permit is necessary; any work that we do want to get that supported by a fee to pay for the staff person's time. They also need a fee structure and schedule for authorizations to degrade; the dept. & water quality act has the ability for permittees to submit to the dept an authorization to degrade the standards. They're also going to provide a sliding scale for groundwater dischargers, domestic & industrial dischargers; needs to be more equitable across the board for groundwater dischargers. For example, a groundwater discharger has a groundwater discharge permit & it serves the same population as one of our small cities, their fee will be substantially less than some of our small cities that have a surface water discharge permit. The same sliding scale would go with industrial; a small operating brewery with little discharge would pay the same as a large industrial groundwater discharger.

Jenny said they were also going to look hard at storm water & storm water construction & look at those fees based upon the new application fee or notice of intent (NOI) to discharge under the construction general permit. They're also going look at modification fees based upon modifications that come in for construction of storm water permits and look at eliminating them based on outfalls. The outfalls are the receiving waters that the

pollutant load has the possibility of hitting. They're looking at going from an outfall to a percentage acreage based approach. Developers for construction activities, builders will be impacted the most.

Jenny said her team is also looking at a population base for the MS4 permits which is the large cities that have general permit coverage for their storm water systems in the cities/towns. Helena has an MS4.

Jenny stated that what she wants to ask the council members is what their initial thoughts are on how often you want to see her team for fee increases. If there was a 20% increase in 2010, they would be back again in 2011 for a 10% increase, then again in 2012 for a 10% increase, then again in 2013 for another 10% increase. This year, 2009, if we did a 40% increase, there wouldn't be another fee increase until 2013 and that's taking into consideration inflation, the application fees and the revenue that they currently have. In 2002, when they did the last fee increase for the bureau, there was a 22% inflation rate between 2002 & 2009. Technically, the bureau should've come back in 2006-07 for another fee increase to manage the program; but the program had significant vacancy savings from turn-over and staff. Knowing that they're going to have a legislative audit in 2010, all the positions have been filled.

Terry thanked her for being able to summarize & give such a thorough explanation. Terry then asked how the cash reserve Jenny's team has come to be. Jenny said that the reserve came to be because they were using grant money, they were getting a lot more revenue in from industry, and they didn't have the staff so they weren't paying anybody. Terry also commented saying he supports having a full staff he also asked if the fee increases were going to be sector by sector or if they're taking a percent increase across the board approach. Jenny said they were looking at going about it sector by sector by looking at what revenue comes and what they project to have come in to make it equitable across each sector. Terry asked if the 40% increase happens on June 1, would it cover her team for the next 4 years vs. 10%, 20%. Jenny said 40% overall as part of their fee revenue & that it might be that one sector might only have a 25% increase & another might have a 50-60% increase; but across the board it would be about 40%. Terry commented that it's more valuable from a use of resources to go for the larger increase so they know they won't have to repeatedly go through this process & maybe set it up on a 5 year process. Jenny said that in regards to the 5 year period that it would make a lot of sense on her end as well. The trouble is that everybody looks at the cash reserve. She said that she would like to set up a budget where there would be room to do improvements & maintain where they're at right now. Terry then said he'd be more supportive if they could have two additional FTE's in two or three years.

Roger commented that he was in favor of a longer term he agreed with Terry on the bigger picture up front. Roger asked, when in regards to construction for roads, he wanted to know if the inspection of that was something that Jenny's team did. Jenny said that they do & they would have to have a compliance inspection sent to EPA to identify how many inspections they're going to do for that federal fiscal year which would be part of all the permitting sources; so how many miners, how many construction sites, how

many CAFOs . She stated that EPA in the last two years priority has been wet weather; wet weather inspections are construction storm water, sanitary survey overflows, and also some of our CAFO inspections. The individual Roger will meet on May 6<sup>th</sup>'s name is Dan Freeland is their guy in Eastern Montana who's doing all the Eastern MT inspections. Jenny's team does go look at them if they get complaints from the dept. then they will look at those roads on a case by case basis.

Roger then commented that he doesn't know how her team sorts them out by drainage. Roger also suggested that since the pollution from the dirt that gets into streams is so minute if Jenny's team could save some money by not driving out there and instead have these areas be self administered by the MPDES rules. Jenny said the per EPA discharge they're required to get a permit and anything more than 1 acre is disturbance. She said that they would identify which ones to inspect based on priority and how much pollutant load may be contributed based on a certain activity. While looking at it they would decide if it was an impaired water body that's listed for sediment & what are the other high priorities that we instead should be looking at. Jenny said that they have over 1500 storm water construction authorizations & staff of 6 compliance inspectors so there is no way that everyone will get checked, so yes they will be self-monitored.

Kathleen asked if the reserve contained fees that have already been paid for work that hasn't been done yet. Jenny said that it did because they had new applications that came in that had the application & annual fee paid so it would be in the reserve. Kathleen then suggested to call it something other than reserve because it sounds like a flush fund. Terry then mentioned the term restricted revenue to use instead. Jenny said she'll call it carry-forward cash.

Karen commented that the trend is toward non-discharge systems so she asked if they pay a permit if the community quits discharging and if that's significant of the total. Jenny said that she is correct, if they're not discharging they would not pay a fee. She also said that is significant and could be more significant in the future as they start adopting this nutrient criteria.

Kathleen said she agreed with Terry about the resources. Kathleen feels that the rates should be raised every year.

Dude asked if there was anybody in the room from the public that had a comment. Bob said there was, but he had no comment.

### **AGENDA ITEMS**

Terry brought up one mentioned to Bob about asking someone from permitting to give an actual explanation about how they determine calculations for inclusion in nutrient discharge permits. He said that Bob indicated via e-mail it was a pretty good idea. Bob said that he's had a couple e-mail exchanges within the department and he expects to be able to do that by the June meeting.

A question was asked when the June meeting was & Bob replied it was on June 25<sup>th</sup>.

Kathleen said that she would like to add to the agenda to talk about EPA's healthy watershed program. Bob said he did some follow-up on that & he got a false lead, but was not able to track down anyone that knew anything about that, other than there was a website that has some information on EPA healthy watersheds. The next lead he said he's going to try is to find out before the next meeting is if there's any current initiative. Kathleen told Bob that she had the name, phone number, & E-mail of the head of the EPA if he would like it.

Meeting was adjourned at 11:56 A.M.