

# WATER POLLUTION CONTROL ADVISORY COUNCIL

Metcalfe Building, Room 111  
1520 East Sixth Avenue, Helena, MT

August 19, 2011  
Meeting Minutes

## Attendance

**Council Members Present:** Trevor Selch, Earl Salley, Karen Bucklin Sanchez, Richard Hoehne, Kathleen Williams, and, Michael Wendland.

**Council Members Present via Telephone:** Corey Fisher.

**Meeting Recorder Present:** Stephanie Crider

**Department Personnel Present:** Bob Bukantis, Jenny Chambers, Steve Kilbreath, Barbara Kingery, Rod McNeil, Dean Yashan, and, Mike Suplee.

**Interested Persons Present:** Gail Abercromlie and Brenda Lindlief-Hall.

## Call to Order

The meeting was called to order by Mr. Trevor Selch (acting chairman) at 10:04 am. A quorum was present.

## Introductions

A brief round of introductions was made by council members.

## Approval of Agenda

Acting chairman Selch asked for a motion to approve the [agenda](#) as written; Mr. Earl Salley moved to approve, and Mr. Michael Wendland seconded. Agenda was approved.

## Approval of Minutes

Acting chairman Selch asked for a motion to approve the [minutes](#) from the April 14, 2011 WPCAC Meeting; Mr. Wendland moved to accept the minutes as written, and Ms. Karen Bucklin Sanchez seconded. Minutes were approved.

## ACTION ITEMS

### DEQ 4

Mr. Steve Kilbreath and Ms. Barbara Kingery from the Public Water Supplies and Subdivisions Bureau presented a detailed [review](#) of the proposed changes to the [DEQ 4](#). DEQ 4 is the design standards for on-side waste standards in the state of Montana. The bureau put together a small committee with people from different bureaus of the DEQ, consultants, and county sanitarians; with a total group size of twelve.

The revisions eliminated technical inconsistencies that were in the previous version. Stakeholder meetings were held in Polson, Helena, and Billings where everyone was invited to attend. For those

individuals that could not attend a blog was established for comments. DEQ has been working on putting all the comments into a cohesive unit to ensure that they will be reflected in DEQ 4. Trying to make the document more reader friendly, with new formatting that divides the information into chapters, grouping liked systems together, and linked certain things together with DEQ 2 to cut down on the confusion between the two documents.

The plan is to take DEQ 4 to the Board of Environmental Review (BER) for approval. There will be a much longer comment period for the formal process since there has been such a long time period since the document has been reviewed. Currently, they are waiting for approval from both the EPA.

Both Mr. Kilbreath and Ms. Kingery answered questions from the council members. Acting Chairman Selch asked for a vote; Mr. Salley motioned to let them proceed with the changed to DEQ 4 and take it to BER while they are reviewing. Mr. Hoehne seconded with Ms. Williams encouraging the longer review period that was mentioned earlier in the meeting. Acting Chairman Selch called for a voice vote, with all in favor, the motion carried.

## **BRIEFING ITEMS**

### **Nutrient Standards**

Dr. Mike Suplee gave an update on where the water quality standards are. Senate Bill 367 allows dischargers to receive long-term variances for nutrients. There are three categories of dischargers: greater than one-million gallons per day, less than one-million gallons per day, and, lagoon treatment systems. The newer standards will become: at least 1mg total phosphorus per liter and 10mg total nitrogen per liter for less than one-million gallons per day, 2mg TP/L and 15mg TN/L for more than one-million gallons per day, and, hold current standards for lagoons.

The overall goal with the new nutrient standards is that dischargers will have a 20-year time period to comply with the standards. This timeline will allow for conformity to cost and technology changes. Along with the, starting 2016 the Nutrient Workgroup will meet every three years to revisit discharge standards to ensure that they are more stringent as the technology improves.

At a technical level there have been large reviews made and now they are preparing a public review for the first numeric standards for the lower Yellowstone River. They developed two different criteria from this model, finished the internal peer review, and are going to external peer review. DEQ is working on a similar approach for the Upper Missouri, and anticipate having a model built within a year or two.

The Nutrient Workgroup has the following timeline: on September 1<sup>st</sup> the Nutrient Workgroup will have a subcommittee meet to discuss policy issues on Senate Bill 367 from the stakeholders perspective from 10am-4pm in Room 111 (the agenda is on the Nutrient Workgroup website); in fall/early winter expect to complete the numeric nutrient criteria recommendations for the lower Yellowstone River; present the new rule package to the Nutrient Workgroup where they can come to WPCAC in late winter then BER in February 2012. Dr. Suplee answered questions posed by the council members.

### **Lunch**

WPCAC broke for lunch at 12:00pm and returned at 12:49pm.

### **TMDL Update**

Mr. Dean Yashan handed out a TMDL outreach [pamphlet](#) and presented a TMDL [program update](#) that included program summary information and a status [map](#) of project areas. Mr. Yashan stated that most of the TMDL development falls into one of the following main pollutant groups: sediment, nutrient, metals, temperature, salinity, and pathogens. One segment of a waterbody can have multiple pollutant impairment problems, requiring multiple TMDLs. TMDLs are completed for multiple water bodies in a watershed or project area and then normally bundled into one document; for example the Lake Helena document had over 100 TMDLs. Currently, the TMDL program of the Water Quality Planning Bureau is trying to do all of the TMDLs at one time in a watershed, particularly for a given pollutant group, independent of the date when the stream was assessed and added to the state's 303(d) list. This is called a "list neutral" approach.

