

W2ASACT MEETING NOTES
 Meeting on January 10, 2023, 10 am to 12 pm
 Dept. of Natural Resources & Conservation, 1539 11th Ave, Helena, Montana
 First Floor Montana Conference Room and Zoom

Zoom Meeting participants:

1	Adam	26	Kyle Krenik - WGM
2	Amy Personette, DNRC	27	Laura Gundlach - MMI
3	Andrea Vickory	28	Lmoisey, Great West Eng.
4	Anna Miller & Denise Cook, DNRC	29	Lorette Carter Shelby# Montana
5	Anthony Laslovich - WET	30	MAP - Chad Thompson
6	Autumn Coleman, DNRC	31	Map User
7	B. Anseth, MT Dept. of Commerce	32	Matt Waite, DEQ
8	Cindy Murray	33	Melissa Downing# DNRC
9	CNC776	34	Michael Kropp DEQ PWS Kalispell
10	Devin Beal - MAP (Devin Beal)	35	Nikki Rogers
11	Diana Hoy, DNRC	36	Rebecca.SQ
12	Erik Ingman - WET	37	Rial Gunlikson - Water & Environmental Technologies
13	Erin Wall, DNRC - ARPA	38	Rick Duncan 14064617948
14	Erinn Zindt, MAPP	39	Rosie Goldich - CDBG Coordinator - DOC
15	Gus Byrom - Commerce State	40	Ryan.Urbanec, MRWS
16	Heather Luinstra# RS.	41	Sandie Koenig, DEQ
17	Heidi Anderson Fohnagy, DNRC	42	Seth Shteir (CND094), DNRC
18	Jade Goroski	43	Shawna Swanz# DNRC ARPA
19	Jennifer Olson - HUD	44	Shelly Cleverly# Butte# MT
20	John Camden, MRWS	45	Sonja Hoeglund's iPhone, DNRC
21	Josh Jabalera, DEQ	46	Steve Lipetzky, DEQ
22	JSpringer	47	Steve.Troendle, USDA-RD
23	Kasydi Lucas, DNRC	48	Susan Brurud, MT Dept. of Commerce
24	Katherine Certalic, DNRC - ARPA	49	Tina Salazar, MT Dept. of Commerce
25	Kristi Kline, MRWS	50	zdgleason

At DNRC:

Anna Miller, DNRC
 Denise Cook, DNRC
 Bryant Higgs, APE
 Lindsay Volpe, DNRC

Mike Abrahamson, DEQ
 Greg Montgomery, DEQ
 David Larson, DNRC
 Lance Goodman, MAP

Acronyms:

AIS – American Iron & Steel
 APE – Advanced Pump & Equipment
 ARPA – American Rescue Plan Act of 2021
 ARRA – American Recovery & Reinvestment Act of 2009
 AWWA – American Water Works Association
 BABA – Build America, Buy American
 BIL – Bipartisan Infrastructure Plan
 BOI – Montana Department of Commerce, Board of Investments
 CARDD – Conservation & Resource Development Division, DNRC
 CDBG – Community Development Block Grant Program, MT Department of Commerce
 CMRWA – Central Montana Regional Water Authority
 COVID-19 – Corona Virus 2019
 DEQ – Montana Department of Environmental Quality
 DNRC – Montana Department of Natural Resources & Conservation
 GWE – Great West Engineering
 HDR – HDR Engineering
 HUD – Housing and Urban Development
 IAC – Infrastructure Advisory Commission (ARPA)
 IUP – Intended Use Plan
 KLJ – Kadmas Lee & Jackson Engineering
 LFD – Montana State Legislative Fiscal Division
 MAP – Midwest Assistance Program
 MEPA – Montana Environmental Policy Act
 MISC – Montana Invasive Species Council
 MRWS – Montana Rural Water Systems
 RATES – Rural & Tribal Environmental Solutions
 RDG – Reclamation Development Grant Program, DNRC
 RRGL – Renewable Resource Grant and Loan Program, DNRC
 SRF (DNRC) – Wastewater State Revolving Fund Loan Program
 TSEP – Treasure State Endowment Program, MT Department of Commerce – Now MSEP
 USDA - RD – United States Department of Agriculture – Rural Development
 WASACT – Water & Solid Waste Action Coordinating Team, Montana
 WRF (DNRC) – Drinking Water State Revolving Fund Loan Program

