

WATER POLLUTION CONTROL ADVISORY COUNCIL

**Metcalf Building, Room 111
1520 East Sixth Avenue, Helena, MT
February 18, 2010
Meeting Minutes**

Attendance

Council Members Present: Vice Chairman Trevor Selch

Council Members Present via Telephone: Chairman Dude Tyler, Earl Salley, Corey Fisher, Mike Wendland, Stevie Neuman, and Sue Higgins (for Kathleen Williams)

Council Members Absent: Richard Hoehne, Karen Bucklin Sanchez, Roger Muggli

Meeting Recorder Present: Carrie Greeley, DEQ

Department Personnel Present: Bob Bukantis, Robin Rung, Mark Bostrom, Claudia Massman, Art Compton, Rod McNeil, Tom Reid, Naomi Fleury, Vanessa Redmond, Joyce Wittenberg

Interested Persons Present: Don Allen, Western Environmental Trade Association

Call to Order

The Water Pollution Control Advisory Council's February 18, 2010, meeting was called to order by Chairman Tyler at 10:03 a.m.

Approval of [Agenda](#)

Chairman Tyler asked if there were any comments on the agenda. There were none. Mr. Wendland moved to accept the agenda as distributed. Ms. Neuman seconded the motion. The agenda was approved with a unanimous vote.

Approval of [Minutes from the January 7, 2010, Council Meeting](#)

Chairman Tyler called for comments on the January 7, 2010, meeting minutes. There were no comments. He called for a motion to approve the minutes as submitted. Ms. Neuman so moved. Mr. Salley seconded the motion. The motion carried with a unanimous vote.

ACTION ITEMS

Upcoming Triennial Review of Standards/DEQ-7

Mr. Bukantis explained that this Triennial Review will open all of Montana's water quality standards for review and comment, and that DEQ is particularly interested in review, comment, and any new information related to its EC and SAR standards, in light of Judge Brimmer's ruling that declared the standards invalid under the Clean Water Act. He said EPA has to act on DEQ's 2003 and 2006 submittals again. He said there are no changes to the standards being contemplated at this time – DEQ is just looking for comment and new information; that the changes being proposed are for DEQ-7, as well as some specific changes to standards that are more directly written into rule; and that the intent of the changes is to clean things up to be more consistent in writing discharge permits.

Mr. McNeil presented a [PowerPoint](#) presentation on the proposed updates to [DEQ-7](#), for the consolidation of corrections and submissions for 2008 and 2009. The changes include: a rewrite of the introduction; the addition of 20 pesticides and 3 metabolites; changes to conform

to EPA National Water Quality Criteria, including 7 revisions to existing toxicology limits, 5 new compounds from the priority pollutant list, and 9 new compounds from the non-priority pollutant list; corrections for typos and incorrect synonyms; alteration of footnotes to reflect incorporation of frequency and duration for all standards, as well as separating comments specific to either human health or aquatic life standards; and alteration of format, and modification of cell contents to allow electronic searches of the entire database, within any field. He responded to questions from council members.

Mr. Reid referred to the [rule packet](#) that was attached to the agenda and proceeded to review the 10 changes suggested by the Water Protection Bureau. He suggested striking the definition for "Mixing Zone," and insert the language from Subchapters 5 and 7; deleting one of the water use classifications, since CBM produced water was deemed a waste by the Ninth Circuit Court, therefore is subject to regulation the Clean Water Act and the Montana Water Quality Act; striking provisions (c) and (d) in ARM 17.30.619 to eliminate duplication between Subchapters 6 and 12; striking language from 17.30.629 regarding C-3 Classifications; striking provisions (2) and (3) from 17.30.635 to be consistent with earlier deletions; striking provisions (3)(a) and (b), and (4) from 17.30.637 since this is historical language that is now addressed in the Metal Mine Reclamation Act and the federal Clean Water Act; and striking 17.30.658 G-1 Classification Standards.

Mr. Bukantis said it would be appropriate for a motion to recommend that the package proceed to the Board of Environmental Review at its next regularly scheduled meeting to initiate the rulemaking. Mr. Salley so moved. Mr. Selch seconded the motion. Chairman Tyler called for a vote and the motion carried unanimously.

Mr. Reid reminded everyone that the MPDES rule package will be coming before the Council soon.

Public Comment

Chairman Tyler called for public comment. No one responded.

Agenda Items for Next Meeting

Chairman Tyler asked if there were any items for the agenda for the next meeting.

Mr. Bukantis said there would be updates to the council on regular items, as well an update regarding the BER's action on the Triennial Review. He said the next meeting is April 15.

Mr. Reid confirmed that he intended to have an action item on the next agenda also.

Chairman Tyler confirmed that Mr. Selch had been appointed Vice Chairman, since he will not be able to attend the next meeting. He suggested that Mr. Bukantis work with Mr. Selch to set up the next agenda.

Brief discussions took place regarding the search for a replacement for Terry McLaughlin; the PowerPoint presentations for the Triennial Review item; and the need for a letter of commendation for Mr. McLaughlin.

Adjournment

Chairman Tyler announced the meeting adjourned at 10:50 a.m.