

LEWIS AND CLARK COUNTY  
WATER QUALITY PROTECTION DISTRICT  
BOARD MEETING  
Helena, MT 59601  
316 N. Park, Room 226  
May 22, 2012

Members Present

Steve Ackerlund  
Jamie Schell  
Eric Regensburger  
John Rundquist  
Commissioner Mike Murray (dept. 7:10 p.m.)  
Kammy Johnson

Staff

Kathy Moore  
Jim Wilbur  
Jennifer McBroom  
James Swierc  
Jolene Helgerson  
Elizabeth Hezel, Carroll College Intern

Members Absent

Kris Goss  
Gary Ingman  
Stan Frasier

Guests Present

John Arrigo, DEQ

John Rundquist, acting chair, called the 181<sup>st</sup> meeting of the Lewis and Clark County Water Quality Protection District (WQPD) Board of Directors to order at 5:30 p.m. A quorum was established. Introductions of attending board members, guests, and staff were made.

**MINUTES**

John Rundquist asked if there were any corrections or additions to the minutes April 24, 2012. Eric Regensburger moved to accept the minutes as written. Commissioner Murray seconded the motion. The motion carried 6-0.

**REVIEW OF AGENDA**

No changes were made to the agenda.

**PUBLIC COMMENT**

There was no public comment.

**FINANCE MANAGER'S REPORT**

Norman Rostocki, Finance Coordinator, presented the cash flow statement and comparison to budget for the WQPD on pages 8-9 of the board packet. As of April 30, 2012, we are 83% through the year, beginning cash is \$115,396; total revenues received are \$179,270 or 64% amount budgeted; total expenditures are \$222,411 or 74% amount budgeted; revenues are under expenditures by \$43,140; ending cash balance is \$72,256. Norman stated that \$10,000 is projected be left unspent in the 2012 operating expenses.

**STATUS OF TENMILE/PLEASANT VALLEY SUBDIVISION'S LAGOON**

John Arrigo, enforcement division administrator for the Montana Department of Environmental Quality (MDEQ), gave an update on the timeline of events that has occurred with the MDEQ's ongoing court battles with Richard Kelly, owner of the Tenmile Creek Estates & Pleasant Valley

Subdivision wastewater treatment system (See Attachment "A"). Mr. Arrigo stated that the case against Mr. Kelly is regarding the leaking of the lagoons that are not constructed in accordance with approved design in violation of the Public Water Supply Law. The MDEQ is not filing against Mr. Kelly for the possible pollution that the lagoons may be causing. The MDEQ is preparing for a May 29, 2012, trial against Mr. Kelly. Kathy Moore, Division Administrator, stated that she will possibly be testifying on the behalf of Lewis and Clark County at the trial. John Rundquist stated that in the past there has been discussion of the subdivision connecting with the city sewer but no further discussions have been brought before the city commission.

### **HELENA VALLEY FLOODING GROUNDWATER ANALYSIS**

James Swierc, Hydrologist, gave a PowerPoint presentation on the Helena Valley Flooding Groundwater Analysis. James compiled data from various sources such as monitoring and private wells water levels, piezometers measured with data loggers, to determine surface and groundwater interactions showing the effects of flooding that occurred in 2011 to streams and groundwater flow in the Helena Valley. James provided further details on the valley's water balance and volume estimates, local groundwater studies, and groundwater flows in the area of Tenmile, Prickly Pear, and Silver Creeks. The next steps for the analysis are to collect and compile more data for surface and groundwater interactions, flood assessments, additional water quality sampling, and to begin investigations of groundwater drains and canal systems.

### **USGS STREAM GAGING PROPOSAL**

Jim Wilbur, Water Quality District Coordinator, presented a cooperative funding proposal by the U.S. Geological Survey (USGS) that would provide additional funding for the operation of the gages on Prickly Pear Creek near Clancy and Montana City, and also reestablishment of a gage Tenmile Creek near Williams Street Bridge. The District would organized and secure match funding from multiple agencies including the Montana Environmental Trust Group, the City of Helena and the Lewis and Clark Conservation District for the gage on Tenmile Creek near Rimini. The USGS would then provide the remaining funding up to \$8,000 for the gage in Rimini, and \$32,000 for the other two gages. Jim will work with donors to acquire the funding to maintain the gage. Jim has already secured \$4,200 in donations for the gage. Kammy Johnson requested that staff work to get higher donations from those who benefit from the data collected from the gage. In answer to Commissioner Murray's question, Jim stated that the District has until fiscal year 2014 to pay the balance of the gage beyond what has been collected in donations and matches. Steve Ackerlund made a motion to allow the District to negotiate in good faith the intent of maintaining the monitoring station recognizing that the District does not have the funds to spend. The District will need to come before the board with the final contract for approval. Kammy Johnson seconded the motion. The motion carried 5-0 with Commissioner Murray abstaining from the vote. Commissioner Murray requested that the expenditure be paid in fiscal year 2013.

### **UPDATES AND ANNOUNCEMENTS**

Drumlummon Mine Water: Jim Wilbur highlighted an article from the Independent Record regarding a mine blast at the Drumlummon Mine that released a million gallons of water (See page 14 of the board packet).

Reclamation Grant Status: James Swierc stated that the District has intended to apply for a Reclamation Grant which is funded by the Montana Department of Natural Resources and Conservation (MDNRC) and the state legislature. James stated that the grant would have provided the funding to allow the District to collect baseline and hydrogeological data from the Silver Creek near

the Drumlummon Mine. This would provide a data set for future comparison and understanding of streams and wetlands in the area of the mine. However, the DNRC suggested for the monitoring activities a more appropriate grant to apply for would be a DNRC Planning Grant. James hopes to develop an application for this grant in the coming year.

CD Well Testing Rebate Program: The City of Helena Conservation District is offering a well testing rebate of \$25 to Lewis and Clark residents. Residents of the county must submit their well testing results to the Conservation District in order to receive the rebate.

METG/EPA: Kathy Moore stated that the Montana Environmental Trust Group (METG) and the Environmental Protection Agency (EPA) will hold a public meeting on June 20, 2012, at the East Valley Fire Hall to discuss the interim measures and the RFI II document regarding the cleanup of the Asarco site and surrounding areas. Kathy noted that the public has 30 days to comment on the findings from the interim measures and the RFI II.

Legislative Proposals-Interim Water Policy Committee: Kathy Moore stated that the Interim Water Policy Committee is creating a draft proposal to legislation regarding exempt wells in subdivisions by reducing the amount of volume that an exempt well can use and that new subdivisions with 30 or more lots with 3 acres or less will need public water and sewer services unless documentation from local government provides other alternatives. Kathy will email the legislative link regarding the proposal to interested Board members.

#### **BOARD MEMBER DISCUSSION**

In answer to Jamie Schell's question, Kathy stated that she doesn't know the status of the sewer district east of East Helena but will do some research and get back to the Board.

The meeting adjourned at 7:30 p.m.

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Gary Ingman, chair