Call to Order, Sign-in Sheet, Agenda Changes

Anna Miller, Chair, called the scheduled meeting of the Water, Wastewater and Solid Waste Action Coordinating Team (W2ASACT) to order at 10:00 am, on Tuesday, January 10, 2023. Those present at DNRC and via Zoom introduced themselves. According to the Zoom report, there were a total of 50 participants on the meeting. The draft minutes from the October 4, 2022, meeting, which were distributed to those present at DNRC and

posted to the WASACT website, were approved and adopted by those attending with no revisions. There were no changes made to today's agenda.

**Topics of Discussion: Build American, Buy American Act (BABA)
Lead Service Lines**

Discussion began on BABA

Anna Miller noted that federal agencies have been affected by the BABA requirements and many have waivers in place. Steve Troendle added that if additional funding is needed, the BABA requirements may come into play. If a project is above \$250 K, BABA will apply. Steve cited 40 projects likely to have cost overrun. He suggested to look at what can be done like bid alternatives. Ryan Urbanic added to lower costs, a town could procure equipment or extend project bid time.

Anna reminded all that with a project that has multiple funding sources, the agency contributing the most money is the lead. Rosie Goldich added that CDBG grants after the November 2022 deadline will be subject to BABA. Mike Abrahamson noted projects with a planning document prior to the May 14, 2022, are exempt from BABA for SRF.

Steve Troendle said the cognizant agency or leader funder – we follow their waiver(s) as they are subject to BABA (according to the EPA). Steve would like more info on the structure of planning prior the waiver. Sandie Koenig will get more info to Steve. Ryan noted the regarding plans and specs, the Rural Development waiver is allowed to Feb 3, 2023 – completed documents submitted for review.

Sandie Koenig – The cognizant agency runs the process. SRF recycled funds may help. Anna confirmed that there is money to help. Rosie Goldich: for Federal Fiscal Year 2022 no BABA requirements. For FY 2023 CDBG funds will follow BABA. Anna asked Autumn Coleman, with ARPA projects, BABA does not apply, and Autumn confirmed that that is correct.

Anna said we will get the Bureau of Reclamation summary on BABA on the WASACT website.

Rick Duncan said we are still working out details and we will know more in the next couple months. Rick spoke about materials and equipment relating to regional water projects. Anna added that USBR has waivers, the “non-available” waiver, “unreasonable cost” waiver and “public interest” waiver. These may cause projects not to have to comply with BABA requirements.

David Larson spoke on the 0900 documents. He said there are two sets of special provisions. Determination on who is the cognizant agency. The other two deal with AIS. David is working on a new BABA project sign. Sandie Koenig said Central Montana Phase II must meet BABA requirements. David may have to remove non-updated sections so as not to confuse applicants. David will get signs done in Adobe. He'll replace AIS with BABA. Sandie said no, we need to add in the requirements. Ryan Urbanic will make it a priority as far as the text on the project signs. Sandie added that we should remove the language to not confuse people.

Mike Abrahamson said DEQ received requests for BABA requirements. DEQ received a packet with requirements. Ryan said if RD receives anything, he'll let us know. Lindsay Volpe asked all to send new revisions to her and she'll post on the website.

Discussion began on Lead Service Lines

Greg Montgomery noted that the EPA revised copper line rules. Inventory of lines should be submitted by October 16, 2024. Greg Montgomery added that Montana's share is \$28 million per year for FY 2022 to 2026. He noted that the funding was split between loans and loan forgiveness. Greg said they are finalizing the IUP. We need to help communities get their inventory in by the deadline. There is 100 hours of Engineer support from communities. The program can help with plans to replace lead lines.

