

W₂ASACT MEETING MINUTES
December 8, 2009
10:00 a.m. to 12:30 p.m.
Department of Environmental Quality
1520 East 6th Avenue
Director's Conference Room - Room 111
Hosted by - DEQ

MEMBERS PRESENT INCLUDED

Todd Teegarden	DEQ/SRF	Pam Smith	DNRC/CARRD
Nancy Geary	DEQ/SRF	Kathy Brenden	MDOC/CDBG
Mark Smith	DEQ/SRF	Kate Miller	MDOC/TSEP
Anna Miller	DNRC	John Arrigo	DEQ/Enforcement
Bob Fischer	DNRC	Frank Gessaman	DEQ/Enforcement
Rick Duncan	DNRC	Becky Beard	BETA
Rachel Clark	DEQ/PWS	Jay Sinnott	EPA
Alice Stanley	DNRC /Resource Dev.	Sienna Paquin	EPA
Pam Higgins	MAP	Craig Erickson	Great West Engineering
Nick Clos	MRWS	Dennis Horn	BOI - INTERCAP
Jim Edgcomb	MDOC/TSEP	Major Robinson	Northern Cheyenne

CALL TO ORDER, SIGN-IN SHEET, AGENDA CHANGES

The scheduled meeting of the Water, Wastewater, and Solid Waste Action Coordinating Team (W₂ASACT) was called to order at 10:07 a.m. on December 8, 2009 by Todd Teegarden, Chair. A sign-in sheet, agenda and minutes of the last meeting were made available to those in attendance. Mark Smith moved to approve the minutes; Bob Fischer seconded the motion; the minutes were approved and adopted. There were no changes made to the agenda. All those in attendance introduced themselves.

Jay Sinnott introduced Sienna Paquin, newly hired by EPA, and mostly working with the Public Water Supply on enforcement. Sienna asked for assistance with a surface water system in Pinesdale that needs to upgrade their system to address some turbidity exceedence problems. Please contact her at paquin.sienna@epa.gov with any funding help you can provide. EPA does not expect a large number of projects to be referred by the State to them for enforcement in the future. Fines over \$10,000 for noncompliance must be referred to the Department of Justice.

John Arrigo and Frank Gessaman from DEQ Enforcement explained the procedures used by the State in referring a case to the EPA. EPA determines what constitutes a significant noncompliance (SNC). Using this criteria, DEQ is expected to take timely and appropriate enforcement action against violators. When dealing with drinking water systems, the EPA designates SNC's which are submitted to DEQ each quarter. Because of the State's overload of noncompliant cases during the past few years, the EPA volunteered to help with enforcement of some of these SNC's, as

referred to them by DEQ. Now, because the DEQ backload has been reduced, the EPA will only need to take approximately 10 cases during the year.

There is one difference in the way the State and EPA deal with enforcement. With EPA, the first order is a compliance order; they don't seek penalties unless there is noncompliance with that initial order. The State can issue administrative orders and seek penalties. However, the State first tries to find a solution by working with the community to locate funding sources for correction of the problem and requires submittal of a plan to reach that end. Penalties and Court proceedings are a last resort for those who are uncooperative.

Please call John (444-5327) or Frank (444-3390) with any questions you might have.

UPDATES (IF NEEDED) FROM SUBCOMMITTEES

WORKSHOPS - Bob Fischer: Spring of 2010 workshops have been scheduled for February 17th at the Heritage Inn in Great Falls, March 3rd in Missoula at the Holiday Inn, and March 10th in Billings at the Hilton Garden Inn. The agendas should be set by the end of the month, with the application process being the main theme. Rooms will be set aside at all locations except Great Falls.

UNIFORM APPLICATION - Jim Edgcomb: The updated application is now online and is presently being printed. There should be plenty of copies to take to the workshops.

STANDARD DOCUMENTS - Bob Fischer: The new Montana Public Works Standard Specs should be out in January. Each agency will need to purchase a set. The Standard Supplement will be updated at that time.

INTERNET WEBSITE - Pam Smith: It would be useful to view the website at the workshops so those interested might learn to navigate to their interests.

UPDATES ON ONGOING TOPICS

EMERGENCY PROJECTS - Bob Fischer: Currently there are none.

