

Water Pollution Control Advisory Council Meeting Minutes

Room 35 Metcalf Building Helena

January 7, 2010

10:00 A.M.

Present in room 35

Council Members: Trevor Selch

Others: Jenny Chambers, Permitting and Compliance Division, Water Protection Bureau (PCD, WPB) (Alternate Secretary); Tom Reid, PCD, WPB; Carrie Greeley, Planning, Prevention and Assistance Division, Water Quality Planning Bureau (PPAD, WQPB); Vanessa Redmond, PPAD, WQPB

Council Members Joined by Conference Call

Dude Tyler (Chair); Roger Muggli; Earl Salley; Karen Bucklin Sanchez; Richard Hoehne.

Absent

Absent Council Members: Corey Fisher; Stevie Neuman; Michael Wendland; Kathleen Williams

Others: Bob Bukantis (Secretary), PPAD, WQPB

Call to Order

Mr. Tyler called the meeting to order at 10:02 a.m.

Approval of Agenda

Mr. Tyler asked for changes or comments to today's agenda. No changes were requested and agenda was approved.

Approval of meeting minutes from November 5, 2009.

Mr. Tyler asked for any changes or additions to the November 5th meeting minutes. No comments or revisions voiced. Mr. Salley made the motion to approve the minutes as they are, and Ms. Bucklin Sanchez seconded the motion. Voice vote was taken and the motion carried to approve the minutes.

ACTION ITEMS

Review/Selection of the Chair Person for 2010

Ms. Chambers gave the update that Terry McLaughlin has resigned from the council. It was asked if it would be appropriate for the Council to recognize him for his service to the Council. The Council decided to ask Mr. Bukantis to draft a letter to the Director to send to the Governor to recognize Mr. McLaughlin's service.

A discussion was made about the 2010 Chair. Mr. Selch said that Mr. Tyler is doing such a good job that he should continue to be Chair. Mr. Tyler said he will do for one more year and after that he'll refuse. Mr. Muggli motioned to have Mr. Tyler as Chair for another year and Mr.

Salley seconded. A voice vote was made and the motion carried to have Mr. Tyler as the Council Chair for the 2010 meetings.

Mr. Tyler asked for Vice Chair nominations. Ms. Williams and Mr. Selch were nominated as Vice Chair. Mr. Salley motioned to nominate Mr. Selch for Vice Chair and Ms. Bucklin Sanchez seconded the motion. Voice vote was made and the motion carried to have Mr. Selch as Vice Chair.

2010 Calendar Approval

Mr. Tyler asked for comments on the 2010 meeting calendar. There were some conflicts for some council members for February 18th, April 15th and June 24th meetings. For the April 15th meeting Mr. Tyler asked that Mr. Selch chair that meeting as he will be available. Mr. Salley motioned to approve the calendar as written, and Mr. Selch seconded. A voice vote was taken and the 2010 calendar was approved.

BRIEFING ITEMS

MPDES Rules

Mr. Tom Reid from the Water Protection Bureau of the Permitting and Compliance Division gave an update on the background on the MPDES rules. They intend to bring the rules before WPCAC and the Board this year to update the MPDES rules in three phases. By February they hope to have a draft of the phase 1 rules ready for WPCAC after the public involvement and internal review. Mr. Tyler asked when they bring them to WPCAC will they be seeking WPCAC to suggest they be approved by the Board. Mr. Reid said they will be brought to WPCAC for review and comment and then on to the Board. It was asked for Mr. Reid to send the rule packet out 2 weeks before bringing it to WPCAC. If not done by February meeting then it would be the following meeting. These will be complicated rules and that is why they are giving a briefing. Ms. Chambers said when they bring the rules to WPCAC it will be to allow them to initiate rule making to the Board and then the Board will allow them to initiate to the rule making and then it goes out to more stakeholder and public comments before they finally adopt them. Once they start this process it takes 6-8 months before they are adopted.

Mr. Reid said that Montana has been delegated to issue MPDES permits since 1974 and from time to time they have updated, incorporated and expanded the rules significantly. There are 5 different areas under the federal NPDES permit. In Montana the permits are called MPDES (Montana Pollutant Discharge Elimination Systems) permits and are the same as the federal NPDES (National Pollutant Discharge Elimination Systems) permits. EPA delegated three of the five program areas to Montana. These include individual, federal facilities and general permits. EPA maintains bio solids and pre-treatment and the permitting done on Indian Reservations in Montana. The last major update to our rules was 1991. In the past they have come before the Board with specific rules changes such as Concentrated Animal Feeding Operations and phase 1 and phase 2 of the federal storm water rules. In the MPDES rule package he is focusing on Subchapters 11, 12, 13 and 14 for this update. Subchapter 11 is storm water, subchapter 12 is effluent standards, subchapter 13 is permits, and subchapter 14 is pretreatment even though we are not delegated to permit pretreatment we still have pretreatment rules. In subchapter 12 effluent standards are different than water quality standards. The Board

has adopted in subchapter 12 performance based effluent limitations that are incorporated by reference to the federal effluent guidelines which defines minimum treatment requirements for permits. There is an overlap between subchapter 12 and subchapter 6 (water quality standards). The goal is to update subchapter 12 to incorporate by reference the federal regulations to maintain consistency with EPA. Right now our regulations refer to the 1991 federal register.

Phase 1 will be subchapter 12 and subchapter 13 will be broken into three phases including application requirements, definitions and basic permitting process. EPA updated the CAFO regulations and wants states to incorporate and identify how they are incorporating nutrient management plans into permits. Subchapter 13 goes into more detail on how we administer the program in Montana. Phase 2 general permits, conditions of permits, issuing and processing of MPDES permits. Phase 3 will be subchapter 13 that deals with appeals, stays, public notice and public hearings. Mr. Reid said phase 1 should not be controversial as it is right out of the federal rules. When they are done with the phases they should be on par with federal rules.

The Water Protection Bureau is also working on a permit writer's manual which is an implementation policy and procedure on how they translate water quality standards into permits. It is in the final stages of internal review and comments from EPA and they will bring that to WPCAC in the future. It will fill in the blanks between rules and how they actually write a permit. The rules are available on line now. Mr. Tyler asked for comments.

Ms. Bucklin Sanchez said she is enthusiastically supportive of updating chapters as the permitting process can be confusing and clarifying it would help. She asked if the permit writer's manual will be available to the public. Mr. Reid said it will be available to the public to use. Right now it will go to stakeholder groups and will be available on the web site soon. Mr. Tyler asked for questions or comments and none were voiced.

Public Comment

No public comments.

Agenda Items for Next Meeting

Mr. Tyler asked for items for next meeting and no suggestions were made.

Adjourned at: 10:33 a.m.