Anna said we need to demonstrate to the EPA that we have projects to use this money. (Greg said there is \$75 million in projects on this first IUP.) We need to get data six months ahead of the deadline so info can be put into the database. The Legislature will need to approve House Bill 4 (in May). In February there will be public comment period. Roger Skogan said there will be three sessions at MRWS conference for lead lines. Sign up as soon as possible if interested.

Greg said the inventory template helps with how to submit. The Lead and Copper Rule is on DEQ's website. Lance Goodwin said MAP staff is contacting people who may need help to submit inventory. Erinn Zindt added some people are not ready to move forward.

Steve Troendle said RD just received their normal appropriation but no extra money. He has not seen the appropriation yet. (\$26.5 million set aside for 0 to 1% loans for distressed designated communities.) Steve's office is waiting on instructions on how to proceed.

Chad T with MAP said they have two trainings on lead lines – in February and March.

Program Updates

Lindsay Volpe, DNRC

Lindsay said projects from House Bill 6 are up for approval. The projects include planning grants, irrigation, emergency grants, pivot grants and non-point source grants.

{Sandie Koenig put in chat that she has to leave meeting.}

Lindsay said July is the deadline to set up new programs. They are planning to be available July 1. MCEP projects are in House Bill 11. It looks to be a good legislative session for project funding. She added that a planning grant cycle is open now until the end of February. Irrigation Development grant cycle opens next week. David Larson is now doing the private grant program, formerly managed by Sonja Hoeglund.

David Larson, DNRC

David cited examples of projects that qualify for an emergency grant. Contact him if you have questions or need help to apply.

Becky Anseth, Commerce

MCEP has a list of 51 projects for funding. They also have planning grant and emergency grant funding. In July they will have new funding available. CDBG funding round was just awarded. Commerce also has emergency grants.

Susan Brurud, Bear Paw Development

Bear Paw is looking for funding for additional projects. They have received calls from irrigation districts and sewer districts who need match funds.

John Camden, MRWS

The annual Montana Rural Water Systems conference is March 22 to 24, 2023 at the Heritage Inn in Great Falls. The draft agenda is done. They will have the Best Tasting Water Contest. Last year's winner will go to Washington DC for the National contest. MRWS now has a staff of 11 and is managing 7 programs. John added that MRWS will provide assistance for the Lead and Copper Rule.

Roger Skogan, MRWS

Registrations for the March conference are filling fast. Early bird registration ends January 27. Forms are available online. The Heritage Inn is full. The WASACT workshop will be Wednesday, March 22. There will be three classes on lead in copper lines. State agency tables will be on balcony at the Heritage Inn. Conference packets have been mailed. Go to our website for more info.

Ryan Urbanic, USDA RD

Hopefully RD will receive BABA requirements soon.

Anna Miller, DNRC

Senate Bill 142 is one to watch. There could be impact on fees which would go to Commerce. This bill will affect the cities and towns. The legislature is off to a slow start. There is \$2 billion in the State general fund. The housing shortage could be helped with some of those funds.

Autumn Coleman, DNRC

The deadline for ARPA Minimum Allocation grants was in November. The deadline to certify projects is the end of the year. Then they are submitted to the IAC. January 19, 2023 from 8:30 to 10:30 is the final IAC meeting. (According to the ARPA website, there was no meeting on Jan 19 – there is one on Jan 24 at 4.) It is at DNRC and via Zoom. The commission will be finalizing projects. A draft agenda should be out this week as well as the minutes from the last meeting. ARPA grant managers are busy processing grants.

For the WASACT workshop at MRWS conference, the Subcommittee will be hosting. On the committee are Steve Troendle, John Camden and Autumn. Autumn is looking for volunteers from DEQ and Commerce. Erinn Zindt noted that Chad Thompson will be the MAP participant. Autumn will list Sandie Koenig for the DEQ participant.

Anna added to participate in the legislative hearing, you need to sign up at leg.mt.gov. Autumn shared her screen to show where to go to sign up to testify for hearings on Zoom. Lindsay asked about a 3-day notice to testify, and Autumn said it depends.