TRIBAL ISSUES - Jim Edgcomb: The Blackfeet project is progressing and it appears that funding is in place to complete the water treatment plant. The second phase of the Crow project (lagoon) is nearing completion

Jay Sinnott: - The current Crow project is in Phase 2 (Lagoon). Additions to the project are expected and a new environmental review will be required for any future work.

PER's have been received from the Northern Cheyenne and possibly the Fort Peck and Crow Tribes. Lodge Grass is participating in training to make certain of a secure financial system before beginning a real project. M A P is participating in this

assistance.

REGIONAL WATER PROJECTS - Rick Duncan presented the following report:

Fort Peck- Dry Prairie

Work is proceeding on the regional water treatment plant (WTP) construction, scheduled for completion by July 2011. Primary contractor is MSCI of Idaho. The Tribes have also received queries from Reclamation as to their ability to utilize more A R R A funding; Reclamation received assurances that there would be opportunity to build more pipeline toward the eastern and western boundaries of the reservation if a second round of ARRA funding were to be received.

The Fort Kipp project, jointly funded by Dry Prairie and the Fort Peck Tribes, is nearing completion. The off-reservation segment from Culbertson to the Big Muddy is essentially complete, with cleanup and pressure testing work having been carried out in November. The contractor (Macon Construction) installed the water supply main from the Big Muddy to Fort Kipp; work on the smaller line extension, which will pick up most rural connections, is still under way.

On Dry Prairie's Valley County project, Carstensen Contracting had installed 93 miles of a total of 108 miles of project piping by the end of November, including 142 of 209 planned water services. This represents 83% of the amount of contract work completed, with 37% of contract time having expired.

For the Culbertson operations and maintenance (O&M) building, the prime contractor (MBA) had completed the concrete work and the framing of the stick-built walls, but was delayed approximately one month on delivery of roof trusses which were scheduled to arrive last week.. As of November 30th, just over 36% of the structure was complete. The septic tank and drainfield system for the structure is also complete

Please refer to the following December 2, 2009 report for details.

Rocky Boy's-North Central

At the October annual meeting of the North Central Montana Regional Water Authority in Dutton, 4 of 5 sitting members of the regional board's executive committee were defeated. New members of the executive committee are Larry Bonderud (Shelby), Bill McCauley (Cut Bank), Cheryl Curry (Conrad) and Bob Rice (Havre). Because Mr. Rice then was not re-elected as mayor of Havre in the municipal elections early in November, it is expected that the new mayor will designate a replacement for Rice on the authority board in January. The board will then need to vote to replace Mr. Rice on the executive committee at their first quarterly meeting in 2010.

Refer to the following December 2, 2009 report for details

Dry-Redwater

Authority board members are still awaiting a favorable sub-committee report from the

Water and Power Sub-committee of the Senate Energy and Natural Resources Committee regarding S.637, to authorize their \$112 million project. A recent report indicates that Representative Rehberg has requested drafting of a companion bill for introduction in the U.S. House.

Central Montana (Musselshell-Judith project)

The Authority is finalizing negotiations with landowners north of Judith Gap for location of a well field for the regional system. Next Authority meeting is December 9th at 1 PM in Roundup.

W2ASACT PROJECT TRACKING SHEET - Jim Edgcomb: The latest information is on the web, and all new changes are being accepted at any time for future updates.

ARMY CORPS OF ENGINEERS - SECT. 595 PROGRAM & PROJECTS - Pam Smith: The Final List of FY10 Section 595 Projects was distributed. The amount awarded to each section will be divided equally between the projects. However, the award amounts were not the same for the Seattle and Omaha Offices. This money is available as soon as it is contracted.

STAG PROJECT UPDATES - Todd Teegarden and Jay Sinnott: A Region 8 Appropriations List was handed out. Five Montana projects are listed in varying amounts, depending on the amount requested. Projects must fit within the FONSI that has already been completed for the appropriate grant. When EA's or FONSI's must be done, DEQ and EPA will continue to coordinate with each other.

PROGRAM / PROJECT UPDATES

Jim Edgcomb (TSEP) - Friday is Erin Thielman's last day, so the Department is preparing to fill both Kim Hayes' and Erin's positions. Hopefully in another month the selection will be complete and two new people will be aboard.