The following TMDL documents have been completed since August 2010: West Fork of the Gallatin (sediment, nutrient, and pathogens TMDLs), Lower Clark Fork Tributaries (sediment TMDLs), Redwater (nutrients and salinity TMDLs), and Missouri Cascade-Belt (metals and salinity TMDLs). The following TMDL documents are nearing completion: Bitterroot (sediment and temperature TMDLs), Tobacco (sediment TMDLs), Landusky (metal TMDLs), Little Blackfoot (sediment, metal, and nutrient TMDLs), and Flint (sediment and metal TMDLs).

Looking ahead, TMDL development pace will remain high with an increase in nutrient TMDLs within watersheds with a combination of point and nonpoint sources. Per the 2010 303(d) list there are approximately 1597 TMDLs that still need to be developed as part of the total existing workload; of which 664 are scheduled for completion before 2014. Out of the 664 DEQ predicts that about 10% will not be written because DEQ will conclude that the waterbody is no longer impaired for one or more pollutants. However, the DEQ predicts that there will be a TMDL increase of about 20-30% based on newly found impairments during TMDL-related sampling activities. After his presentation, Mr. Yashan answered questions from the council members.

### **Yellowstone River Spill**

Mr. Selch and Ms. Chambers presented [information](#) regarding the Yellowstone River Spill and the subsequent clean-up effort. The spill occurred on July 1, 2011, and it was estimated at 1,000 barrel spill. The spill occurred at high water and the river has gone down over six feet in elevation since. The Shoreline Cleanup Assessment Techniques (SCAT) teams document the degree of the oil spilled per area and break it into segments that are mapped out. There is a federal and state representative on all of the teams and at the end of each day they create a combined treatment recommendation (cutting vegetation, removing booms, and approved treatment methodologies). Some fish sampling has been conducted in the area as well. At this point nothing has been detected in the fish tissue; fish fillet samples have all been non-detect for Petroleum hydrocarbons, although concentrations have been detected in a gonad and liver tissues.

Ms. Chambers stated that they are removing vegetation and trees by cutting or removing soil. DEQ will be looking at the long term restoration and monitoring after the clean-up. Ms. Chambers also stated that the SCAT team comes up with a plan, the Operations teams executes the clean-up plan, and then a Re-SCAT team is sent back for quality assurance to ensure that the oil has been removed. EPA is the primary agency over the Clean Water Act and DEQ is the lead agency and is managing the incident command. Both agencies are hoping to finish the clean-up recovery before the snow falls. Both Mr. Selch and Ms. Chambers answered questions posed by the council members.

### **DEQ Submittal of EC/SAR Rationale to EPA**

Mr. Art Compton relayed that the [EC/SAR Rationale](#) that has recently been submitted to EPA for approval. The document had a sixty-day comment period that closed in June 2010. It is a broader and deeper description than the original technical basis; the document has more than doubled in length. Was certain to incorporate new literature that has been published since the original rulemaking in 2002. The document was formally submitted to the Region 8 EPA on June 8, 2011 with no projected timeframe for when DEQ will hear back from EPA. Mr. Compton addressed questions posed by the council members.

#### **DEQ-7 and Associated Changes**

Mr. Rod McNeil [presented](#) information on the revision of the [DEQ-7](#). DEQ-7 is proposing 246 new Required Reporting Values (RRV's). A list of all of the procedures performed to determine these values are listed in DEQ-7 in the footnotes. Mr. McNeil covered changes to human health and aquatic life standards. This year alone EPA changed seven different Human Health Criteria, altered three aquatic life standards and revised the categories of 15 compounds. EPA has recommended that the DEQ adopt a new standard for Haloacetic acids for drinking water, which currently is not being quantified unless under a permit in the Public Water Supply Bureau. Mr. McNeil is coming back to WPCAC in November with DEQ-7 2012 as an action item.

#### **Public Comment**

No public comments.

#### **Agenda Items for Next Meeting**

The next WPCAC meeting is scheduled for November 3, 2011. It is expected that DEQ7 will come back as an action item with the intent to go to the BER in December. Ms. Chambers will have permitting rules. A chair for next year will need to be picked, as will the first meeting date for the next year. Finally, Subchapter 6 draft changes will need to be addressed.

#### **Adjournment**

Mr. Selch asked for a motion to adjourn. Kathleen moved, and Earl seconded. The meeting adjourned at 2:36pm.

## REFERENCED LINKS FOR THE MEETING MATERIALS

(Sites last updated 9/22/11)

**Agenda** - <http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/August19/AGENDAAug19.pdf>

Agenda Links:

- Approved Minutes from April 14, 2011  
<http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/April14/FINALApril142011WPCACMinutes.pdf>

### **Presentations**

- DEQ-4
  - <http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/August19/workingdraft081611.pdf>
  - [http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/August19/Summary of Changes to DEQ4 July 2011.doc](http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/August19/SummaryofChanges to DEQ4 July 2011.doc)
- TMDL Update
  - <http://deq.mt.gov/wqinfo/TMDL/pdf/understandingTMDL.pdf>
  - [http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/August19/WPCAC TMDLMap\\_8-15-11.pdf](http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/August19/WPCAC_TMDLMap_8-15-11.pdf)
  - [http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/August19/WPCAC MT TMDL\\_Dev Status\\_8-16-11.doc](http://deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/August19/WPCAC_MT_TMDL_Dev_Status_8-16-11.doc)
- Yellowstone River Spill
  - [http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/August19/Yellowstone Oil Spill.ppt](http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/August19/YellowstoneOilSpill.ppt)
- DEQ Submittal of EC/SAW Rationale to EPA
  - <http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/August19/FinalRationale.pdf>
- DEQ-7 and Associated Changes
  - <http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/August19/DEQ7Web.pdf>
  - [http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/August19/Proposed Changes to DEQ-7 2011.pdf](http://www.deq.mt.gov/wqinfo/WPCAC/agendasMinutes/2011/August19/ProposedChanges to DEQ-7 2011.pdf)