Rick Duncan, DNRC Regional Water System Program Manager

Fort Peck-Dry Prairie – Assiniboine-Sioux RWSS – There are additional retrofits being installed over structures outside of the regional Water Treatment Plant (WTP) building

footprint, in order to increase year-round efficiency of operation. The Fort Peck Tribes are focused on finishing out the NW quadrant of the Reservation's distribution system with recent construction work and bid openings on branchline projects.

Dry Prairie Rural Water – Opheim area branchlines are going in (winter shutdown just began), with more lines between Opheim and Scobey out for bid in the near future. The last construction segment is scheduled for completion in 2025.

Rocky Boy's-North Central – Chippewa Cree Tribe (Core) – The first phase of the regional WTP is now scheduled for Sept. 2023 substantial completion, but it won't be able to supply water until at least 2025, due to schedule for completion of Core pipeline segments lagging behind earlier guesstimates. There will hopefully be water for pipeline pressure testing for NCMRWA segments currently under construction before that date.

North Central Montana Regional Water Authority (NCMRWA) – Contractors are currently working towards completion of: the Loma pipeline; the Big Sandy pipeline; the Loma metering building; the Big Sandy booster pump station, and; the Tiber booster pump station. Engineers and other consultants are prepping materials for bidding on the first scheduled portion of the pipeline to Havre. On the Town of Kevin's lawsuit against the Authority, a Havre district judge has ruled in favor of the Town, and it is released from any obligations to remain a member of the NCMRWA.

Central Montana RWA – the Judith-Musselshell regional system – The Authority's contractor for Phase 1 is installing the segment from Harlowton to the UBET wellfield, with substantial completion estimated for June 2023. Work has been from Harlowton towards the wellfield, with approximately 6 miles remaining. The metering building for Phase 1 is enclosed and inside work continues; the water storage tank construction, and upgrade of one of the wells to a production status are in process. For Phase 2, Segment A, plans and specifications for this first one-third portion of the 70-mile-long segment from the Judith Gap area to Roundup (Phase 2 estimated cost is \$48 million) are under review, with a plan to advertise for bids in February. Submittals for the other two segments of Phase 2 will follow in 2023, with a schedule of 2 years' full construction seasons. Up next will be Phase 4 which is the Roundup to Melstone project. Phases 3 and 3A, Lavina-Broadview and Shawmut-Deadman's Basin will follow. Phase 5 north to Hobson will be sometime after those are completed.

Dry-Redwater – The Culbertson WTP has been eliminated as a possible interim source of supply for connections in northern Richland County. The Fort Peck Tribes are reluctant to sell water to DRWA before completing the federally authorized portions of the Fort Peck – Dry Prairie project. Reclamation is working on the selection process for one of its contractors to complete the updated feasibility study, which will help set the boundaries of the regional project based on benefit-to-cost ratio for project being greater than 1.0.

Anna added that there are new maps out for the Regional Water Systems. Projects are moving along. January 23 is the hearing for Regional Water funding.

Erinn Zindt, MAP

Chad Thompson is our new Montana Field Officer. We are working on 9 to 11 grants for Montana. There are lead service line inventory trainings on MAP's website. We are here so reach out to us at MAP-INC.org. See you at MRWS conference.

Mike Abrahamson, DEQ

His office is busy as usual. We are turning our attention to CAP grants for emerging contaminants. We are trying to hire another engineer since October. As Mark Smith retired. Steve Lipetzky and Michele Marsh are busy.

Uniform Application: David Larson, DNRC

David will get updated info on the website.

Website: Lindsay Volpe, DNRC

Lindsay is trying to get info out. Email us for help finding things as the website has been re-vamped. Melissa Downing shared her screen to show the new DNRC website.

Congressional Update

Anna said that Republicans are in control of the House. There were no updates.

End of updates

Next WASACT meeting is scheduled for April 4, 2023. The Montana Conference room at DNRC is reserved. A Zoom meeting will also be scheduled.

Anna thanked all for attending.

Meeting was adjourned at 11:43.

Minutes taken by Denise Cook, reviewed by Anna Miller and Rick Duncan and approved/adopted at April 4, 2023 WASACT meeting.