Pam Smith (DNRC) - The Department is busy with contracting regular and planning grants, as well as preparing for spring PER's. Alice Stanley and Bob Fischer will help with this process.

Anna Miller (DNRC) - Because of the February 17, 2010 deadline for Stimulus funding, work is very busy! Federal Davis Bacon Wage requirements for all SRF funding may cause problems. These changes have been challenged for the next appropriation.

Major Robinson (Northern Cheyenne) - What happens when Tribes don't have to use Davis Bacon? The requirement is tied to the project, so there would not be any savings because of exempt status.

Becky Beard (BETA) - Although they used to in the past, now the RD office is not issuing commitment documentation until the contract is in place. Would it be possible for the W₂ASACT group to work with RD to get some kind of Agreement of Intent to Fund that would be acceptable

to the other funding agencies as proof of participation so project funds can be released? Pam Smith agreed to work with Becky to discuss a possible solution.

Todd Teegarden (SRF) - Todd thanked the group for all their work, and reminded them his tenure as Chairman has expired. DNRC will take over the duties now held by DEQ.

Rick Duncan (DNRC):

Regional Water update for December 2, 2009 Resource Development Bureau meeting

Regional water projects receiving state grants in 2009

- North Central Montana Regional Water Authority (NCMRWA)
 - o \$950,000 for piping materials and appurtenances for Box Elder pipeline for Chippewa-Cree Construction Corporation (CCCC) project on-reservation
 - o \$1 million State match/over-match for North Havre County W&S District, for interim water supply to North Havre from City of Havre; pipe & pump station
 - » Dry Prairie Rural Water Authority, \$1,892 million for State share plus over-match for:
 - o Valley County project to bring interim water supply to rural customers and the Town of Nashua, with water from Montana Aviation Research Corporation
- D Operations and Maintenance (O&M) building located north of Culbertson

The Department has also received applications from NCMRWA for:

- D \$4.76 million for the majority of construction costs on a project which would bring interim water service to South Chester WUA and Riverview Hutterite Colony from Tiber County Water District
- D \$2 million on behalf of the CCCC for purchase of 36-inch diameter steel pipe materials for one of two Core pipeline segments which will be under construction in 2010

The third phase of the regional water treatment plant for the Fort Peck-Dry Prairie system is currently under construction. Completion of this phase is expected by July 2011, at which time the WTP will come on-line in order to begin providing regional water to the systems. Approximately \$25 million of the \$40 million in ARRA grant funds to the Fort Peck Tribes is being used for this phase of the WTP.

The regional water treatment plant for the Rocky Boy's-North Central system is still in planning stages. Engineering firms and the Bureau of Reclamation are currently re-evaluating reports and preliminary design information for plant capacity and costs. Reclamation expects to implement a further Value Engineering process for the WTP, given current cost estimates.

Communities/Districts which received/will receive water in 2009 from regional systems are:

- D Fort Peck-Dry Prairie - Town of Nashua (MARCO); Fort Kipp (Culbertson)
- D Rocky Boy's-North Central - N. Havre County (Havre); CC Tribal housing (Box Elder)

Nick Cios (MRWS) - SRF and TSEP want booths for the conference on the 17th, 18th, and 19th. The rest will be determined later. There will be a "Johnny Cash Imitator" for the conference

entertainment.

Pam Higgins (MAP) - Dustin White moved from Laurel to Bigfork, so he will now serve Western Montana. The training schedule will be put on the calendar of the MAP website http://www.map-inc.org/solutions_training_schedules.html.

Jay Sinnott (EPA) - EPA must do its own FONSI or CATEX and Environmental Reviews on STAG projects. They will still coordinate with DEQ to get these done.

Mark Smith (SRF) - SRF's are working to meet the February 17th ARRA deadline, as well as preparing and submitting the 2009 Annual Report for EPA. Funding has increased for the next year and there will be a Green Requirement and a Principal Forgiveness component. The current year IUP's may need to be amended to incorporate these components.

OTHER ISSUES

Anna Miller thanked Todd for being the chairman of the group for the past 2 years. The new W₂ASACT chair for 2010-2011 will be Pam Smith from the DNRC. All present files will be transferred from DEQ to DNRC in time to prepare for the next meeting, which was scheduled for February 9, 2010, to be hosted by Commerce.

Adjournment (approximately 12:15)